

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 29, 2013**

**SECOND REGULAR SESSION**  
**January 8, 2014 to May 2, 2014**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**EMERGENCY LAW IS**  
**SEPTEMBER 6, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 1, 2014**

**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**  
**2014**

vide an analysis of which options, approaches or models may be appropriate for this State considering this State's utility market structures.

**4. Report.** By February 15, 2015, the Public Utilities Commission shall submit to the joint standing committee of the Legislature having jurisdiction over energy matters a report on the determination of the value of distributed solar energy generation in the State. The commission is not required to follow an adjudicatory proceeding pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 4 in developing its methodology or preparing the report.

See title page for effective date.

**CHAPTER 563  
S.P. 263 - L.D. 725**

**An Act To Implement the  
Recommendations of the  
Judicial Compensation  
Commission**

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

**Whereas,** the 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas,** current salaries for members of the State's judiciary remain among the lowest in the nation; and

**Whereas,** the cost-of-living adjustments should become effective July 1, 2014; 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 §4, sub-§2-A,** as amended by PL 1997, c. 643, Pt. M, §3, is further amended to read:

**2-A. Cost-of-living adjustment.** Effective July 1, 1999 and every July 1st thereafter, the State Court Administrator shall adjust the salaries of the State's chief justices, chief judge, deputy chief judge, associate justices and associate judges by any percentage change in the Consumer Price Index from January 1st to December 31st of the previous year, but only to a maximum increase of ~~4%~~ 3%. The State Court Administrator shall determine the cost of these adjust-

ments; notify the State Budget Officer and the Director of the Office of Fiscal and Program Review of these costs; and include them in the Judicial Department's budget requests, as necessary. For purposes of this subsection, "Consumer Price Index" means the Consumer Price Index for Urban Wage Earners and Clerical Workers: United States City Average, All items, 1967=100, as compiled by the United States Department of Labor, Bureau of Labor Statistics or, if the index is revised or superseded, the Consumer Price Index is the index represented by the Bureau of Labor Statistics as reflecting most accurately changes in the purchasing power of the dollar by consumers.

**Sec. 2. 4 MRSA §1701, sub-§13,** as amended by PL 1995, c. 509, §1 and affected by §8, is further amended to read:

**13. Biennial report required.** No later than December ~~1st~~ 15th of each even-numbered year, the commission shall make its biennial report to the joint standing committees of the Legislature having jurisdiction over appropriations matters and judicial matters. The biennial report must include findings, conclusions and recommendations as to the proper salary and benefits, including retirement, to be paid from the State Treasury and other sources for all justices and judges of this State. The commission is authorized to submit with its report any proposed legislation the commission determines necessary to implement these recommendations.

**Sec. 3. Judicial compensation; fiscal year 2014-15.** In addition to the adjustments required in Public Law 2013, chapter 368, Part BB, section 1 and notwithstanding the Maine Revised Statutes, Title 4, section 4, the State Court Administrator shall adjust upward the salaries of the State's chief justices, chief judge, deputy chief judge, associate justices and associate judges by 2% on July 1, 2014.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect July 1, 2014.

Effective July 1, 2014.

**CHAPTER 564  
H.P. 1232 - L.D. 1722**

**An Act To Exempt from Sales  
and Use Tax Sales of  
Publications To Be Distributed  
without Charge and Printed  
Materials Included in  
Publications**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until

90 days after adjournment unless enacted as emergencies; and

**Whereas**, the repeal of the sales and use tax exemption for sales of publications applies to sales occurring on or after October 1, 2013; and

**Whereas**, exempting from sales and use tax sales of printed paper materials subsequently distributed as free publications serves the public interest; and

**Whereas**, exempting from sales and use tax sales of printed paper materials included as inserts to publications, such as advertising or promotional materials, serves the public interest; and

**Whereas**, legislative action is immediately necessary to ensure efficient administration of the sales and use tax; 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-§14-A** is enacted to read:

**14-A. Free publications and components of publications.** Sales of publications and printed materials included in publications as follows:

A. Any publication that is purchased for distribution without charge as a free publication; and

B. Printed paper materials, including advertising flyers and promotional materials, purchased for inclusion in a publication.

For purposes of this subsection, "publication" means printed paper material, including without limitation newspapers, magazines and trade journals and employee, client and organization newsletters, issued at average intervals not exceeding 3 months that manifests a continuity of identity from issue to issue by a front page masthead bearing the name, date, volume and issue number of the publication and by a continuity of style, format, themes and subject matter. For purposes of this subsection, "publication" does not include printed paper materials consisting primarily of advertisements or the promotion of a single seller's products or services.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF Revenue Services, Bureau of 0002**

Initiative: Provides funding to contract with the Kennebec County Sheriff's office for 2 Deputy Sheriff positions. These positions will be used to expand field activities to address debts other than sales tax debt handled by current deputies.

