

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

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

Augusta, Maine
2012

to the department's activities described in this section and section 9.

Sec. 11. Amendment of age-based and grade-based statutory provisions. The Department of Education shall submit a bill to the First Regular Session of the 126th Legislature to amend provisions of the Maine Revised Statutes, Title 20-A that unreasonably restrict the ability of school administrative units to advance or graduate students based on demonstrated proficiency in education standards. The bill may include an amendment to the rule-making provisions under Title 20-A, section 253, subsection 9.

See title page for effective date.

CHAPTER 670

H.P. 1219 - L.D. 1610

An Act To Amend the Law Regarding the Sale of Wood Pellets and Wood

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 increases the amount of wood pellets presumed to meet the requirement of residential use and thus to qualify for a sales tax exemption; and

Whereas, this legislation clarifies the amount of wood presumed to meet the requirement of residential use and thus to qualify for a sales tax exemption; and

Whereas, this legislation needs to be in effect for this spring season to allow citizens of the State to benefit from the exemptions; 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. 36 MRSA §1760, sub-§9, as amended by PL 2009, c. 625, §7, is further amended to read:

9. Coal, oil and wood. Coal, oil, wood and all other fuels, except gas and electricity, when bought for cooking and heating in buildings designed and used for both human habitation and sleeping. Kerosene or home heating oil that is prepackaged or dispensed from a tank for retail sale in containers with a capacity of 5 gallons or less is presumed to meet the requirements of this subsection. A Until September 30, 2013,

a purchase of ~~200~~ 1,000 pounds or less of wood pellets or of any 100% compressed wood product intended for use in a wood stove or fireplace is presumed to meet the requirements of this subsection. Beginning October 1, 2013, a purchase of any amount of wood pellets is presumed to meet the requirements of this subsection. A purchase of less than one cord of wood is presumed to meet the requirements of this subsection. For purposes of this subsection, "cord" has the same meaning as in Title 10, section 2302, subsection 1.

Sec. 2. Suppliers of wood pellets. The Maine State Housing Authority shall amend its rules governing the awarding of contracts to suppliers of wood pellets for purposes of carrying out its duties to receive, distribute and administer federal funds on behalf of the State for fuel assistance pursuant to the federal Low-income Home Energy Assistance Program administered through the United States Department of Health and Human Services to give preference, all other factors being substantially equal, to a supplier of wood pellets that is incorporated under the laws of, and has its principal place of business within, a state in the United States of America.

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

Effective May 21, 2012.

CHAPTER 671

S.P. 566 - L.D. 1667

An Act To Clarify Authorization for a Court Facilities Bond

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

Sec. 1. PL 2009, c. 213, Pt. WWWW, §2 is amended to read:

Sec. WWWW-2. Issuance of securities; Maine Governmental Facilities Authority. Pursuant to the Maine Revised Statutes, Title 4, section 1606, subsections 1 and 2, the Maine Governmental Facilities Authority is authorized to issue securities in its own name in an amount up to \$67,500,000 for the purpose of paying the costs associated with the construction of a new courthouse in Augusta, the renovation of a courthouse in Dover-Foxcroft and planning for and construction of court facilities upgrades in Machias and, if there are remaining funds, planning for other court facilities.

See title page for effective date.