

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

Sec. 6. 7 MRSA §2907, as amended by PL 1999, c. 679, Pt. A, §10, is further amended to read:

§2907. Jurisdiction

The District Court and the Superior Court have concurrent jurisdiction in cases arising under sections 2901-A to ~~2904-A~~ 2903-B.

Sec. 7. 7 MRSA §2908-A, sub-§1, as enacted by PL 2003, c. 452, Pt. B, §20 and affected by Pt. X, §2, is amended to read:

1. Violation. A firm, person, corporation or society may not sell milk or milk products in the State without the license or permits provided in sections 2901-C and 2902-A, violate sections 2901-A to ~~2904-A~~ 2903-B or neglect, fail or refuse to comply with those sections and the rules, regulations and standards of identity and quality issued pursuant to section 2910.

Sec. 8. 7 MRSA §2910-A, as enacted by PL 1999, c. 679, Pt. A, §13, is amended to read:

§2910-A. Injunctions by commissioner

In addition to any other remedy for the enforcement of sections 2901-C to ~~2904-A~~ 2903-B or a rule, order or decision by the commissioner adopted or issued pursuant to this chapter, the commissioner is authorized to apply to the Superior Court for a preliminary or permanent injunction restraining any person from violating any provision of sections 2901-C to ~~2904-A~~ 2903-B or any rule, order or decision of the commissioner adopted or issued pursuant to this chapter. The Superior Court has jurisdiction upon hearing and for good cause shown to grant a preliminary or permanent injunction. In case of violation of an injunction issued under this section, the court may cite the person for contempt of court. The existence of either civil or criminal remedies is not a defense in this proceeding. The commissioner is not required to give or post a bond when making an application for an injunction under this section.

See title page for effective date.

CHAPTER 271

S.P. 247 - L.D. 749

**An Act To Limit the Political Activity
of the Members of the Commission
on Governmental Ethics and Election
Practices**

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

Sec. 1. 1 MRSA §1002, sub-§2, as amended by PL 1991, c. 86, is further amended to read:

2. Qualifications. The members of the commission must be persons of recognized judgment, probity and objectivity. A person may not be appointed to this commission who is a member of the Legislature or who was a member of the previous Legislature, ~~or~~ who was a declared candidate for an elective county, state or federal office within 2 years prior to the appointment, ~~or~~ who now holds an elective county, state or federal office, ~~or~~ who is an officer of a political committee, party committee or political action committee or who holds a position in a political party or campaign.

Sec. 2. 1 MRSA §1002, sub-§6 is enacted to read:

6. Prohibited activities. A member of the commission may not engage in political fund-raising to promote the election or defeat of a candidate, passage or defeat of a ballot measure or endorse a political candidate. This prohibition does not apply to fund-raising for campaigns or endorsement of candidates at the county or municipal level or out-of-state nonfederal elections.

See title page for effective date.

CHAPTER 272

H.P. 1019 - L.D. 1454

**An Act To Amend the Laws
Regarding the School Revolving
Renovation Fund**

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

Whereas, many school administrative units have an immediate need to submit proposals for approval under the School Revolving Renovation Fund for reimbursement of costs incurred for first priority status health and safety projects approved by the Commissioner of Education; and

Whereas, it is necessary to revise the provisions of the statutes to allow such reimbursement for these projects; 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,