

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

(1) The commissioner originally issued a license on or before September 1, 1989 for operation of the landfill and found that the landfill met the design requirements and environmental protection standards at the time of licensing; and

(2) The commissioner has since determined that the landfill or portion of the landfill must be closed based on the finding that the landfill is contaminating groundwater and that corrective actions have not been successful.

The state cost share is 0% of landfill closure costs incurred on or after January 1, 2000, except that the commissioner may issue grants or payments as provided in paragraph E or for 30% of those costs if incurred pursuant to an alternative closure schedule commitment executed before January 1, 2000, and if specifically identified in a department order or license, schedule of compliance or consent agreement.

As used in this subsection, "landfill cover costs" means the cost of materials and the cost of placement of materials associated with the physical construction of that portion of a cover over a landfill that meets the minimum landfill cover permeability of 1 x 10 (-5)cm./sec. and the thickness standards of 40 Code of Federal Regulations, Part 258, Section 258.60(a).

See title page for effective date.

CHAPTER 436

H.P. 580 - L.D. 773

An Act To Further Restrict the Availability of Methamphetamine and Amphetamine Pills

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

Sec. 1. 17-A MRSA §1105-A, sub-§1, ¶G, as amended by PL 2001, c. 667, Pt. D, §24 and affected by §36, is further amended to read:

G. At the time of the offense, the person trafficks in methamphetamine or amphetamine in a quantity of 300 or more pills, capsules, tablets or units or 100 grams or more. Violation of this paragraph is a Class A crime;

See title page for effective date.

CHAPTER 437
H.P. 729 - L.D. 993

An Act To Provide Limited Reciprocity for Nonresidents Operating Snowmobiles in This State

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

Sec. 1. 12 MRSA §13104, sub-§15 is enacted to read:

15. Reciprocity. The commissioner may allow a nonresident to operate in this State a snowmobile that is not registered in this State during one 3-consecutive-day period, 2 days of which are weekend days, annually if:

A. The nonresident's snowmobile has a valid registration from another state; and

B. The nonresident's state of residency allows a snowmobile registered in Maine to be operated in that state for a period of time of at least 3 consecutive days without being registered in that state.

This subsection may not be construed to authorize the operation of a snowmobile in a manner contrary to this chapter except as provided in this subsection.

This subsection is repealed October 1, 2013.

See title page for effective date.

CHAPTER 438
S.P. 200 - L.D. 619

An Act To Allow School Administrative Units and Educational Advisory Organizations To Participate in the State's Group Health Plan

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

Sec. 1. 5 MRSA §285, sub-§1, ¶I, as amended by PL 2001, c. 667, Pt. E, §2 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

I. Any licensed foster parent caring for a child or children in the foster parent's residence whose care is reimbursed through the Department of Health and Human Services for the period during

which the child or children are in that foster parent's care; ~~and~~

Sec. 2. 5 MRSA §285, sub-§1, ¶J, as enacted by PL 2001, c. 667, Pt. E, §3 and amended by PL 2007, c. 58, §3, is further amended to read:

J. Legislative employees that are recipients of retirement allowances from the Maine Public Employees Retirement System based upon creditable service as teachers, as defined by section 17001, subsection 42; ~~and~~

Sec. 3. 5 MRSA §285, sub-§1, ¶K is enacted to read:

K. Any employee of a school administrative unit as defined in Title 20-A, section 1, subsection 26 or of an educational advisory organization as described in Title 30-A, section 5724, subsection 9.

Sec. 4. 5 MRSA §285, sub-§1-B, as repealed and replaced by PL 2005, c. 636, Pt. A, §1, is amended to read:

1-B. Ineligibility. Except as provided in subsection 1, paragraph K and subsection 11-A, members of the Maine Municipal Association, ~~members of the Maine Education Association~~ and employees of counties and municipalities and instrumentalities thereof, including quasi-municipal corporations, are not eligible to participate in the group health plan under this section.

See title page for effective date.

CHAPTER 439

H.P. 1010 - L.D. 1371

An Act To Promote Fair and Efficient Resolutions in Tax Disputes

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

Sec. 1. 36 MRSA §143, first ¶, as amended by PL 1999, c. 708, §7, is further amended to read:

The State Tax Assessor may compromise a tax liability arising under this Title upon the grounds of doubt as to liability or doubt as to collectibility, or both. Upon acceptance by the assessor of an offer in compromise, the liability of the taxpayer in question is conclusively settled and neither the taxpayer nor the assessor may reopen the case except by reason of falsification or concealment of assets by the taxpayer, fraud or mutual mistake of a material fact or if, in the opinion of the assessor, justice requires. The decision of the assessor to reject an offer in compromise is not subject to review under section 151. The assessor's authority to compromise a tax liability pursuant to this

section is separate from and in addition to the assessor's authority to cancel or abate a tax liability pursuant to section 142.

Sec. 2. 36 MRSA §151, as amended by PL 2003, c. 242, §1, is repealed and the following enacted in its place:

§151. Review of decisions of State Tax Assessor

1. Petition for reconsideration. A person who is subject to an assessment by the State Tax Assessor or entitled by law to receive notice of a determination of the assessor and who is aggrieved as a result of that action may request in writing, within 60 days after receipt of notice of the assessment or the determination, reconsideration by the assessor of the assessment or the determination. If a person receives notice of an assessment and does not file a petition for reconsideration within the specified time period, a review is not available in Superior Court regardless of whether the taxpayer subsequently makes payment and requests a refund.

2. Reconsideration by division. If a petition for reconsideration is filed within the specified time period, the assessor shall reconsider the assessment or the determination as provided in this subsection.

A. Upon receipt by the assessor, all petitions for reconsideration must be forwarded for review and response to the division in the bureau from which the determination issued.

B. Within 90 days of receipt of the petition for reconsideration by the responding division, the division shall approve or deny, in whole or in part, the relief requested. Prior to rendering its decision and during the 90 days, the division may attempt to resolve issues with the petitioner through informal discussion and settlement negotiations with the objective of narrowing the issues for an appeals conference or court review, and may concede or settle individual issues based on the facts and the law, including the hazards of litigation. By mutual consent of the division and the petitioner, the 90 days may be extended for good cause, such as to allow further factual investigation or litigation of an issue by that or another taxpayer pending in court.

C. If the matter between the division and the petitioner is not resolved within the 90-day period, and any extension thereof, the matter must be forwarded to the appeals office.

D. A reconsideration by the division is not an adjudicatory proceeding within the meaning of that term in the Maine Administrative Procedure Act.

Sec. 3. 36 MRSA §151-B is enacted to read: