

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

adopted pursuant to section 1126 is subject to a fine not to exceed \$10,000 per violation payable to the fund. The commission may assess a fine of up to \$10,000 for a violation of the reporting requirements of sections 1017 and 1019-B if it determines that the failure to file a timely and accurate report resulted in the late payment of matching funds. ~~This fine is recoverable in a civil action.~~ In addition to any fine, for good cause shown, a candidate, treasurer, consultant or other agent of the candidate or the political committee authorized by the candidate pursuant to section 1013-A, subsection 1 found in violation of this chapter or rules of the commission may be required to return to the fund all amounts distributed to the candidate from the fund or any funds not used for campaign-related purposes. If the commission makes a determination that a violation of this chapter or rules of the commission has occurred, the commission shall assess a fine or transmit the finding to the Attorney General for prosecution. A final determination by the commission may be appealed to Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C. Fines assessed or orders for return of funds issued by the commission pursuant to this subsection that are not paid in full within 30 days after issuance of a notice of the final determination may be enforced in accordance with section 1004-B. Fines paid under this section must be deposited in the fund. In determining whether or not a candidate is in violation of the expenditure limits of this chapter, the commission may consider as a mitigating factor any circumstances out of the candidate's control.

Sec. 24. Effective date. Those sections of this Act that repeal the Maine Revised Statutes, Title 21-A, section 1125, subsection 8 and enact Title 21-A, section 1125, subsection 8-A take effect September 1, 2011. Those sections of this Act that amend Title 21-A, section 1125, subsection 2-A, paragraph C and Title 21-A, section 1125, subsections 6-A, 7, 9, 10 and 13 take effect September 1, 2011.

See title page for effective date, unless otherwise indicated.

CHAPTER 303

H.P. 855 - L.D. 1235

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2009-10 and To Make Other Changes Related to the Municipal Cost Components

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, prompt determination and certification of the municipal cost components in the Unorganized Territory Tax District are necessary to the establishment of a mill rate and the levy of the Unorganized Territory Educational and Services Tax; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §246, sub-§3, as amended by PL 2007, c. 636, §2, is further amended to read:

3. Legislation. The fiscal administrator shall prepare and submit legislation to the Legislature by March 1st, annually, providing for the requests made by counties and state agencies for services provided in the unorganized territory that are entitled to funding under Title 36, chapter 115. ~~Legislation submitted pursuant to this subsection must also include a notation as to any tax enhancement programs that have been approved by the county commissioners.~~ The administrator may not reject or change a budget submitted by a county or state agency without the approval of the county or agency making the request.

Sec. 2. Municipal cost components for services rendered. In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for services and reimbursements to be rendered in fiscal year 2009-10 is as follows:

Audit - Fiscal Administration	\$206,711
Education	13,857,261
Forest Fire Protection	160,000
Human Services - General Assistance	59,000
Property Tax Assessment – Operations	824,349
Maine Land Use Regulation Commission – Operations	487,977
TOTAL STATE AGENCIES	<hr/> \$15,595,298
County Reimbursements for Services:	

Aroostook	\$885,417
Franklin	564,825
Hancock	154,505
Kennebec	872
Oxford	480,525
Penobscot	885,380
Piscataquis	1,389,350
Somerset	888,306
Washington	762,597
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TOTAL COUNTY SERVICES	\$6,011,777
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TOTAL REQUIREMENTS	\$21,607,075
COMPUTATION OF ASSESSMENT	
Requirements	\$21,607,075
Less Deductions:	
General -	
State Revenue Sharing	\$265,000
Homestead Reimbursement	100,000
Miscellaneous Revenues	50,000
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TOTAL	\$415,000
Educational -	
Land Reserved Trust	\$80,000
Tuition/Travel	250,000
Miscellaneous	5,000
Special - Teacher Retirement	200,000
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TOTAL	\$535,000
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TOTAL DEDUCTIONS	\$950,000
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TAX ASSESSMENT	\$20,657,075

Sec. 3. Increase in growth limitation. Pursuant to the Maine Revised Statutes, Title 36, section 1611, subsection 3, paragraph B, the Legislature intends by this Act to exceed the municipal cost component growth limitation for the state component by \$1,475,109 and to increase the municipal cost component growth limitation for the state component by the remainder of the amount provided in this Act.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 8, 2009.

CHAPTER 304
S.P. 502 - L.D. 1386

**An Act Pertaining to Response
Costs Incurred by the
Department of Environmental
Protection under the Waste
Motor Oil Disposal Site
Remediation Program**

**Be it enacted by the People of the State of
Maine as follows:**

Sec. 1. 10 MRSA §1020-A, sub-§4, ¶A-1 is enacted to read:

A-1. The provisions of this paragraph may be used as an alternative to the procedure described in paragraph A. This alternative procedure may be used only when the authority is advised by the Department of Environmental Protection of the issuance of a certificate of final response costs and a final remedy selection for the remedy that will be or has been implemented by the department at the Ellsworth, Casco or Presque Isle waste motor oil disposal sites identified in section 963-A, subsection 51-E, paragraphs B, C and D.

(1) Upon notification by the Department of Environmental Protection, the authority shall determine the costs for that site that represent the collective share of those persons eligible under subsection 7 to have their share of the costs for the waste motor oil disposal site paid from the proceeds of revenue obligation securities. The proceeds of revenue obligation securities may be used only to fund the proportion of response costs attributable to responsible parties that are eligible under subsection 7. The authority may disburse proceeds of revenue obligation securities only after January 15, 2010 or after all Plymouth waste motor oil disposal site response costs set forth in a certificate of costs and a certificate of determination under paragraphs A and B have been paid to or on behalf of eligible persons from the proceeds of revenue obligation securities, whichever occurs first. In determining the amount of response costs incurred by the department, the authority shall rely on a written certificate of response costs from the department supported by copies of invoices, receipts or other evidence of payment. The department shall make the certifi-