

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 9, 2013

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

Augusta, Maine
2013

OTHER SPECIAL REVENUE FUNDS TOTAL	(\$200,000)	\$0	\$0
TRANSPORTATION, DEPARTMENT OF			
DEPARTMENT TOTALS	2012-13	2013-14	2014-15
HIGHWAY FUND	\$2,213,160	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$0	\$0	\$0
FLEET SERVICES FUND - DOT	\$0	\$0	\$0
ISLAND FERRY SERVICES FUND	\$450,000	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$2,663,160	\$0	\$0
SECTION TOTALS			
HIGHWAY FUND	\$2,081,428	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	(\$220,686)	\$0	\$0
FLEET SERVICES FUND - DOT	\$0	\$0	\$0
ISLAND FERRY SERVICES FUND	\$450,000	\$0	\$0
SECTION TOTAL - ALL FUNDS	\$2,310,742	\$0	\$0

PART B

Sec. B-1. Appropriations and allocations.
The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF
Claims Board 0097**

Initiative: RECLASSIFICATIONS

HIGHWAY FUND	2012-13	2013-14	2014-15
Personal Services	\$8,021	\$0	\$0
All Other	(\$8,021)	\$0	\$0
HIGHWAY FUND TOTAL	\$0	\$0	\$0

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

Effective April 16, 2013.

**CHAPTER 43
S.P. 232 - L.D. 642**

An Act To Exempt All-terrain Vehicle Trail Management from Storm Water Management Requirements

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

Sec. 1. 38 MRSA §420-D, sub-§7, ¶H, as enacted by PL 2011, c. 359, §1 and amended by c. 657, Pt. W, §5, is further amended to read:

H. Trail management activities that are part of the development and maintenance of the statewide snowmobile or all-terrain vehicle trail system developed as part of the Maine Trails System under Title 12, section 1892, including new construction and maintenance of trails, do not require review pursuant to this section if, for each trail being managed:

- (1) The trail is constructed and maintained in accordance with best management practices for motorized trails established by the Department of Agriculture, Conservation and Forestry;
- (2) The trail is the minimum feasible width for its designated use; and
- (3) No lane exceeds 12 feet in width and no trail includes more than 2 lanes.

As used in this paragraph, "trail management activities" includes the construction and maintenance of motorized trails used for motorized or multiple use.

See title page for effective date.

**CHAPTER 44
H.P. 73 - L.D. 91**

An Act To Raise the School Construction Bond Cap

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

Sec. 1. 20-A MRSA §15905, sub-§1, ¶A, as amended by PL 2011, c. 1, Pt. E, §1, is further amended to read:

A. The state board may approve projects as long as no project approval will cause debt service costs, as defined in section 15672, subsection 2-A, paragraph A and pursuant to Resolve 2007, chapter 223, section 4, to exceed the maximum limits specified in Table 1 in subsequent fiscal years.

Table 1

Fiscal year	Major Capital Maximum Debt Service Limit	Integrated, Consolidated Secondary and Postsecondary Project Maximum Debt Service Limit
1990	\$ 48,000,000	
1991	\$ 57,000,000	
1992	\$ 65,000,000	
1993	\$ 67,000,000	
1994	\$ 67,000,000	
1995	\$ 67,000,000	
1996	\$ 67,000,000	
1997	\$ 67,000,000	
1998	\$ 67,000,000	
1999	\$ 69,000,000	
2000	\$ 72,000,000	
2001	\$ 74,000,000	
2002	\$ 74,000,000	
2003	\$ 80,000,000	
2004	\$ 80,000,000	
2005	\$ 84,000,000	
2006	\$ 90,000,000	
2007	\$ 96,000,000	
2008	\$100,000,000	
2009	\$104,000,000	
2010	\$108,000,000	
2011	\$126,000,000	
2012	\$116,000,000	
2013	\$116,000,000	
2014	\$116,000,000 \$126,000,000	\$10,000,000
2015	\$116,000,000 \$126,000,000	\$10,000,000

See title page for effective date.

CHAPTER 45
S.P. 161 - L.D. 430

**An Act To Amend the Laws
Regarding Who May Appeal a
Reconsideration Decision to the
Maine Board of Tax Appeals**

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

Whereas, more than 3,000 cases are filed in the State's courts each week, and a taxpayer with a state tax dispute involving less than \$5,000 must appeal directly to Superior Court; such cases increase the caseload of the Superior Court and may take up to a year to be resolved; and

Whereas, the newly created Maine Board of Tax Appeals has the capacity to take more cases and may resolve tax disputes in less than 6 months; and

Whereas, it costs more for taxpayers with tax disputes of less than \$5,000 to appeal to Superior Court than it costs taxpayers to appeal to the Maine Board of Tax Appeals; 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. 4 MRSA §807, sub-§3, ¶P, as amended by PL 2009, c. 480, §2 and PL 2011, c. 657, Pt. W, §5, is further amended to read:

P. A person who is not an attorney but who, as the executive director of the State Harness Racing Commission, is representing the Department of Agriculture, Conservation and Forestry at adjudicatory hearings before the commission in accordance with Title 8, section 263-C; ~~or~~

Sec. 2. 4 MRSA §807, sub-§3, ¶Q, as enacted by PL 2009, c. 480, §3, is amended to read:

Q. A person who is an attorney admitted to practice in another United States jurisdiction to the extent permitted by rules of professional conduct adopted by the Supreme Judicial Court; ~~or~~

Sec. 3. 4 MRSA §807, sub-§3, ¶R is enacted to read:

R. A person who is not an attorney but who is a public accountant, enrolled agent, enrolled actuary