

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
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IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2015

9-B. Successive observation. "Successive observation" means views from a scenic resource of state or national significance of more than one group of generating facilities located within the viewshed of a scenic resource of state or national significance from a single viewpoint as a result of a viewer turning the viewer's head or body.

Sec. 3. 35-A MRSA §3451, sub-§10-A is enacted to read:

10-A. Viewshed of a scenic resource of state or national significance. "Viewshed of a scenic resource of state or national significance" means the geographic area as viewed from a scenic resource of state or national significance that includes the proposed wind energy development. The viewshed of a scenic resource of state or national significance may include the proposed wind energy development visible from a single viewer position or the proposed wind energy development visible from multiple viewer positions. The viewshed of a scenic resource of state or national significance is limited to the geographic area within 8 miles, measured horizontally, from the proposed wind energy development's generating facilities.

Sec. 4. 35-A MRSA §3452, sub-§3, as enacted by PL 2007, c. 661, Pt. A, §7, is amended to read:

3. Evaluation criteria. In making its determination pursuant to subsection 1, and in determining whether an applicant for an expedited wind energy development must provide a visual impact assessment in accordance with subsection 4, the primary siting authority shall consider:

- A. The significance of the potentially affected scenic resource of state or national significance;
- B. The existing character of the surrounding area;
- C. The expectations of the typical viewer;
- D. The expedited wind energy development's purpose and the context of the proposed activity;
- E. The extent, nature and duration of potentially affected public uses of the scenic resource of state or national significance and the potential effect of the generating facilities' presence on the public's continued use and enjoyment of the scenic resource of state or national significance; and
- F. The scope and scale of the potential effect of views of the generating facilities on the scenic resource of state or national significance, including but not limited to issues related to the number and extent of turbines visible from the scenic resource of state or national significance, the distance from the scenic resource of state or national significance and the effect of prominent features of the development on the landscape.

In applying these criteria, the primary siting authority shall consider the primary impact and the cumulative scenic impact or effect of the development during both day and night on scenic resources of state or national significance. In evaluating cumulative scenic impact or effect associated with sequential observation, the department shall consider, in addition to the criteria in this subsection, the distance between viewpoints on the linear route and other forms of development along the linear route that effect the expectation of the user of the scenic resource of state or national significance. A finding by the primary siting authority that the development's generating facilities are a highly visible feature in the landscape is not a solely sufficient basis for determination that an expedited wind energy project has an unreasonable adverse effect on the scenic character and existing uses related to scenic character of a scenic resource of state or national significance. In making its determination under subsection 1, the primary siting authority shall consider insignificant the effects of portions of the development's generating facilities located more than 8 miles, measured horizontally, from a scenic resource of state or national significance.

See title page for effective date.

CHAPTER 191

S.P. 329 - L.D. 938

An Act To Clarify Maine's Fertilizer Quality Control Laws

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

Sec. 1. 7 MRSA §742, sub-§9, ¶A, as amended by PL 2007, c. 147, §2, is further amended to read:

A. "Guaranteed analysis" ~~shall mean~~ means the minimum percentage of plant nutrients claimed in the following order and form:

Total Nitrogen (N) ~~per cent~~ %

Available ~~Phosphoric Acid~~ Phosphate
(P₂O₅)..... ~~per cent~~ %

Soluble Potash (K₂O) ~~per cent~~ %; and

Sec. 2. 7 MRSA §743, as amended by PL 2005, c. 12, Pt. EEE, §1, is further amended to read:

§743. Registration

Each brand and grade of commercial fertilizer must be registered before being offered for sale, sold or distributed in this State. The application for registration must be submitted to the commissioner on forms furnished by the commissioner and must be

accompanied by an annual fee of ~~\$100~~ \$125 per product. All registrations expire on December 31st or in a manner consistent with the provisions as to license expiration of the Maine Administrative Procedure Act, Title 5, section 10002, whichever is later. The commissioner may issue a registration for a one-year, 2-year or 3-year period. Registrations for a period in excess of one year may only be issued with the agreement of or at the request of the applicant. The fee for a 2-year registration is 2 times the annual fee. The fee for a 3-year registration is 3 times the annual fee. The commissioner may refuse to register or renew or may suspend or cancel registration for failure to comply with this subchapter or with rules adopted pursuant to this subchapter. This refusal, suspension or cancellation is considered rulemaking as that term is defined in the Maine Administrative Procedure Act, Title 5, chapter 375 and notice and opportunity for a hearing must be provided in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375. The application must include the following information:

1. **Weight.** The net weight;
2. **Brand and grade.** The brand and grade;
3. **Analysis.** The guaranteed analysis;
4. **Registrant's name and address.** The name and address of the registrant; and
5. **Additional information.** Additional information as required in rules adopted by the department.

~~The fees so~~ Of the fee collected by the commissioner ~~shall under this section, \$100 must be deposited in the General Fund and \$25 must be deposited in a dedicated, nonlapsing account established under section 765, subsection 2 and used for the purpose of administering and enforcing this subchapter and subchapter 5-A.~~

A distributor ~~shall~~ is not be required to register any brand and grade of commercial fertilizer ~~which that~~ that is already registered under this subchapter by another person.

The plant nutrient content of each and every brand and grade of commercial fertilizer must remain uniform for the period of registration.

The commissioner shall review annually the fertilizer inspection and sampling program established under this subchapter and report findings and any recommendations for changes to the program by February 1st annually to the joint standing committee of the Legislature having jurisdiction over agricultural matters, which after receiving the report may report out a bill to the Legislature to make adjustments to the program.

