

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2010 to April 12, 2010

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 12, 2010

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

Augusta, Maine
2010

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

Whereas, revenue from the milk handling fee to the General Fund varies widely when the price of milk experiences extreme fluctuations; and

Whereas, establishing a minimum and maximum handling fee may increase the accuracy of revenue projections; 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. 36 MRSA §4902, sub-§2-A, as enacted by PL 2007, c. 240, Pt. PPP, §3 and c. 269, §3, is amended to read:

2-A. Rate. The rate of the fee levied under this chapter is established for each fee period on the basis of the basic price of milk in effect on the Sunday following the first Sunday of the fee period in accordance with this subsection:

A. If the basic price is ~~\$24.00~~ \$21.00 per hundredweight and above, the rate of the milk handling fee is ~~0¢~~ 4¢ per gallon;

~~B. If the basic price is \$23.00 to \$23.99 per hundredweight, the rate of the milk handling fee is 2¢ per gallon;~~

~~C. If the basic price is \$22.00 to \$22.99 per hundredweight, the rate of the milk handling fee is 4¢ per gallon;~~

~~D. If the basic price is \$21.00 to \$21.99 per hundredweight, the rate of the milk handling fee is 6¢ per gallon;~~

E. If the basic price is \$20.00 to \$20.99 per hundredweight, the rate of the milk handling fee is 8¢ per gallon;

F. If the basic price is ~~\$19.00~~ \$19.50 to \$19.99 per hundredweight, the rate of the milk handling fee is ~~10¢~~ 12¢ per gallon;

~~G. If the basic price is \$18.00 to \$18.99 per hundredweight, the rate of the milk handling fee is 12¢ per gallon;~~

H. If the basic price is ~~\$17.50~~ \$19.00 to ~~\$17.99~~ \$19.49 per hundredweight, the rate of the milk handling fee is 16¢ per gallon;

I. If the basic price is ~~\$17.00~~ \$18.50 to ~~\$17.49~~ \$18.99 per hundredweight, the rate of the milk handling fee is 20¢ per gallon;

J. If the basic price is ~~\$16.50~~ \$18.00 to ~~\$16.99~~ \$18.49 per hundredweight, the rate of the milk handling fee is 24¢ per gallon;

K. If the basic price is ~~\$16.00~~ \$17.50 to ~~\$16.49~~ \$17.99 per hundredweight, the rate of the milk handling fee is 28¢ per gallon;

L. If the basic price is ~~\$15.50~~ \$17.00 to ~~\$15.99~~ \$17.49 per hundredweight, the rate of the milk handling fee is 32¢ per gallon; and

M. If the basic price is ~~\$15.00~~ \$16.50 to ~~\$15.49~~ \$16.99 per hundredweight, the rate of the milk handling fee is 36¢ per gallon.

If the basic price falls below ~~\$15.00~~ \$16.50 per hundredweight, for each 50¢ decrease in the basic price, the rate of the milk handling fee increases by ~~6¢~~ 4¢ per gallon until the handling fee reaches a maximum of 84¢ per gallon.

For any container other than a gallon, the fee is computed on a gallon-equivalent basis.

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

Effective February 12, 2010.

CHAPTER 469
S.P. 663 - L.D. 1736

**An Act To Improve Safety on
Maine's Primary and
Secondary Roads, Reduce
Road Maintenance Costs and
Improve the Environment and
the Economy by Allowing
Certain Heavy Commercial
Vehicles on the Interstate
Highway System in Maine**

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

Whereas, the United States Congress has enacted and the President of the United States has signed legislation allowing vehicles up to 100,000 pounds gross vehicle weight on all of the Interstate Highway System in Maine; and

Whereas, the federal legislation allows these larger vehicles on the Interstate for a period of only

one year beginning December 16, 2009, the date the President signed the legislation; and

Whereas, the Governor has signed a proclamation allowing certain heavier vehicles to travel on the Interstate until the Legislature acts to conform Maine law to the heavier allowances in federal law; and

Whereas, amending the law to allow for heavier vehicles to travel on the Interstate Highway System in Maine rather than on local roads promotes the interests of safety, less pollution and more cost-effective commercial transportation; 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. 29-A MRSA §2355-A is enacted to read:

§2355-A. Six-axle truck weight pilot project

Notwithstanding any other provision of this subchapter to the contrary, for as long as the provisions of 23 United States Code, Section 127 (a) (11) affording an exemption from the federal vehicle weight limitations for vehicles operating on all portions of the interstate system are in effect, a 6-axle combination vehicle consisting of a 3-axle truck tractor with a tri-axle semitrailer having a maximum gross vehicle weight of 100,000 pounds may be operated on any portion of the interstate system consistent with this subchapter as it applies to the Maine Turnpike.

For the purposes of this section, "interstate system" has the same meaning as in Title 23, section 1903, subsection 3.

Sec. 2. Retroactivity. This Act applies retroactively to December 16, 2009.

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

Effective February 12, 2010.

CHAPTER 470

H.P. 1005 - L.D. 1449

An Act To Expand Tax Incentives for Visual Media Productions

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

Sec. 1. 5 MRSA §13090-L, as enacted by PL 2005, c. 519, Pt. GG, §1, is amended to read:

§13090-L. Visual media production certification

1. Generally. A visual media production company that intends to undertake a visual media production in this State may apply to the department to have the production, or a portion of the production, certified under subsection 3 for purposes of the visual media production reimbursement pursuant to Title 36, chapter 919-A and the credit under Title 36, section 5219-Y.

2. Definitions. ~~As used in this section, unless the context otherwise indicates, the following terms have the following meanings:~~

~~A. "Media production" means a single medium or multimedia feature film, television show or series, video, commercial, photographic project, interactive computer or video game or other program intended for a national audience and fixed on film, video tape, computer disk, laser disc or other delivery medium that can be viewed or reproduced and that is exhibited in theaters or by individual television stations or groups of stations, television networks or cable television stations or via other means or licensed for home viewing or use.~~

~~"Media production" does not include:~~

- ~~(1) A news, current events or public programming show or a program that includes weather or market reports;~~
- ~~(2) A talk show;~~
- ~~(3) A sports event or activity;~~
- ~~(4) A gala presentation or awards show;~~
- ~~(5) A finished production that solicits funds; or~~
- ~~(6) A production produced by a media production company if records, as required by 18 United States Code, Section 2257, are to be maintained by that media production company with respect to any performer portrayed in that production.~~

~~B. "Media production company" means a person engaged in the business of producing a media production.~~

~~C. "Media production expense" means an expense directly incurred during the creation of a media production. This term includes wages and salaries of individuals employed in the production on which taxes have been paid or accrued; the cost of construction, operations, editing and related services, still and motion photography, sound recording and synchronization, lighting, wardrobe and accessories; and the rental of facilities and equipment, including location fees. The~~