

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

CHAPTER 84

H.P. 386 - L.D. 567

**An Act To Amend the
Definition of "Special Mobile
Equipment" in the Motor
Vehicle Laws**

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

Sec. 1. 29-A MRSAs §101, sub-§70, as amended by PL 2011, c. 356, §2, is further amended to read:

70. Special mobile equipment. "Special mobile equipment" means a motor vehicle with permanently mounted equipment not designed or used primarily for the transportation of persons or property. "Special mobile equipment" includes, but is not limited to, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, trucks used only to plow snow and ~~to carry sand only for ballast for other duties pertaining to winter maintenance, including sanding and salting,~~ well drillers and wood-sawing equipment or similar types of equipment.

Special mobile equipment is divided into Class A and Class B special mobile equipment. Well drillers must be registered as Class A special mobile equipment. All other special mobile equipment may be registered either as Class A or Class B special mobile equipment.

See title page for effective date.

CHAPTER 85

H.P. 393 - L.D. 574

**An Act To Amend the Laws
Governing Reapportionment
To Conform to the
Constitution of Maine**

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

Sec. 1. 21-A MRSAs §1206, sub-§§1 and 2, as enacted by PL 1993, c. 628, §2, are amended to read:

1. Procedure. In ~~1993~~ 2021 and every 10 years thereafter, when the Secretary of State has received notification of the number of congressional seats to which the State is entitled and the Federal Decennial Census population count is final, the Legislative Apportionment Commission, established every 10 years pursuant to the Constitution of Maine, Article IV, Part Third, Section 1-A, shall review the existing congressional districts. If the districts do not conform to Su-

preme Judicial Court guidelines, the commission shall reapportion the State into congressional districts.

In making such a reapportionment, the commission shall ensure that each congressional district is formed of compact and contiguous territory and crosses political subdivisions the least number of times necessary to establish districts as equally populated as possible. The commission shall submit its plan to the Clerk of the House of Representatives no later than ~~120 calendar days after the convening of the Legislature~~ June 1st of the year in which apportionment is required. The Legislature shall enact the submitted plan of the commission or a plan of its own in regular or special session by a vote of 2/3 of the members of each house ~~within 30 calendar days after the plan is submitted to the Clerk of the House of Representatives by June 11th of the year in which apportionment is required.~~ This action is subject to the Governor's approval, as provided in the Constitution of Maine, Article IV, Part Third, Section 2.

2. Court apportionment. If the Legislature fails to make an apportionment ~~within 120 calendar days of the convening of the session by June 11th of the year~~ in which apportionment is required, the Supreme Judicial Court shall make the apportionment within 60 days following the period in which the Legislature is required to act but fails to do so. In making the apportionment, the Supreme Judicial Court shall take into consideration plans and briefs filed by the public with the court during the first 30 days of the period in which the court is required to apportion.

Sec. 2. 30-A MRSAs §65, sub-§1, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

1. Redistricting, generally. In ~~1983~~ 2021 and every 10 years thereafter, the apportionment commission established under the Constitution of Maine, Article IV, Part Third, Section 1-A, shall review the existing county commissioner districts and, as necessary, reapportion those districts in each county to establish as nearly as practicable equally populated districts. The Speaker of the House is responsible for calling the commission together to review the county commissioner districts. No action may be taken by the commission without a quorum of 7.

A. The apportionment commission shall divide the number of commissioners in each county into the number of inhabitants of the county, excluding foreigners not naturalized, according to the latest Federal Decennial Census or a state census previously ordered by the Legislature to coincide with the Federal Decennial Census, to determine a mean population figure for each county commissioner district. Each county commissioner district must be formed of contiguous and compact territory and must cross political subdivision lines the

least number of times necessary to establish as nearly as practicable equally populated districts. Whenever the population of a municipality entitles it to more than one district, all whole districts must be drawn within the municipal boundaries. Any population remainder within the municipality must be included in a district drawn to cross the municipal boundary, ~~provided that as long as the population remainder within the municipality is contiguous to another municipality or municipalities included in the district. Any county which~~ that already meets the standards and guidelines for equally populated districts, as established by this section, the Constitution of Maine and the Constitution of the United States, need not be reapportioned.

B. Interested parties from each county may submit redistricting plans for the commission to consider. Those plans must be submitted to the commission no later than 30 calendar days after the commission is called together by the Speaker of the House under this subsection. The commission may hold public hearings on plans affecting each county.

C. The commission shall submit its plan to the Clerk of the House no later than ~~120 calendar days after the commission is called together by the Speaker of the House under this subsection~~ June 1st of the year in which reapportionment is required. The Clerk of the House shall submit to the Legislature, no later than January 15, ~~1984~~ 2022, and every 10th year thereafter, one legislative document to reapportion the county commissioner districts based on the plan submitted by the apportionment commission. The Legislature must enact the submitted plan or a plan of its own in regular or special session by a vote of 2/3 of the members of each House within 30 calendar days after the plan is submitted to it by the Clerk of the House. This action is subject to the Governor's approval, as provided in the Constitution of Maine, Article IV, Part Third, Section 2.

See title page for effective date.

CHAPTER 86

H.P. 492 - L.D. 720

An Act To Eliminate Sales Tax Exemptions for Snowmobiles and All-terrain Vehicles Purchased by Nonresidents for Use in the State

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

Sec. 1. 12 MRSA §13003, sub-§2, ¶A, as affected by PL 2003, c. 614, §9 and amended by c. 695, Pt. B, §9 and affected by Pt. C, §1, is further amended to read:

A. The person registering the snowmobile or ATV is not a resident of this State. ~~Nonresidents are exempt from sales or use tax on snowmobiles under Title 36, section 1760, subsection 25-B and on ATVs under Title 36, section 1760, subsection 25-A;~~

Sec. 2. 36 MRSA §1760, sub-§23-C, ¶A, as amended by PL 2005, c. 618, §2, is further amended to read:

A. Motor vehicles, except:

(1) Automobiles rented for a period of less than one year; ~~and~~

(2) ~~All terrain vehicles and snowmobiles as defined in Title 12, section 13001;~~

Sec. 3. 36 MRSA §1760, sub-§25-A, as amended by PL 2007, c. 438, §40, is repealed.

Sec. 4. 36 MRSA §1760, sub-§25-B, as amended by PL 2007, c. 438, §41, is repealed.

Sec. 5. Effective date. This Act takes effect October 1, 2013.

Effective October 1, 2013.

CHAPTER 87

H.P. 512 - L.D. 761

An Act To Clarify the Agricultural Exemption to the Workers' Compensation Laws

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

Sec. 1. 39-A MRSA §401, sub-§1, ¶C, as amended by PL 2001, c. 235, §2, is repealed and the following enacted in its place:

C. Employers of agricultural or aquacultural laborers, if the employer maintains an employer's liability insurance policy with total limits of not less than \$100,000 multiplied by the number of full-time equivalent agricultural or aquacultural laborers employed by that employer and medical payment coverage of not less than \$5,000, and either:

(1) The employer has 6 or fewer concurrently employed agricultural or aquacultural laborers; or

(2) The employer has more than 6 agricultural or aquacultural laborers but the total