

# 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**

dated the line make with another of its line makes for which the predecessor manufacturer had a franchisee with a then-existing franchise facility in that franchise market area;

B. The successor manufacturer has paid the former franchisee the fair market value of the former franchisee's motor vehicle dealership in accordance with this subsection; or

C. The successor manufacturer proves that the former franchisee is not competent to be a franchisee.

For purposes of this subsection, "franchise market area" means the area located within 15 miles of the territorial limits of the municipality in which the former franchisee's franchise facility was located.

For purposes of this subsection, the fair market value of a former franchisee's motor vehicle dealership must be calculated as of the date of the following that yields the highest fair market value: the date the predecessor manufacturer announced the action that resulted in the cancellation, termination, noncontinuance or nonrenewal; the date the action that resulted in cancellation, termination, noncontinuance or nonrenewal became final; or the date 12 months prior to the date that the predecessor manufacturer announced the action that resulted in the cancellation, termination, noncontinuance or nonrenewal.

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

Effective June 17, 2009.

**CHAPTER 433**

**S.P. 573 - L.D. 1496**

**An Act To Protect Benefits for State Retirees**

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

**Whereas,** current law requires that cost-of-living adjustments in retirement benefits for state employees must be made when there is a percentage change in the Consumer Price Index; and

**Whereas,** there has been a percentage change in the Consumer Price Index; and

**Whereas,** it is imperative that this legislation take effect immediately so that the benefits for state retirees are protected; 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. 4 MRSA §1358, sub-§1, ¶A,** as repealed and replaced by PL 1985, c. 693, §11, is amended to read:

A. ~~The~~ Except as provided in paragraph A-1, the board shall automatically adjust allowances, beginning in September 1985, and each September thereafter, by any percentage change in the Consumer Price Index from July 1st to June 30th, but only to a maximum annual increase or decrease of 4%. The board shall determine the cost of these adjustments and shall include them in its budget requests, if necessary.

**Sec. 2. 4 MRSA §1358, sub-§1, ¶A-1** is enacted to read:

A-1. If there is a percentage decrease in the Consumer Price Index from July 1st to June 30th, the board as provided in paragraph A shall set the percentage change at 0% for that September. The adjustment for the following year must be set based on the actuarially compounded Consumer Price Index for both years in a cost-neutral manner.

**Sec. 3. 5 MRSA §17806, sub-§1, ¶A,** as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

A. ~~Whenever~~ Except as provided in paragraph A-1, ~~whenever~~ there is a percentage change in the Consumer Price Index from July 1st to June 30th, the board shall automatically make an equal percentage increase or decrease in retirement benefits, beginning in September, up to a maximum annual increase or decrease of 4%.

**Sec. 4. 5 MRSA §17806, sub-§1, ¶A-1** is enacted to read:

A-1. If there is a percentage decrease in the Consumer Price Index from July 1st to June 30th, the board as provided in paragraph A shall set the percentage change at 0% for that September. The adjustment for the following year must be set based on the actuarially compounded Consumer Price Index for both years in a cost-neutral manner.

**Sec. 5. 5 MRSA §18407, sub-§4, ¶A,** as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

A. ~~Whenever~~ Except as provided in paragraph A-1, ~~whenever~~ there is a percentage change in the Consumer Price Index from July 1st to June 30th,

the board shall automatically make an equal percentage increase or decrease in retirement benefits, beginning in September, up to a maximum annual increase or decrease of 4%.

**Sec. 6. 5 MRSA §18407, sub-§4, ¶A-1** is enacted to read:

A-1. If there is a percentage decrease in the Consumer Price Index from July 1st to June 30th, the board as provided in paragraph A shall set the percentage change at 0% for that September. The adjustment for the following year must be set based on the actuarially compounded Consumer Price Index for both years in a cost-neutral manner.

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

Effective June 17, 2009.

**CHAPTER 434**

**H.P. 755 - L.D. 1093**

**An Act Concerning Technical Changes to the Tax Laws**

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

**Sec. 1. 10 MRSA §1020, sub-§2, ¶D**, as amended by PL 2007, c. 464, §6, is amended to read:

D. All revenue received from the State Tax Assessor pursuant to former subsection 6 and subsection 6-A.

**Sec. 2. 10 MRSA c. 110, sub-c. 11**, as amended, is repealed.

**Sec. 3. 10 MRSA §1655** is amended to read:

**§1655. Description of contents; identity of manufacturer or distributor**

It ~~shall be~~ is unlawful for ~~any~~ a person, firm or corporation to store, keep, expose for sale, offer for sale or sell from any tank or container or from any pump or other distributing device or equipment; any internal combustion engine fuels, lubricating oils or other similar products than those indicated by the name, trade name, symbol, sign or other distinguishing mark or device of the manufacturer or distributor appearing upon the tank, container, pump or other distributing equipment from which the same are sold, offered for sale or distributed, and all tanks, containers, pumps or other distributing equipment containing internal combustion engine fuels, lubricating oils or other similar products ~~shall~~ must be plainly designated by the name, trademark, symbol, sign or other distinguishing mark or device of the manufacturer or dis-

tributor. ~~Any person, firm or corporation desiring to engage in the business of distribution of internal combustion engine fuels, lubricating oils or other similar products at wholesale shall apply to the State Tax Assessor for certificate allowing such distribution, and such applicant shall submit with such application to the State Tax Assessor samples or specifications of such fuels or oils as he desires to distribute. When such application, accompanied by such samples, has been received by the State Tax Assessor, he shall issue a certificate or permit to enable such person, firm or corporation to sell or distribute its products.~~

**Sec. 4. 36 MRSA §111, sub-§5**, as amended by PL 2007, c. 539, Pt. OO, §2, is further amended to read:

**5. Tax.** "Tax" means the total amount required to be paid, withheld and paid over or collected and paid over with respect to estimated or actual tax liability under this Title and any amount assessed by the State Tax Assessor pursuant to this Title, including any interest or penalties provided by law. For purposes of this chapter, "tax" also means any fee, fine, penalty or other debt owed to the State provided for by law if this debt is subject to collection by the assessor pursuant to statute or transferred to the bureau for collection pursuant to section 112-A.

**Sec. 5. 36 MRSA §112, sub-§8, ¶B**, as amended by PL 1981, c. 364, §7, is repealed.

**Sec. 6. 36 MRSA §112, sub-§8, ¶C**, as amended by PL 1983, c. 480, Pt. A, §39, is further amended to read:

C. Administration of the spruce budworm excise tax in accordance with Title 12, section 8427; and

**Sec. 7. 36 MRSA §112, sub-§8, ¶D** is enacted to read:

D. Administration of the premium imposed on bulk motor vehicle oil under Title 10, section 1020.

**Sec. 8. 36 MRSA §176-A, sub-§2, ¶B**, as amended by PL 2001, c. 583, §5, is further amended to read:

B. If ~~any~~ a person liable to pay any delinquent tax neglects or refuses to pay that tax within 10 days after receipt of ~~the~~ the notice ~~described in~~ described in pursuant to section 171, the State Tax Assessor may collect the tax and ~~such further sum as is~~ an additional amount sufficient to cover the expenses of the levy, by levy upon all property belonging to that person ~~liable to levy~~ except as provided in subsection 5. If the assessor makes a ~~finding that the collection of the tax is in~~ determination of jeopardy pursuant to section 145, having given notice of that determination and made demand for immediate payment of the tax may be made by the assessor and, upon failure or refusal to pay that