

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

At the conclusion of the hearing the Juvenile Court shall dismiss the petition or, if post-adjudication, vacate the adjudication order and dismiss the petition.

Sec. 6. 34-A MRSA §3802, sub-§1, ¶B, as amended by PL 1995, c. 502, Pt. F, §27, is further amended to read:

B. To administer court-ordered diagnostic evaluations pursuant to Title 15, section 3309-A, and court-ordered examinations pursuant to Title 15, section ~~3348~~ 3318-A;

Sec. 7. 34-A MRSA §4102-A, sub-§1, ¶B, as enacted by PL 2005, c. 328, §22, is amended to read:

B. To administer court-ordered diagnostic evaluations pursuant to Title 15, section 3309-A, and court-ordered examinations pursuant to Title 15, section ~~3348~~ 3318-A;

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

Effective June 9, 2011.

CHAPTER 283

H.P. 735 - L.D. 999

An Act Regarding the Public Utilities Commission's Ability To Use Certain Funds

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

Sec. 1. 35-A MRSA §3210, sub-§7, as amended by PL 2009, c. 329, Pt. B, §1, is further amended to read:

7. Information. ~~The~~ To the extent that funding is available, the commission shall inform electricity consumers in this State of the benefits of electricity generated in this State using renewable resources and of the opportunities available in this State to purchase electricity that is generated using those resources, including, but not limited to, the green power offer and other green power supply products and renewable energy credit products certified under section 3212-A. The commission may not promote any renewable resources over others. The commission may apply for, receive and expend grant money from the United States Department of Energy and other government agencies for this purpose. ~~Notwithstanding section 3211-A, subsection 5, the commission also may use up to \$100,000 per year from the conservation program fund established under section 3211-A, subsection 5 to support the purposes of this subsection.~~ The commission may create or cause to be created a brand or logo to identify Maine renewable resources, including the

green power offer and other green power supply products and renewable energy credit products certified under section 3212-A, to consumers. The commission shall register any mark or logo created pursuant to this subsection with the United States Patent and Trademark Office or in accordance with Title 10, chapter 301-A, or both. Any brand or logo created pursuant to this subsection may only be used in accordance with the purposes of this subsection as approved by the commission.

Sec. 2. Authorized expenditures. During the 2-year period of calendar years 2011 and 2012, the Public Utilities Commission may expend an amount not to exceed \$100,000 from the conservation program fund established under the Maine Revised Statutes, Title 35-A, section 10110 for the purposes of Title 35-A, section 3210, subsection 7.

See title page for effective date.

CHAPTER 284

H.P. 1113 - L.D. 1510

An Act Regarding Information Provided to Consumers by Competitive Electricity Providers

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

Sec. 1. 35-A MRSA §3203, sub-§3, as enacted by PL 1997, c. 316, §3, is amended to read:

3. Informational filings; public information. The commission shall establish by rule information disclosure and filing requirements for competitive electricity providers. The rules must require generation providers to file their generally available rates, terms and conditions with the commission. The commission, subject to appropriate protective orders, may require the submission of individual service contracts or any other confidential information from a competitive electricity provider.

The commission by rule shall establish standards for ~~publishing and disseminating~~ making available, through any means considered appropriate, information that enhances consumers' ability to effectively make choices in a competitive electricity market.

Rules adopted under this subsection are ~~major substantive~~ routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ and must be provisionally adopted by ~~March 1, 1999~~ 2-A.

Sec. 2. 35-A MRSA §3203, sub-§4, ¶E, as amended by PL 2003, c. 558, §2, is further amended to read:

E. Must provide to the consumer within 30 days of contracting for retail service a disclosure of information provided to the commission pursuant to rules adopted under subsection 3 in a standard written format established by the commission; and

Sec. 3. 35-A MRSA §3203, sub-§4, ¶F, as amended by PL 2003, c. 558, §2, is further amended to read:

F. Must comply with any other applicable standards or requirements adopted by the commission by rule or order; and.

Sec. 4. 35-A MRSA §3203, sub-§4, ¶G, as enacted by PL 2003, c. 558, §3, is repealed.

See title page for effective date.

**CHAPTER 285
H.P. 971 - L.D. 1325**

**An Act To Amend the Tax
Laws**

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

Sec. 1. 5 MRSA §13090-L, sub-§4, as amended by PL 2009, c. 470, §1, is further amended to read:

4. Certified visual media production report. No later than 4 weeks after completion of a certified visual media production, the visual media production company shall report, in a format specified by the Maine State Film Office or the department, its compliance with the requirements of subsection 3 with respect to the certified visual media production to the Maine State Film Office and the State Tax Assessor.

Sec. 2. 36 MRSA §1753, as repealed and replaced by PL 1987, c. 497, §26, is amended to read:

§1753. Tax is a levy on consumer

The ~~liability for, or the incidence of,~~ the tax imposed by this Part is declared to be a levy on the consumer. The retailer shall add the amount of the tax to the sale price and may state the amount of the tax separately from the sale price of tangible personal property or taxable services on price display signs, sales or delivery slips, bills and statements ~~which that~~ advertise or indicate the sale price of that property or those services. If the retailer does not state the amount of the tax separately from the sale price of tangible personal property or taxable services, the retailer shall include a statement on the sales slip or invoice presented to the purchaser that the stated price includes Maine sales tax.

Sec. 3. 36 MRSA §1760, sub-§25, ¶B, as enacted by PL 2009, c. 620, §1 and affected by §2, is repealed and the following enacted in its place:

B. The purchase of a watercraft outside this State is exempt if the watercraft is registered outside the State by the purchaser and used outside the State by the purchaser and the watercraft is present in the State not more than 30 days, not including any time spent in this State for temporary storage, during the 12 months following its purchase. For purposes of this paragraph, "used outside the State" does not include storage but means actual use of the watercraft for a purpose consistent with its design.

Sec. 4. 36 MRSA §1760, sub-§45, ¶A-1, as amended by PL 2007, c. 438, §45, is repealed.

Sec. 5. 36 MRSA §1760, sub-§87, as amended by PL 2009, c. 627, §6 and affected by §12, is further amended to read:

87. Sales of tangible personal property and transmission and distribution of electricity to qualified development zone businesses. Beginning July 1, 2005, sales of tangible personal property, and of the transmission and distribution of electricity, to a qualified Pine Tree Development Zone business, as defined in Title 30-A, section 5250-I, subsection 17, for use directly and primarily in one or more qualified business activities, as defined in Title 30-A, section 5250-I, subsection 16. The exemption provided by this subsection is limited for each qualified Pine Tree Development Zone business to sales occurring within a period of 10 years in the case of a business located in a tier 1 location, as defined in Title 30-A, section 5250-I, subsection 21-A, and 5 years in the case of a business located in a tier 2 location, as defined in Title 30-A, section 5250-I, subsection 21-B, from the date the business is certified pursuant to Title 30-A, section 5250-O or until December 31, 2028, whichever occurs first. As used in this subsection, "primarily" means more than 50% of the time during the period that begins on the date on which the property is first placed in service by the purchaser and ends 2 years from that date or at the time the property is sold, scrapped, destroyed or otherwise permanently removed from service by the purchaser, whichever occurs first.

Sec. 6. 36 MRSA §1760-D, as enacted by PL 2009, c. 632, §2, is amended to read:

§1760-D. Exemptions of certain products; information posted on publicly accessible website

1. List of products. The assessor shall post on the bureau's publicly accessible website, and update quarterly, a list of products used in commercial agricultural or silvicultural crop production or in animal agriculture ~~for agricultural production~~ with respect to which the assessor has made a written definitive de-