

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2008

Administration pursuant to 38 United States Code, Chapter 15.

B. The bureau may provide a grant of emergency assistance not to exceed \$500 to a veteran who demonstrates to the bureau's satisfaction a financial need and suffers an emergency, such as the loss of damage to that veteran's home due to fire, flood or hurricane, that is not fully compensable by insurance; illness or the illness of an immediate family member; or a similar emergency. In the case of a veteran with terminal illness or catastrophic injury, the director may provide a grant of up to \$1,000. No more than \$1,000 in emergency assistance may be provided to a veteran in any 12-month period. For the purposes of this paragraph, "veteran" has the same meaning as "eligible veteran" in section 504, subsection 4, paragraph A-1. Grants may not be issued for fuel assistance or due to loss of income due to unemployment while the veteran is receiving other unemployment benefits.

C. A veteran who requests either temporary assistance under paragraph A or emergency assistance under paragraph B and is denied such assistance may request a reconsideration and review of this decision by the director. The Requests for reconsideration of a claim must be reviewed by the director and the commissioner or the commissioner's designee, and the decision of the director after the reconsideration is final and may not be appealed to a court.

D. The department may adopt rules to implement this subsection. Rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter H-A 2-A.

Sec. 2. Study. The contracted mobile Veterans Services Officer position authorized pursuant to section 5 is a limited-period position ending on July 30, 2009. The Department of Defense, Veterans and Emergency Management shall undertake a study to determine the need to continue the mobile Veterans Services Officer position, results achieved from the position, activities of the position and the need for an additional Veterans Services Officer position to be located in Portland. The department shall report the results of this study to the joint standing committee of the Legislature having jurisdiction over legal and veterans affairs and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs no later than January 15, 2009.

Sec. 3. Transfer of funds from Accident, Sickness and Health Insurance Internal Service Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$90,762 by June 30, 2009 from the Accident, Sickness and Health Insurance Internal Service Fund in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund.

The State Controller shall also transfer the equitable share of health insurance savings to each participating fund by June 30, 2009. The fund transfers are to recognize health insurance savings achieved through changes to be adopted by the State Employee Health Commission.

Sec. 4. Transfer of funds from Retiree Health Insurance Internal Service Fund. Notwithstanding any other provision of law, the State Controller shall transfer \$27,111 by June 30, 2009 from the Retiree Health Insurance Internal Service Fund in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund. The State Controller shall also transfer the equitable share of retiree health insurance savings to each participating fund by June 30, 2009. The fund transfers are to recognize retiree health insurance savings achieved through changes to be adopted by the State Employee Health Commission.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF

Veterans Services 0110

Initiative: Provides an appropriation of \$85,000 for one limited-period contracted mobile Veterans Service Officer position and related administrative and operating costs.

GENERAL FUND	2007-08	2008-09
All Other	\$0	\$85,000
GENERAL FUND TOTAL	\$0	\$85,000

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

Effective April 23, 2008.

CHAPTER 679

H.P. 1510 - L.D. 2131

An Act To Implement the Recommendations of the Legislative Youth Advisory Council with Respect to Educational and Organizational Matters

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

Sec. 1. 3 MRSA §168-A, sub-§1, ¶D, as amended by PL 2003, c. 20, Pt. F, §2, is further amended to read:

D. ~~Meet~~ Except as provided in this paragraph, meet at least 3 times but not more than 6 times per year, including not more than 2 public hearings on issues of importance to youth. The council may meet up to an additional 3 times in a year if the Executive Director of the Legislative Council determines that sufficient budgeted resources remain after paying all costs associated with the initial 6 meetings to pay any additional costs associated with any additional meetings; and

Sec. 2. 3 MRSA §168-A, sub-§1, ¶E, as amended by PL 2005, c. 616, Pt. B, §1, is further amended to read:

E. Report biennially to the Legislative Council on its activities by ~~December 1st preceding each second regular session of the Legislature~~ the first business day in February of each even-numbered year. The council may submit proposed legislation as part of its report to the Legislative Council to implement its recommendations.

Sec. 3. Cocurricular honor contracts. A school board, as defined in the Maine Revised Statutes, Title 20-A, section 1, subsection 28, may elect to adopt a cocurricular honor contract that may specify the types of behavior covered by the contract, the extent to which the contract covers the behavior of a student while off school grounds at other than school-sponsored activities, the standards or process to be used to determine if a student has violated the contract and standards to ensure that the contract, if adopted by the board, will be enforced consistently and fairly.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

Legislature 0081

Initiative: Appropriates funds for 3 additional meetings of the Legislative Youth Advisory Council annually.

GENERAL FUND	2007-08	2008-09
All Other	\$0	\$3,000
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GENERAL FUND TOTAL	\$0	\$3,000

See title page for effective date.

CHAPTER 680
S.P. 891 - L.D. 2263

**An Act Establishing an
Outdoor Wood Boiler Fund**

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

Sec. 1. 38 MRSA §610-B, sub-§4 is enacted to read:

4. Emergency powers. If the commissioner finds after investigation that an outdoor wood boiler is being operated in a manner that creates a nuisance condition or may create or creates a danger to public health or safety, the commissioner may order the owner or any person operating that outdoor wood boiler to immediately cease or prevent that operation, and the commissioner may take such action as may be necessary to terminate or mitigate the danger or likelihood of danger.

A. An order issued under this subsection must contain findings of fact describing, insofar as possible, the site of the operation and the nuisance condition or danger to the public health or safety.

B. Service of a copy of the commissioner's findings and order under this subsection must be made by the sheriff or deputy sheriff or by hand delivery by an authorized representative of the department in accordance with the Maine Rules of Civil Procedure.

C. The person to whom the order is directed shall comply immediately. An order may not be appealed to the Superior Court, but the person to whom the order is directed may apply to the board for a hearing on the order if the application is made within 10 working days after receipt of the order by the person to whom the order was directed. Within 15 working days after receipt of the application, the board shall hold a hearing, make findings of fact and vote on a decision that continues, revokes or modifies the order. That decision must be in writing and signed by the board chair using any means for signature authorized in the department's rules and published within 2 working days after the hearing and vote.

The nature of the hearing before the board is an appeal. At the hearing, all witnesses must be sworn and the commissioner shall first establish the basis for the order and for naming the person to whom the order is directed. The decision of the board may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7.