

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

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

Effective March 20, 2013.

CHAPTER 3
S.P. 431 - L.D. 1237

**Resolve, Directing the
Department of Corrections To
Amend Its Rules Pertaining to
Certification of Batterer
Intervention Programs**

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 Department of Corrections, acting pursuant to the Maine Revised Statutes, Title 19-A, section 4014, has adopted rules establishing standards and procedures for certification of batterer intervention programs; and

Whereas, in the process of sentencing persons convicted of crimes of domestic violence, courts may order those offenders to attend batterer intervention programs that the Department of Corrections has certified; and

Whereas, a recent decision of the Maine Supreme Judicial Court in the case of State v. Mosher, 2012 ME 133, has cast doubt on the validity of the Department of Correction's current rules for certification of batterer intervention programs because the current rules appear to limit certification to those programs serving male domestic violence offenders; 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

Sec. 1. Adoption of emergency rules. Resolved: That, notwithstanding the Maine Revised Statutes, Title 19-A, section 4014, the Department of Corrections shall adopt emergency rules pursuant to Title 5, section 8054 to amend the current rules to make them gender neutral so that batterer intervention programs that serve female domestic violence offenders may be certified, and courts may be provided the opportunity to order female offenders convicted of crimes of domestic violence to participate in certified batterer intervention programs. Following adoption of the emergency rules, the Department of Corrections shall initiate nonemergency rulemaking on certified batterer intervention programs pursuant to Title 5,

chapter 375. Notwithstanding Title 19-A, section 4014, all rules or amendments to rules on the subject of the certification of batterer intervention programs, regardless of which gender a program serves, are considered routine technical rules as defined by Title 5, section 8071.

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

Effective April 4, 2013.

CHAPTER 4
S.P. 151 - L.D. 371

**Resolve, Regarding Revenue
from the World Acadian
Congress Commemorative
Registration Plate**

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

Whereas, Resolve 2011, chapter 156 authorized the Secretary of State to issue a commemorative, simulated registration plate in recognition and celebration of the 2014 World Acadian Congress; and

Whereas, pursuant to Resolve 2011, chapter 156, \$16 of the \$25 fee is incorrectly designated for the benefit of the Maine Acadian Heritage Council; and

Whereas, the fiscal agent for the Maine Acadian Heritage Council is the World Acadian Congress; and

Whereas, the plates have been available for sale since December 2012; 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

Sec. 1. Resolve 2011, c. 156, §2, amended. Resolved: That Resolve 2011, c. 156, §2 is amended to read:

Sec. 2. Administrative fee; distribution. Resolved: That the Secretary of State shall develop a plan for the sale and distribution of World Acadian Congress commemorative plates. The fee for the World Acadian Congress commemorative plate is \$25, which must be ~~deposited in a special fund and transferred quarterly by the Treasurer of State~~ paid as follows:

1. Nine dollars per plate to the Secretary of State for the costs associated with production and issuance of the plates; and

2. Sixteen dollars per plate to ~~the Maine Acadian Heritage Council~~ be retained by the World Acadian Congress; and be it further

; and be it further

Sec. 2. Retroactivity. Resolved: That that section of this resolve that amends Resolve 2011, chapter 156, section 2 applies retroactively to August 30, 2012.

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

Effective April 9, 2013.

**CHAPTER 5
H.P. 230 - L.D. 321**

Resolve, Directing the Probate and Trust Law Advisory Commission To Review Maine's Probate Code and the Uniform Probate Code

Preamble. Whereas, the current Probate Code was enacted in 1980 based on the Uniform Probate Code in effect at that time; and

Whereas, since its original adoption in 1980 the Uniform Probate Code has been substantially revised by the Uniform Law Commission, including an update adopted in 1990, technical and substantive amendments adopted in 2008 and technical amendments adopted in 2010 and refined in 2011; and

Whereas, it is in the best interest of Maine citizens and residents to have up-to-date statutes consistent with those of other states and that address issues that arise in today's social and technological environment; and

Whereas, the Probate and Trust Law Advisory Commission is authorized to examine and evaluate the operation of the Probate Code and recommend changes; now, therefore, be it

Sec. 1. Review. Resolved: That the Probate and Trust Law Advisory Commission established under the Maine Revised Statutes, Title 5, section 12004-I, subsection 73-B is directed to conduct a review of the current Probate Code and the latest Uniform Probate Code and develop legislative recommendations based on the review. The Probate and Trust Law Advisory Commission shall invite the participa-

tion of interested parties in the review and in the development of recommendations; and be it further

Sec. 2. Report. Resolved: That the Probate and Trust Law Advisory Commission shall submit a report regarding the review in section 1 to the Joint Standing Committee on Judiciary no later than December 1, 2013, together with any necessary implementing legislation, for presentation to the Second Regular Session of the 126th Legislature. The Probate and Trust Law Advisory Commission is authorized to submit a bill related to its report to the Second Regular Session of the 126th Legislature.

See title page for effective date.

**CHAPTER 6
H.P. 18 - L.D. 14**

Resolve, Directing the Department of Transportation To Name a Bridge between Kennebunk and Kennebunkport the Mathew J. Lanigan Bridge

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 resolve names a bridge in honor of a beloved local citizen who recently passed away; and

Whereas, it is important to the local community to honor the late Mathew J. Lanigan, a prominent citizen, and to keep his memory alive through the naming of this bridge between the Town of Kennebunk and the Town of Kennebunkport to honor his memory for all his contributions to the community; 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

Sec. 1. Bridge between Kennebunk and Kennebunkport named. Resolved: That the Department of Transportation shall designate Bridge No. 2230 on State Route 9, which crosses the Kennebunk River between the Town of Kennebunk and the Town of Kennebunkport, the Mathew J. Lanigan Bridge.