

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 5, 2000 to May 12, 2000**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 11, 2000**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2000**

section 15617, subsection 2, paragraph C the operating budget must be approved within 30 days of the date the commissioner notifies the school committee of the amount allocated to the school unit under section 15613 or the latest budget submitted by the committee becomes the operating budget for the next school year.

**6. Reconsideration of budget validation referendum process.** Every 3 years, community school districts that have accepted the budget validation referendum process, shall consider continued use of the process. The warrant at the budget validation referendum in the 3rd year following adoption or continuation of the referendum process must include an article by which the voters of the community school district may indicate whether they wish to continue the process for another 3 years. A vote to continue retains the process for 3 additional years. A vote to discontinue the process ends its use beginning with the following budget year and prohibits its reconsideration for at least 3 years.

**Sec. 12. 20-A MRSA §15614, sub-§§3 and 4,** as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, are amended to read:

**3. Additional local appropriation.** A school administrative unit may raise and expend funds for educational purposes in addition to the funds under subsections 1 and 2. An article in substantially the following form must be used when a school administrative unit is considering the appropriation of additional local funds:

"Article \_\_\_\_\_ : To see what sum the municipality/district will raise and to appropriate the sum of (Recommend \$ \_\_\_\_\_) in additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15614."

**4. Vote.** Actions in subsections 1 to 3 ~~shall~~ **must** be taken by a recorded vote.

**Sec. 13. 20-A MRSA §15618-A, sub-§1,** as enacted by PL 1989, c. 615, §1, is repealed.

**Sec. 14. 20-A MRSA §15618-A, sub-§2,** as enacted by PL 1989, c. 615, §2, is repealed.

**Sec. 15. Implementation and evaluation of State Board of Education recommendations.**

**1. State Board of Education study.** Not later than July 1, 2003, the State Board of Education shall convene a study committee to review all aspects of the implementation of the school budget format and voting procedure recommendations contained in its Report on School Governance to the Joint Standing Committee on Education and Cultural Affairs issued on January 15, 2000. The study must review and assess the impact of implementation of the recommen-

dations and determine whether additional changes are necessary, including, but not limited to, an evaluation of whether school administrative districts and community school districts need additional options to change their budget format or procedure once the recommendations of the state board are adopted. The state board shall report its findings, including any necessary implementing legislation, to the Second Regular Session of the 121st Legislature and the joint standing committee of the Legislature having jurisdiction over education matters not later than January 31, 2004.

**2. Interim monitoring and reporting by the Department of Education.** Beginning January 31, 2001 and continuing until January 31, 2003, the Department of Education shall annually report to the joint standing committee of the Legislature having jurisdiction over education matters on the experiences of school administrative districts and community school districts with the implementation of the cost center summary budget format and the budget validation referendum process. The report must include a summary of the number and types of school administrative units utilizing the new budget format and voting procedure, the types of budget formats and voting procedures used by each unit, the impact of the new budget format and procedure on budget adoption in the units, including the date of final budget adoption and frequency of repeat votes required, and concerns identified with the new format and procedure that require action before completion of the State Board of Education review provided in subsection 1.

**3. Resource assistance team.** The Department of Education and the State Board of Education, following consultation with the Maine School Management Association and the Maine Municipal Association, shall establish a resource assistance team as a source of assistance available to school administrative units with questions about adopting the new budget format and procedure or implementation of the old or new budget procedures. The resource assistance team must be in place by September 1, 2000. The experiences of the resource assistance team must be included in the department's annual report to the joint standing committee.

See title page for effective date.

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## CHAPTER 711

H.P. 1451 - L.D. 2072

### An Act to Clarify Signature Requirements on Certain Legal Documents

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

Sec. 1. 18-A MRSA §5-509 is enacted to read:

**§5-509. In-person signature required**

Notwithstanding any law validating electronic or digital signatures, signatures on a durable power of attorney must be made in person and not by electronic means.

Sec. 2. 18-A MRSA §5-802, sub-§(b), as enacted by PL 1995, c. 378, Pt. A, §1, is amended to read:

(b) An adult or emancipated minor with capacity may execute a power of attorney for health care, which may authorize the agent to make any health-care decision the principal could have made while having capacity. The power must be in writing and signed by the principal and 2 witnesses. Notwithstanding any law validating electronic or digital signatures, signatures of the principal and witnesses must be made in person and not by electronic means. The power remains in effect notwithstanding the principal's later incapacity and may include individual instructions. Unless related to the principal by blood, marriage or adoption, an agent may not be an owner, operator or employee of a residential long-term health-care institution at which the principal is receiving care.

Sec. 3. 33 MRSA c. 7, sub-c. III-A is enacted to read:

**SUBCHAPTER III-A**

**VALIDITY OF SIGNATURES**

**§331. Electronic signatures not valid on certain real property documents**

Notwithstanding any law validating electronic or digital signatures, an electronic signature, digital signature or other signature effected by electronic means is not recognized under the law of this State as a valid, enforceable signature on any deed, mortgage or other document, including but not limited to a document granting a power of attorney, purporting to affect title to real property.

See title page for effective date.

**CHAPTER 712**

**S.P. 878 - L.D. 2293**

**An Act to Amend the Laws Governing Municipal Elections**

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

Sec. 1. 30-A MRSA §2531-A, sub-§11 is enacted to read:

**11. Resolution; disputed or challenged ballots.** A municipality may provide by ordinance, or order of the municipal officers, a method for resolving disputed or challenged ballots in an election in which there are enough challenged or disputed ballots to affect the result of the election. The ordinance or order may delegate the municipal officers' responsibility to resolve disputed or challenged ballots to an independent panel or the Superior Court. An independent panel consists of 3 members chosen by a majority vote of the municipal officers. A member of the independent panel may not be a municipal officer or a candidate in the election. If the delegation is to the Superior Court, the municipal clerk shall forward the disputed or challenged ballots and related records to the clerk of the nearest Superior Court in the county in which the election was held. If the delegation is to an independent panel, the municipal clerk shall provide a location for the panel to conduct its duties and in such manner that ensures the security of the ballots and related records at all times. The Superior Court or the independent panel shall determine the result of the election as soon as reasonably possible. The decision of the Superior Court or the independent panel is final and must be certified to the municipal clerk.

See title page for effective date.

**CHAPTER 713**

**H.P. 1672 - L.D. 2339**

**An Act to Provide Assistance in the Cleanup of the Plymouth Waste Oil Site**

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

**Whereas,** in order to provide financial assistance in a timely fashion through a loan program to persons obligated to pay for the feasibility study at the Plymouth waste oil site, the program must be established as soon as possible; 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,