

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

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

Augusta, Maine
2009

State, except as specifically modified, amended or rejected by a regulation issued by the state sealer.

See title page for effective date.

CHAPTER 193

H.P. 267 - L.D. 331

**An Act To Clarify the Duties of
Municipal Treasurers, Clerks
and Tax Collectors**

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

Sec. 1. 30-A MRSA §2655 is enacted to read:

§2655. Prohibition on commingling funds

A clerk is prohibited from commingling personal funds with any funds collected for a municipality while performing the duty of clerk.

Sec. 2. 30-A MRSA §5603, sub-§2, ¶C, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9; §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

C. Maintain a bank account in the municipality's name for the deposit of cash receipts. The treasurer shall deposit ~~the all~~ cash balance receipts in the bank within 10 days ~~when it exceeds \$100.~~ The treasurer may not commingle funds of the municipality with any personal funds or in any personal account of the treasurer.

Sec. 3. 36 MRSA §759-A is enacted to read:

§759-A. Prohibition on commingling funds

A tax collector is prohibited from commingling personal funds with any funds collected for a municipality while performing the duty of tax collector.

See title page for effective date.

CHAPTER 194

S.P. 80 - L.D. 239

**An Act To Eliminate the
Repeal Date on Nonhospital
Expenditures in the Capital
Investment Fund**

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 statutory repeal of the law setting aside 12.5% of the Capital Investment Fund for

nonhospital projects takes effect July 1, 2009, which is prior to the expiration of the 90-day period; 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. 2 MRSA §102, sub-§3, as amended by PL 2007, c. 94, §1, is further amended to read:

3. Nonhospital capital expenditures. ~~For the first 7 years of the plan, the~~ The nonhospital component of the capital investment fund must be at least 12.5% of the total.

~~This subsection is repealed July 1, 2009.~~

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

Effective May 22, 2009.

CHAPTER 195

S.P. 258 - L.D. 683

**An Act To Promote
Cost-effective and Broad-based
Vision Care for Maine Citizens
by Clarifying the Scope of
Prescription Authority by an
Optometrist**

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

Sec. 1. 32 MRSA §2411, sub-§1, ¶A, as amended by PL 1995, c. 439, §1, is further amended to read:

A. The examination of the eye and related structures without the use of invasive surgery or tissue-altering lasers to ~~ascertain~~ diagnose defects, abnormalities or diseases of the eye;

Sec. 2. 32 MRSA §2411, sub-§3, as amended by PL 1995, c. 606, §1, is further amended to read:

3. Pharmaceutical agent. "Pharmaceutical agent" means any ~~topical medicinal~~ therapeutic diagnostic and ~~therapeutic~~ therapeutic substances for use in the diagnosis, cure, treatment, management or prevention of ocular conditions and diseases, ~~and oral medicinal diagnostic and therapeutic substances and quantities for use in the diagnosis, cure, treatment or prevention of ocular conditions and diseases under section 2430, subsection 2~~ but does not include drugs administered