

# 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.**

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**Augusta, Maine**  
**2013**

and this legislation needs to take effect by October 1, 2013; 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. 29-A MRSA §2357, sub-§2, ¶E**, as enacted by PL 2007, c. 652, §3, is amended to read:

E. On the tri-axle unit of a 4-axle single-unit vehicle registered as a farm truck under section 505 and hauling potatoes, 64,000 pounds. ~~This paragraph is repealed October 1, 2013.~~

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

Effective June 4, 2013.

## CHAPTER 196

### H.P. 486 - L.D. 714

#### An Act To Clarify the Laws Governing the Rule-making Authority of the Maine Forest Service

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

**Sec. 1. 12 MRSA §8306, sub-§1**, as enacted by PL 2001, c. 547, §1 and amended by PL 2011, c. 657, Pt. W, §6, is further amended to read:

**1. Quarantines.** ~~The Notwithstanding any other provision of law, the~~ director may establish by rule a quarantine to restrict or prohibit the transportation within, into or from the State or any portion of the State of any forest or shade tree or part of any forest or shade tree, including, but not limited to, logs, bark, branches, seeds or scion material, or alternate host materials capable of supporting a disease or insect infestation when the following conditions are met:

A. The director finds that there exists within the State or in any other state, country or province a plant disease caused by a plant pathogen not native to the State or an infestation of insects not native to the State that, in the opinion of the director, is likely to kill or seriously injure forest or shade trees in large numbers; and

B. A quarantine to protect against the plant disease or insect infestation has not been established by the Commissioner of Agriculture, Conserva-

tion and Forestry or the Secretary of Agriculture of the United States or is not in effect.

**Sec. 2. 12 MRSA §8306, sub-§2, ¶B**, as enacted by PL 2001, c. 547, §1 and amended by PL 2011, c. 657, Pt. W, §6, is repealed and the following enacted in its place:

B. A process for the seizure, inspection, destruction or other mitigation of any forest or shade tree or any material that:

(1) Exists within the State and harbors a plant pathogen or insect that is the subject of a quarantine;

(2) Is in proximity to a tree or material that exists within the State and harbors a plant pathogen or insect that is the subject of a quarantine; or

(3) Is transported into the State in violation of a quarantine established by the director, the Commissioner of Agriculture, Conservation and Forestry or the Secretary of Agriculture of the United States.

**Sec. 3. Report.** By December 15, 2013, the Director of the Maine Forest Service within the Department of Agriculture, Conservation and Forestry shall report on the rules adopted pursuant to this Act to the Joint Standing Committee on Agriculture, Conservation and Forestry.

See title page for effective date.

## CHAPTER 197

### H.P. 584 - L.D. 833

#### An Act To Allow Municipalities To Place Liens for Failure To Pay Storm Water Assessments

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

**Sec. 1. 30-A MRSA §3406**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6 and c. 9, §2 and c. 104, Pt. C, §§8 and 10, is further amended to read:

#### **§3406. Service charges for sewage or storm water disposal**

The municipal officers may establish a schedule of service charges from time to time upon improved real estate connected with a municipal sewer or sewer system or storm water disposal system for the use of the system. These service charges ~~shall~~ must include reserve fund contributions. For purposes of this section, "storm water disposal system" means storm water and flood control devices, structures, conveyances,