

# 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.**

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**Augusta, Maine**  
**2010**

abstracts and copies, the commissioners shall consider factors relating to the cost of producing and making copies available, which may include, but are not limited to: the cost of depleted supplies; records storage media costs; actual mailing and alternative delivery costs or other transmitting costs; amortized infrastructure costs; any direct equipment operating and maintenance costs; costs associated with media processing time; personnel costs, including actual costs paid to private contractors for copying services; contract and contractor costs for database maintenance and for online provision and bulk transfer of copies in a manner that protects the security and integrity of registry documents; and a reasonable rate for the time a computer server is dedicated to fulfilling the request; and

See title page for effective date.

## CHAPTER 576

### H.P. 1061 - L.D. 1512

#### **An Act To Amend the Laws Governing the Somerset County Budget Procedure**

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

**Whereas**, this legislation needs to take effect before the beginning of the next fiscal year; 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. 30-A MRSA §898**, as enacted by PL 1993, c. 582, §1, is amended to read:

#### **§898. Interim budget**

If the budget is not approved before the start of a fiscal year, until a budget is finally adopted, the county shall operate on an interim budget, which may not exceed 80% of the previous year's budget.

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

Effective March 31, 2010.

## CHAPTER 577

### H.P. 1163 - L.D. 1635

#### **An Act To Avoid Unnecessary Removal of Land from the Maine Tree Growth Tax Law Program**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 36 MRSA §581, sub-§1**, as repealed and replaced by PL 2007, c. 627, §16, is amended to read:

**1. Assessor determination; owner request.** If the assessor determines that land subject to this subchapter no longer meets the requirements of this subchapter, the assessor must withdraw the land from taxation under this subchapter. ~~Before withdrawing a parcel from taxation under this subchapter, if the sole reason the land does not meet the requirements of this subchapter is that the owner failed to file the sworn statement required under section 574-B, the assessor shall provide the owner with written notice by regular mail of the deadline to file the sworn statement and permit the owner at least 60 days to respond to that notice.~~ An owner of land subject to taxation under this subchapter may at any time request withdrawal of that land from taxation under this subchapter by certifying in writing to the assessor that the land is no longer to be classified under this subchapter.

**Sec. 2. 36 MRSA §581, sub-§1-A** is enacted to read:

**1-A. Notice of compliance.** No earlier than 185 days prior to a deadline established by section 574-B, if the landowner has not yet complied with the requirements of that section, the assessor must provide the landowner with written notice informing the landowner that failure to comply will result in the withdrawal of the property from taxation under this subchapter. The notice, at a minimum, must inform the landowner of the statutory requirements that need to be met and the date of the deadline for compliance and that the consequences of withdrawal could include the assessment of substantial financial penalties against the owner. If the notice is issued less than 120 days before the deadline, the owner has 120 days from the date of the notice to provide the assessor with the documentation to achieve compliance with section

574-B, and the notice must specify the date by which the owner must comply.

At the expiration of the deadline for compliance with section 574-B or 120 days from the date of the notice, whichever is later, if the landowner has failed to meet the requirements of section 574-B, the assessor must withdraw the parcel from taxation under this subchapter and impose a withdrawal penalty under subsection 3.

This subsection does not limit the assessor from issuing other notices or compliance reminders to property owners at any time in addition to the notice required by this subsection.

**Sec. 3. Relief from withdrawal and penalty.** The State Tax Assessor shall waive penalties assessed and refund penalties paid with regard to any parcel of land in the unorganized territory that was withdrawn from taxation under the Maine Tree Growth Tax Law between September 20, 2007 and July 1, 2010 and return that land to classification under the Maine Tree Growth Tax Law if the landowner demonstrates the parcel is in compliance with all requirements of the Maine Revised Statutes, Title 36, section 574-B before April 1, 2011.

See title page for effective date.

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**CHAPTER 578**  
**S.P. 680 - L.D. 1773**

**An Act To Improve Dental  
Insurance Coverage for Maine  
Children**

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

**Sec. 1. 24 MRSA §2317-B, sub-§12-F** is enacted to read:

**12-F. Title 24-A, sections 2766 and 2847-R.**  
**Enrollment of dependent children in dental coverage,**  
**Title 24-A, sections 2766 and 2847-R;**

**Sec. 2. 24-A MRSA §2766** is enacted to read:

**§2766. Enrollment of dependent children in dental coverage**

**1. Offer of dependent coverage; enrollment period.** All individual dental insurance policies and contracts that offer dependent coverage must offer the opportunity to enroll a dependent child in the dental insurance coverage at appropriate rates during the following periods:

- A. From birth to 30 days of age; and
- B. Any open or annual enrollment period.

**Sec. 3. 24-A MRSA §2847-R** is enacted to read:

**§2847-R. Enrollment of dependent children in dental coverage**

**1. Offer of dependent coverage; enrollment period.** All group dental insurance policies, contracts and certificates that offer dependent coverage must offer the opportunity to enroll a dependent child in the dental insurance coverage at appropriate rates during the following periods:

- A. From birth to 30 days of age; and
- B. Any open or annual enrollment period.

**Sec. 4. Application.** The requirements of this Act apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2011. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

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**CHAPTER 579**  
**H.P. 999 - L.D. 1423**

**An Act To Improve Toxics Use  
Reduction and Reduce Energy  
Costs by Maine Businesses**

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

**PART A**

**Sec. A-1. 38 MRSA §1310-B, sub-§2**, as amended by PL 2009, c. 397, §1, is further amended to read:

**2. Hazardous waste information and information on mercury-added products and electronic devices and mercury reduction plans.** Information relating to hazardous waste submitted to the department under this subchapter, information relating to mercury-added products submitted to the department under chapter 16-B, information relating to electronic devices submitted to the department under section 1610, subsection 6-A ~~or~~, information relating to mercury reduction plans submitted to the department under section 585-B, subsection 6 ~~or~~ information related to priority toxic chemicals submitted to the department under chapter 27 may be designated by the person submitting it as being only for the confidential use of the department, its agents and employees, the Department of Agriculture, Food and Rural Resources and the Department of Health and Human Services and their agents and employees, other agencies of State Government, as authorized by the Governor, employ-