

# 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.**

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**Augusta, Maine**  
**2009**

**CHAPTER 422  
H.P. 338 - L.D. 450**

**An Act To Include Commercial  
Silvicultural Crop Production  
in the Sales Tax Exemption for  
Certain Products Used in  
Commercial Agricultural Crop  
Production Activities**

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

**Sec. 1. 36 MRSA §1760, sub-§7-B**, as enacted by PL 2005, c. 12, Pt. GGG, §2, is amended to read:

**7-B. Products used in commercial agricultural and silvicultural crop production.** Sales of seed, fertilizers, defoliants and pesticides, including, but not limited to, rodenticides, insecticides, fungicides and weed killers, for use in the commercial production of an agricultural or silvicultural crop.

See title page for effective date.

**CHAPTER 423  
S.P. 254 - L.D. 679**

**An Act To Allow a Court To  
Award Attorney's Fees in  
Successful Freedom of Access  
Appeals**

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

**Sec. 1. 1 MRSA §409, sub-§4** is enacted to read:

**4. Attorney's fees.** In an appeal under subsection 1 or 2, the court may award reasonable attorney's fees and litigation expenses to the substantially prevailing plaintiff who appealed the refusal under subsection 1 or the illegal action under subsection 2 if the court determines that the refusal or illegal action was committed in bad faith. Attorney's fees and litigation costs may not be awarded to or against a federally recognized Indian tribe.

This subsection applies to appeals under subsection 1 or 2 filed on or after January 1, 2010.

See title page for effective date.

**CHAPTER 424  
H.P. 370 - L.D. 525**

**An Act To Amend the Law  
Regarding Littering on Public  
Lands**

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

**Sec. 1. 17 MRSA §2264-B, sub-§5**, as amended by PL 2007, c. 651, §21, is further amended to read:

**5. License suspension.** Surrender the person's motor vehicle operator's license for a period not exceeding 30 days ~~and the person's hunting and fishing licenses issued by the Department of Inland Fisheries and Wildlife for a period of up to one year if the violation occurred in a state owned wildlife management area as designated in Title 12, section 12708 or a wildlife sanctuary as designated in Title 12, section 12706.~~ The court may suspend an operator's license for any violation of section 2264-A that involves the use of a motor vehicle.

**Sec. 2. Review and evaluation of the litter control laws.** The Joint Standing Committee on Criminal Justice and Public Safety shall review the State's litter control laws regarding the dumping of waste material or unwanted objects on public and private property without the permission of the landowner, including, but not limited to, the history of those litter control laws, the effectiveness of those laws in preventing such dumping and the prosecutorial statistics for those responsible for such dumping. The committee shall determine changes needed to the litter control laws, in particular the penalty structure, to reduce the occurrence of people dumping waste material or unwanted objects on public and private property without the permission of the landowner, which has become more frequent, resulting in significant disposal costs for landowners and driving private landowners to post their property. The committee shall also seek to increase the rates of successful prosecution of those responsible for such dumping. The Joint Standing Committee on Criminal Justice and Public Safety may submit legislation to the Second Regular Session of the 124th Legislature regarding this matter.

See title page for effective date.

**CHAPTER 425  
S.P. 205 - L.D. 545**

**An Act To Amend the Tax  
Exemption Regarding Leased  
Property**

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

Sec. 1. 36 MRSA §652, sub-§1, ¶K, as amended by PL 2007, c. 627, §20, is further amended to read:

K. ~~The~~ Except as otherwise provided in this subsection, the real and personal property leased by and occupied or used solely for its own purposes by an incorporated benevolent and charitable organization that is exempt from taxation under section 501 of the Code and the primary purpose of which is the operation of a hospital licensed by the Department of Health and Human Services, a health maintenance organization or a blood bank are exempt from taxation. For property tax years beginning on or after April 1, 2012, the exemption provided by this paragraph does not include real property.

See title page for effective date.

**CHAPTER 426  
H.P. 716 - L.D. 1041**

**An Act To Alter the  
Mechanism by which a  
Political Party is a Qualified  
Party**

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

Sec. 1. 21-A MRSA §301, sub-§1, ¶C, as amended by PL 1999, c. 450, §1, is repealed.

Sec. 2. 21-A MRSA §301, sub-§1, ¶E is enacted to read:

E. At least 10,000 voters enrolled in the party voted in the last general election.

See title page for effective date.

**CHAPTER 427  
H.P. 494 - L.D. 711**

**An Act To Authorize the Social  
Work Education Loan  
Repayment Program**

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

Sec. 1. 10 MRSA c. 110, sub-c. 2-B is enacted to read:

**SUBCHAPTER 2-B**

**SOCIAL WORK EDUCATION LOAN  
REPAYMENT PROGRAM**

**§1038. Social Work Education Loan Repayment Program**

**1. Definitions.** As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings:

A. "Fund" means the Social Work Education Loan Repayment Fund established in subsection 4.

B. "Program" means the Social Work Education Loan Repayment Program established in subsection 2.

**2. Social Work Education Loan Repayment Program.** The Social Work Education Loan Repayment Program is established for the purpose of increasing the number of social workers practicing in the State.

**3. Criteria.** For an applicant to participate in the program, the applicant must:

A. Be a social worker licensed under Title 32, chapter 83;

B. Have completed a bachelor's, master's or doctoral degree in social work from an accredited school of social work within 3 years prior to the date the applicant's application is received by the authority;

C. Possess an outstanding education loan relating to the degree;

D. Practice in an underserved practice area, including but not limited to the practice of social work:

(1) In a public or private child welfare or family service agency;

(2) In a public interest law service;

(3) In a public child care facility;

(4) In a public service for individuals with disabilities;

(5) In a public service for the elderly;

(6) In a public service for veterans; or

(7) At an organization exempt from taxation under the Unites States Internal Revenue Code, Section 501(c)(3).

Priority consideration must be given to social workers practicing in a public or private child welfare or family service agency, in a public service for the elderly or in a public service for individuals with disabilities;