

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.

Augusta, Maine
2009

Sec. 13. P&SL 1945, c. 83, §13 is amended to read:

Sec. 13. Property, tax exempt. The property of ~~said Caribou Utilities District~~ the district ~~shall be~~ is exempt from all taxation in the ~~town~~ City of Caribou.

Sec. 14. P&SL 1945, c. 83, §15, as repealed and replaced by P&SL 1981, c. 47, §6, is repealed and the following enacted in its place:

Sec. 15. Rates. All water rates, tolls, rents and charges of the district are governed by the Maine Revised Statutes, Title 35-A, chapter 3 and chapter 61. All sewer rates, tolls, rents and charges of the district are governed by Title 38, section 1202.

Sec. 15. P&SL 1945, c. 83, §16-A, as enacted by P&SL 1957, c. 7, §2, is amended to read:

Sec. 16-A. Rights of abutters to enter sewer. The district at all times ~~shall be~~ is bound to permit the ~~owners~~ owner or agent of premises abutting upon ~~its~~ the district's lines of pipes and conduits to enter the same with all proper sewage, upon conformity to the rules and regulations of the district and payment of the rates, tolls, rents and charges established ~~therefor~~. Every building in the district intended for human habitation or occupancy on premises abutting on a street in which there is a public sewer or any such building within 100 feet of a public sewer ~~shall~~ must have a sewerage system ~~which shall be caused to be connected with~~ to the public sewer by the owner or agent of the premises in the most direct manner possible, and, if feasible, with a separate connection for each house or building; ~~except that existing buildings which are already served by a satisfactory private sewage disposal system which meets and continues to meet the requirements of section 122 (b) of the state plumbing code and amendments thereto shall not be required to connect with the public sewer. Any such Exceptions to the requirement to connect to the public sewer are governed by the Maine Revised Statutes Title 38, section 1252, subsection 3. A private sewage disposal system which that is not required to connect to the public sewer pursuant to Title 38, section 1252, subsection 3 that fails to meet or continue to meet the requirements of section 122 (b) of the state plumbing code and amendments thereto to the state plumbing code is hereby declared to be a public nuisance.~~

Sec. 16. P&SL 1945, c. 83, §16-B, as enacted by P&SL 1957, c. 7, §2, is repealed and the following enacted in its place:

Sec. 16-B. Lien for payment of rates. Liens for unpaid water rates, tolls, rents or charges are governed by the Maine Revised Statutes, Title 35-A, section 6111-A. Liens for unpaid sewer rates, tolls, rents or charges are governed by Title 38, section 1208.

See title page for effective date.

CHAPTER 9

H.P. 254 - L.D. 318

An Act Regarding Rockport College

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

Whereas, authorization by the Legislature is required for any institution of higher education to confer academic, educational, literary or professional degrees, upon the recommendation of the State Board of Education; and

Whereas, Rockport College, which does business as Maine Media College, offers professional certification and graduate education in the fields of photography, filmmaking and video and multimedia and intends to offer a Master of Fine Arts degree and needs to receive approval of degree-granting authority; and

Whereas, it is necessary for the Legislature to grant this authority in order that the school may begin offering degrees for students currently enrolled in programs; 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. Degree. The school known as Rockport College is renamed Maine Media College and is authorized until June 30, 2010 to confer upon all who successfully complete its prescribed course of study the degree of Master of Fine Arts as is usually conferred by like institutions of higher learning.

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

Effective April 17, 2009.

CHAPTER 10

S.P. 373 - L.D. 994

An Act To Amend the Charter of the Milo Water District

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

Sec. 1. P&SL 1941, c. 62, §1, as amended by PL 1975, c. 461, §7, is repealed and the following enacted in its place:

Sec. 1. Territorial limits; corporate name; purpose. The inhabitants and territory of the Town of Milo constitute a body politic and corporate under the name of the Milo Water District, referred to in this Act as "the district," for the purpose of supplying the Town of Milo and the inhabitants and others of the district with pure water for domestic, sanitary, commercial, industrial, agricultural and municipal purposes and for the purpose of supplying the town and inhabitants and others within the territory of the district with sewer services.

See title page for effective date.

CHAPTER 11

H.P. 656 - L.D. 953

An Act To Amend the Charter of the Winterport Water District

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

Whereas, Private and Special Law 2005, chapter 50, section 8 gave the Winterport Water District authority to disconnect water for nonpayment of sewer service until 90 days after the adjournment of the Second Regular Session of the 123rd Legislature; and

Whereas, Private and Special Law 2007, chapter 8 extended that authority until 90 days after the First Regular Session of the 124th Legislature; and

Whereas, the Public Utilities Commission has monitored the district's use of the authority granted under Private and Special Law 2005, chapter 50, section 8 and has recommended that authority granted under Private and Special Law 2005, chapter 50, section 8 continue; and

Whereas, the authority to disconnect water for nonpayment of sewer service will cease 90 days after the adjournment of the First Regular Session of the 124th Legislature; and

Whereas, if this legislation is not an emergency, the Winterport Water District's authority to disconnect water for nonpayment of sewer service will cease; 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. P&SL 1969, c. 94, section 18-E, 2nd ¶, as amended by P&SL 2007, c. 8, §1, is repealed.

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

Effective April 17, 2009.

CHAPTER 12

S.P. 189 - L.D. 490

An Act To Amend the Laws Regarding Mandatory Electronic Filing of Certain Tax Returns

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 Department of Administrative and Financial Services, Bureau of Revenue Services has adopted a rule mandating that, beginning April 1, 2009, all persons preparing returns for sales, use and service provider tax that are required to be filed monthly must file the returns electronically; and

Whereas, this requirement creates hardship for some taxpayers and failure to comply may result in the imposition of tax penalties; 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. Electronic filing requirements. With regard to electronic filing requirements established by the Department of Administrative and Financial Services, Bureau of Revenue Services that begin on April 1, 2009, the bureau shall continue the practice of leniency in granting waivers of the electronic filing requirement for any taxpayer who has difficulty in meeting the requirements of electronic filing and shall provide clear explanation to taxpayers by the most expeditious method of the availability of waivers. The bureau shall report by January 15th annually to the joint standing committee of the Legislature having jurisdiction over taxation matters regarding the status of electronic filing requirements and the number of waivers requested and granted. The bu-