

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

ing standards, practices and procedures of public safety answering points.

Sec. 12. Transition. The terms of the 3 members of the Maine Communications System Policy Board who are first appointed under the section of this Act that amends the Maine Revised Statutes, Title 25, section 1531, subsection 2, paragraph E must be staggered, with one member appointed for a one-year term, one member appointed for a 2-year term and one member appointed for a 3-year term.

Sec. 13. Retroactivity; application. That section of this Act that repeals the Maine Revised Statutes, Title 25, section 2927, subsection 1-B and those sections that amend Title 25, section 2927, subsections 1-E and 1-F apply retroactively to January 1, 2010. The provisions of Title 25, section 2927, subsection 1-F, paragraph F do not apply to that section of this Act that amends Title 25, section 2927, subsection 1-F, paragraph A.

Sec. 14. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC UTILITIES COMMISSION

Emergency Services Communication Bureau 0994

Initiative: Allocates funds for consulting services to implement an E-9-1-1 quality assurance program.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$0	\$150,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$150,000

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

Effective April 7, 2010.

CHAPTER 618

H.P. 1266 - L.D. 1779

An Act To Prohibit Surcharges on the Use of Debit Cards

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

Sec. 1. 9-A MRSA §1-301, sub-§17-A is enacted to read:

17-A. Debit card. "Debit card" has the same meaning as in Title 10, section 1271, subsection 3.

Sec. 2. 9-A MRSA §8-303, sub-§2, as enacted by PL 1981, c. 243, §25, is amended to read:

2. ~~No~~ A seller in ~~any~~ a sales transaction may not impose a surcharge on a cardholder who elects to use a credit card or debit card in lieu of payment by cash, check or similar means.

See title page for effective date.

CHAPTER 619

H.P. 1294 - L.D. 1807

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2010-11 and To Make Certain Changes in the Laws Governing Tax Increment Financing Payments in the Unorganized Territories

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:

PART A

Sec. A-1. 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 2010-11 is as follows:

Audit - Fiscal Administration	\$198,691
Education	12,529,594
Forest Fire Protection	93,916
Human Services - General Assistance	58,000

Property Tax Assessment - Operations	788,218
Maine Land Use Regulation Commission - Operations	525,931
TOTAL STATE AGENCIES	\$14,194,350
County Reimbursements for Services:	
Aroostook	\$933,290
Franklin	600,521
Hancock	158,542
Kennebec	933
Oxford	494,827
Penobscot	904,838
Piscataquis	1,033,573
Somerset	911,530
Washington	782,970
TOTAL COUNTY SERVICES	\$5,821,024
TOTAL REQUIREMENTS	\$20,015,374
COMPUTATION OF ASSESSMENT	
Requirements	\$20,015,374
Less Deductions:	
General -	
State Revenue Sharing	\$198,640
Homestead Reimbursement	70,000
Miscellaneous Revenues	50,000
TOTAL	\$318,640
Educational -	
Land Reserved Trust	\$61,000
Tuition/Travel	250,000
Miscellaneous	5,000
Special - Teacher Retirement	250,000
TOTAL	\$566,000
TOTAL DEDUCTIONS	\$884,640
TAX ASSESSMENT	\$19,130,734

PART B

Sec. B-1. 36 MRSA §1603, as amended by PL 2007, c. 627, §34, is further amended to read:

§1603. Definition of "municipal cost component"

1. Definition. For the purposes of this chapter, "municipal cost component" means the cost of funding services in the Unorganized Territory Tax District that would not be borne by the State if the Unorganized Territory Tax District were a municipality, but does not include a state cost allocation charge, including, without limitation, reimbursement to the General Fund for departmental functions such as accounting, personnel administration and supervision. "Municipal cost component" also includes the cost of funding obligations of the unorganized territory under the terms of a tax increment financing district approved by the Commissioner of Economic and Community Development ~~prior to July 1, 2008~~ pursuant to Title 30-A, chapter 206. The "municipal cost component" includes, but is not limited to:

A. The cost of education, as would be determined by the Essential Programs and Services Funding Act if the unorganized territory were a municipality;

B. The cost of services the state funds in the unorganized territory that are funded locally by a municipality; the cost of forest fire protection to be included in the cost component must be determined in accordance with Title 12, section 9205-A and collected in the same manner as other portions of the municipal cost component;