Sec. 3. 7 MRSA §743-A, sub-§1, as amended by PL 2011, c. 607, §1, is further amended to read:

1. Registrants required to report. On or before September 1st of each year, a registrant shall file with the commissioner, on a form prescribed by the commissioner, the number of tons of each brand and grade of commercial fertilizer sold by the registrant in the State during the 12 months preceding July 1st of that year. ~~A fee of \$1 per ton sold during the 12 months preceding July 1st of that year must accompany the form.~~

Sec. 4. 7 MRSA §743-A, sub-§2, as enacted by PL 2009, c. 393, §3, is repealed.

Sec. 5. 7 MRSA §743-A, sub-§3, as enacted by PL 2009, c. 393, §3, is amended to read:

3. Commissioner's report. The commissioner or the commissioner's agent may publish and distribute annually, to each registrant and other interested persons, a report showing the total tons of commercial fertilizer and the total tons by grade sold in the State.

Sec. 6. 7 MRSA §745, first ¶, as amended by PL 2007, c. 147, §4, is further amended to read:

The commissioner shall inspect and sample for analysis in accordance with section 490 commercial fertilizers distributed within this State to the extent the commissioner considers necessary to determine compliance with this subchapter. The commissioner or the commissioner's agent is authorized to enter upon any public or private premises during regular business hours in order to have access to commercial fertilizers, subject to this subchapter and the rules adopted pursuant to section 748.

Sec. 7. 7 MRSA §751, sub-§3, as enacted by PL 2007, c. 147, §8, is amended to read:

3. Determination of commercial value. For the purpose of determining the commercial value ~~of fertilizer to be applied in determining assessment under this section,~~ the commissioner shall ~~use the amount originally invoiced to the consumer to determine and publish annually the values~~ determine and publish annually the values per unit of total nitrogen, available phosphate, and soluble potash or other nutrients that the registrant is required to or may guarantee in fertilizers in this State. The values ~~derived from the invoice so determined and published~~ must be used in determining the assessment and assessing penalty payments.

Sec. 8. 7 MRSA §765, sub-§2, as amended by PL 2009, c. 393, §4, is further amended to read:

2. Fees; nonlapsing fund. The commissioner shall collect all fees under this subchapter and section ~~743-A~~ 743 and deposit them with the Treasurer of State in a separate account to be used for carrying out this subchapter and subchapter 5, including the cost of inspection, sampling and analysis of commercial fertilizers and agricultural liming materials. These funds do not lapse, but remain in a carry-over account.

Sec. 9. 7 MRSA §766, sub-§1, as amended by PL 2011, c. 607, §2, is further amended to read:

1. By registrants. On or before September 1st in each year each registrant shall file with the commissioner, on forms prescribed by the commissioner, the number of tons of each agricultural liming material sold during the 12 months preceding July 1st of that year. ~~A fee of \$1 per ton sold during the 12 months preceding July 1st of that year must accompany the form.~~

See title page for effective date.

CHAPTER 192

S.P. 349 - L.D. 1009

An Act To Benefit the Education of Denturism Students

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

Sec. 1. 32 MRSA §1100-E-2 is enacted to read:

§1100-E-2. Permits for externship

The board may issue a permit to a bona fide denturist student of a school acceptable to the board to allow that student, after the completion of satisfactory training, to perform, commensurate with the student's level of training and under the supervision of a licensed dentist or denturist or instructional facility acceptable to the board, limited denturist services in private practice or institutional and public health service programs within the State if the student presents satisfactory proof of academic affiliation and good academic standing and the board determines that the student has not violated this chapter or the rules of the board.

The board, prior to the issuance of a permit under this section, shall determine that the supervision and control of the services to be performed by the student are adequate and that the performance of these services by the student adds to the student's knowledge and skill in the practice of denturism. A permit issued under this section is valid for one year from the date of issuance and may be renewed one time only for the purpose of completing supervised training experience. The board shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

For the purposes of this section, "denturist services" means services provided through the practice of denturism.

See title page for effective date.

CHAPTER 193

S.P. 442 - L.D. 1237

An Act Regarding the Filing of Death and Marriage Records

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

Sec. 1. 19-A MRSA §660 is enacted to read:

§660. Late-filed application for certificate of marriage

1. Application. The parties, or the legal representatives of the parties, to a marriage that occurred more than one year previously may apply for a certificate of marriage under this section by submitting to the State Registrar of Vital Statistics the following:

A. The license and certification statement completed in accordance with section 656;

B. The required filing fee; and

C. An application for a certificate of marriage, which must include, if available, a copy of the marriage intentions obtained from the clerk of the municipality where the intentions were filed and other documents specified in rules adopted by the State Registrar of Vital Statistics.

2. Indication of date of filing. The certificate of marriage issued under this section must be marked "delayed" and must indicate the date that the certificate of marriage was filed.

3. Rules. The State Registrar of Vital Statistics shall adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 2. 22 MRSA §2848 is enacted to read:

§2848. Registering a presumed death

When a death is presumed to have occurred in the State but the body has not been located, the State Registrar of Vital Statistics shall register a death in accordance with this section upon receipt of a certified copy of an order of a court issued in accordance with Title 18-A, section 1-107, subsection (3).

1. Required information. In order to register a death on the basis of a court order, the court order must include:

A. The decedent's full legal name;