GENERAL FUND	2013-14	2014-15
All Other	\$0	\$200,000
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$200,000</b>

**Revenue Services, Bureau of 0002**

Initiative: Provides funding for a contractor-provided audit selection system that makes data warehouse information available in a fashion conducive to audit selection, builds new data elements into the audit selection process and creates a predictive audit selection function.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$0	\$450,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$450,000</b>

**Revenue Services, Bureau of 0002**

Initiative: Provides funding for one Revenue Agent position to assist in the audit of estate and fiduciary tax returns and to review related issues associated with decedents and beneficiaries.

GENERAL FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$77,637
All Other	\$0	\$7,269
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$84,906</b>

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS**

	2013-14	2014-15
<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$284,906</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$450,000</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$734,906</b>

**Sec. 3. Retroactivity.** This Act applies to sales occurring on and after October 1, 2013.

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

Effective April 24, 2014.

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## CHAPTER 565

### H.P. 769 - L.D. 1076

#### An Act To Provide a Mechanism To Allow Certain Commercial Motor Vehicle Weight Limits and Vehicle Dimension Standards To Be Exceeded in Order To Promote Economic Development while Ensuring Public Safety

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

**Sec. 1.** 29-A MRSA §2354, first ¶, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

Notwithstanding any provision of this subchapter other than section 2354-D, a combination vehicle consisting of a 3-axle truck tractor with a tri-axle semi-trailer may be operated with a maximum gross vehicle weight of:

**Sec. 2.** 29-A MRSA §2354-D is enacted to read:

**§2354-D. Allow certain commercial motor vehicles that exceed weight limits and vehicle dimension standards to operate on a designated route of travel**

**1. Commissioner may allow certain commercial motor vehicles that exceed weight limits and vehicle dimension standards.** Except for B-train double configurations as defined in section 2354-C, subsection 2, the Commissioner of Transportation, in consultation with the Department of Public Safety and the Department of the Secretary of State, may allow a specified commercial motor vehicle configuration with any number of axles that would otherwise be in violation of the provisions in this chapter regarding operational weight limits, gross vehicle weights, axle weights, tire weights or vehicle dimensions to operate on a specified route of travel over public ways if:

A. The department receives a proposal from an entity seeking an allowance to operate a specified commercial motor vehicle configuration pursuant to this subsection on a specified route of travel;

B. The chief engineer of the department, as appointed in accordance with Title 23, section 201, finds the proposed configuration and weight can be safely operated on the proposed route of travel. In making this finding, the chief engineer may consider available manufacturer's ratings for gross vehicle weight, axle capacity, brake systems and other components. The chief engineer may place such restrictions on operations as are necessary to ensure public safety;

C. The chief engineer of the department, as appointed in accordance with Title 23, section 201, finds that the public ways and bridge infrastructure affected by the proposed route of travel can withstand, or can be improved and maintained to withstand, the proposed configuration and weight. The improvements necessary may include initial capital improvements and future maintenance or capital improvements; and

D. The department receives satisfactory assurance that at least 50% of the cost of any infrastructure assessment and at least 50% of the cost for any infrastructure improvements determined necessary pursuant to paragraph C will be provided by the entity seeking the allowance. The department may provide the balance of funding, if feasible.

**2. Rules.** The Commissioner of Transportation, in consultation with the Department of Public Safety and the Department of the Secretary of State, shall adopt rules to implement this section. The rules must include appropriate mechanisms to ensure that, prior to giving an allowance to operate a commercial motor vehicle pursuant to this section on a route of travel that includes a public way that traverses a municipality, unorganized or deorganized area in a county or a reservation or trust land of a federally recognized Indian tribe in this State, appropriate input from or approval of the municipality, county or federally recognized Indian tribe is obtained. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**3. Report.** Beginning February 1, 2017, and biennially thereafter, the Commissioner of Transportation shall report to the joint standing committee of the Legislature having jurisdiction over transportation matters on the implementation of this section. The report must include the number of proposals received by the department, including how many were authorized; the reasons any proposals were not authorized or did not move forward; the costs incurred by the department; the amount of funds provided by relevant entities or funding sources other than the department; any infrastructure improvements made to accommodate proposals; the designated routes of travel allowed; the allowed configurations on these designated routes; and the gross vehicle weights allowed.