C. The cost of reimbursement by the State for services a county provides to the unorganized territory in accordance with Title 30-A, chapter 305. A county may not be reimbursed for services provided on or after January 1, 1979, unless a legislative allocation is obtained pursuant to this chapter. If a county receives, in addition to its budget, funds that are designated by the Legislature for a specific purpose and the county does not spend those funds for that specific purpose in that fiscal year, then the reimbursement under this chapter to that county for the next fiscal year must be reduced by an amount equal to the amount of funds so designated that were not expended for that specific purpose; and

D. The cost for payments that the unorganized territory is required to make pursuant to the terms of a tax increment financing district approved by the Commissioner of Economic and Community Development pursuant to Title 30-A, chapter 206 ~~prior to July 1, 2008~~ with respect to taxable property in the Unorganized Territory Tax District.

Sec. B-2. 36 MRSA §1606, sub-§2, as enacted by PL 2007, c. 627, §35, is amended to read:

2. Tax increment financing payments. With respect to a tax increment financing district located in the unorganized territory and approved by the Commissioner of Economic and Community Development pursuant to Title 30-A, chapter 206 ~~prior to July 1, 2008~~, the Treasurer of State must deposit into the development program fund established by a county for the tax increment financing district pursuant to Title 30-A, section 5227, subsection 3 the tax increment revenues on the captured assessed value, as that term is defined in Title 30-A, section 5222. The payment must be made on or before October 15th following the date of assessment or within 30 days after the taxes constituting the tax increment are paid, whichever is later. The amount of the assessment is appropriated for the purposes of this subsection.

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

Effective April 8, 2010.

CHAPTER 620

H.P. 473 - L.D. 659

An Act To Reduce the Sales Tax on Certain Watercraft

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

Sec. 1. 36 MRSA §1760, sub-§25, as amended by PL 2009, c. 361, §18, is repealed and the following enacted in its place:

25. Watercraft purchased by nonresidents. Sales to or use by a person that is not a resident of this State of watercraft or materials used in watercraft as specified in this subsection.

A. The following are exempt when the sale is made in this State to a person that is not a resident of this State and the watercraft is sailed or transported outside the State within 30 days of delivery by the seller:

- (1) A watercraft;
- (2) Sales, under contract for the construction of a watercraft, of materials to be incorporated in that watercraft; and
- (3) Sales of materials to be incorporated in the watercraft for the repair, alteration, refitting, reconstruction, overhaul or restoration of that watercraft.

B. Notwithstanding subsection 45, paragraph A-1, the sale of a watercraft is exempt if the watercraft is purchased and used by the present owner outside the State if the watercraft is regis-

tered outside the State by an owner who is an individual and the watercraft is present in the State not more than 30 days for a purpose other than temporary storage during the 12 months following its purchase.

C. If, for a purpose other than temporary storage, a watercraft is present in the State for more than 30 days during the 12-month period following its date of purchase, the exemption is 60% of the sale price of the watercraft or materials for the construction, repair, alteration, refitting, reconstruction, overhaul or restoration of the watercraft, as specified in paragraph A.

Sec. 2. Effective date. This Act takes effect August 1, 2010.

Effective August 1, 2010.

CHAPTER 621

H.P. 1019 - L.D. 1464

An Act To Amend Licensing, Certification and Registration Requirements for Health Care Providers and Other Facilities

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

Sec. 1. 22 MRSA §1723 is enacted to read:

§1723. Criminal background checks

Beginning October 1, 2010, a facility or health care provider subject to the licensing or certification processes of chapter 405, 412 or 419 shall obtain, prior to hiring an individual who will work in direct contact with a consumer, criminal history record information on that individual, including, at a minimum, criminal history record information from the Department of Public Safety, State Bureau of Identification. The facility or health care provider shall pay for the criminal background check required by this section.

The department may adopt rules necessary to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 22 MRSA §2131, sub-§1, as enacted by PL 1989, c. 579, §4, is amended to read:

1. Registration; renewal. Effective January 1, 1990, every A temporary nurse agency shall register with the department and renew the registration as required by rule thereafter. For purposes of this chapter, unless the context otherwise indicates, "temporary nurse agency" means a business entity or subdivision thereof that provides nurses to another organization on a temporary basis within this State.