

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

~~sources and costs and expenses paid to the franchisor under the terms of the franchise or any ancillary or collateral agreement; provided no except that compensation shall be is not allowed for personalized items which that have no value to the franchisor.~~

Sec. 8. 10 MRSA §1456, sub-§2, as enacted by PL 1975, c. 549, is amended to read:

2. Court action. The court shall grant such equitable relief as is necessary to remedy the effects of conduct prohibited under this chapter, ~~which it that the court~~ finds to exist, including declaratory judgment and mandatory or prohibitive injunctive relief. The court may grant interim equitable relief, and actual and punitive damages ~~where when~~ indicated, in suits under this chapter and may, ~~unless such suit is frivolous,~~ direct that costs, reasonable ~~attorney attorney's~~ and expert witness fees incurred by the franchisee in those portions of the action in which the franchisee is the prevailing party be paid by the franchisor.

See title page for effective date.

CHAPTER 220

H.P. 1049 - L.D. 1464

**An Act To Streamline the Laws
Related to Transportation**

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

Sec. 1. 23 MRSA §704, sub-§6, as amended by PL 2003, c. 571, §2, is further amended to read:

6. Access denied. ~~The Notwithstanding any other provision of this Title, the Department of Transportation and the municipalities shall deny ingress to and egress from property abutting the a controlled access highway when access rights have been acquired established by the department pursuant to chapter 7, except that the Commissioner of Transportation may allow access for the development of state and state aid highways and may allow access upon a determination by the commissioner that such access will not adversely affect public safety and will not have a significant negative impact on the mobility of through-travelers. The commissioner may approve or deny a relocation of an existing break in a control of access consistent with the rules adopted pursuant to subsection 2.~~

Sec. 2. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 23, in the title headnote, the word "highways" is amended to read "transportation" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. 3. Maine Revised Statutes, Title 23.

The Department of Transportation shall work with the Office of Policy and Legal Analysis and the Revisor of Statutes to examine the organization and structure of, and the language contained in, the Maine Revised Statutes, Title 23 and develop recommendations regarding reorganizing or updating that Title or a portion or portions of that Title. The Department of Transportation shall submit those recommendations to the Joint Standing Committee on Transportation no later than December 4, 2013.

See title page for effective date.

CHAPTER 221

S.P. 478 - L.D. 1359

**An Act To Update and
Simplify Maine Gasoline
Requirements**

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

Whereas, in order to meet federal Clean Air Act requirements, from May 1st to September 15th, retailers who sell gasoline in 7 southern counties in the State may sell only gasoline that has a Reid vapor pressure no greater than 7.8 psi; and

Whereas, before the State can require the 7 counties to sell only reformulated gasoline during the summer months, the Department of Environmental Protection must submit a request to the United States Environmental Protection Agency; and

Whereas, sufficient lead time is necessary for submittal of the State's request by the Department of Environmental Protection and review of the State's request by the United States Environmental Protection Agency prior to the 2014 summer season; 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. 38 MRSA §582, sub-§10-B is enacted to read:

10-B. Reformulated gasoline. "Reformulated gasoline" has the same meaning as in 40 Code of Federal Regulations, Section 80.2(ee) (2012).

Sec. 2. 38 MRSA §585-N is enacted to read:

§585-N. Reformulated gasoline

Beginning May 1, 2014, a retailer who sells gasoline in York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox or Lincoln County may sell only reformulated gasoline in those counties.

Sec. 3. Report. The Department of Environmental Protection shall study the feasibility of easing the multiple gasoline requirements in this State and achieving the use of a single type of gasoline for all of the State. The Department of Environmental Protection shall submit a report and implementing legislation directing the State to use a single type of gasoline to the Joint Standing Committee on Environment and Natural Resources by December 4, 2013. The Joint Standing Committee on Environment and Natural Resources may report out a bill on the subject matter of the department's report to the Second Regular Session of the 126th Legislature.

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

Effective June 11, 2013.

CHAPTER 222

H.P. 687 - L.D. 973

An Act To Make Veterans' Property Tax Exemption Applications Confidential

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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 needs to take effect before the expiration of the 90-day period so that its provisions are in place to protect veterans as soon as possible; 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 §653, sub-§1, ¶G, as amended by PL 1989, c. 501, Pt. Z, is further amended to read:

G. Any person who desires to secure exemption under this subsection shall make written application and file written proof of entitlement on or before the first day of April, in the year in which the exemption is first requested, with the assessors of the place in which the person resides. Notwithstanding Title 1, chapter 13, an application and proof of entitlement filed pursuant to this paragraph is confidential and may not be made available for public inspection. The assessors shall thereafter grant the exemption to any person who is so qualified and remains a resident of that place or until they are notified of reason or desire for discontinuance.

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

Effective June 10, 2013.

CHAPTER 223

H.P. 756 - L.D. 1063

An Act To Remove a Conflict in the Law Restricting the Sale or Purchase of Targeted Methamphetamine Precursors

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

Whereas, Public Law 2011, chapter 584 made changes to the law restricting the sale of targeted methamphetamine precursors; and

Whereas, the changes did not address restrictions on packaging in the law, causing a conflict in state and federal law; and

Whereas, this conflict needs to be addressed quickly so that sales of legal methamphetamine precursors can continue; 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: