

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,

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

Sec. 1. 30-A MRSA §6006-F, sub-§3, ¶¶H and I, as enacted by PL 1997, c. 787, §13, are amended to read:

H. To pay the costs of the bank and the Department of Education associated with the administration of the fund and projects financed by the fund, except that no more than the lesser of 2% of the aggregate of the highest fund balances in any fiscal year and 4% of the combined value of any capitalization grants provided by the United States for deposit in the fund may be used for these purposes. The Commissioner of Education is authorized to receive revenue from the fund administered by the bank. Funds provided to the Department of Education from the fund must be deposited in a nonlapsing dedicated account to be used to carry out the purposes of this section; ~~and~~

I. To pay the reasonable costs of services provided to school administrative units by the Department of Administrative and Financial Services, Bureau of General Services, for oversight of school construction and renovation projects. Notwithstanding Title 5, section 1742, subsection 7, .4% of the total amount initially allocated to the fund must be transferred to the Bureau of General Services upon the effective date of this section; ~~and~~

Sec. 2. 30-A MRSA §6006-F, sub-§3, ¶J is enacted to read:

J. To reimburse school administrative units for costs incurred for first priority status health and safety projects described in paragraph A, subparagraph (1) and approved by the Commissioner of Education. The amount of the reimbursement must be determined in accordance with the school administrative unit's state share percentage as provided in subsection 6, paragraph A.

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

Effective June 2, 2005.

CHAPTER 273

H.P. 818 - L.D. 1189

An Act To Update the Veteran Services Laws and Establish a Commemorative Program for Veterans

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

Sec. 1. 37-B MRSA §504, sub-§4, ¶A-1, as amended by PL 2001, c. 662, §65, is further amended to read:

A-1. As used in this subsection, unless the context indicates otherwise, the following terms have the following meanings.

(1) "Eligible dependent" means the wife, husband, surviving spouse, unmarried minor child, unmarried dependent child enrolled in secondary school or unmarried adult child who became incapable of self-support before reaching 18 years of age on account of mental or physical ~~defects~~ disabilities.

(2) "Eligible veteran" means any person who:

(a) Served in the active United States Armed Forces and who:

(i) If discharged, received an honorable discharge or a general discharge under honorable conditions, provided that the discharge was not upgraded through a program of general amnesty;

(b) Served in the Maine National Guard and died as a result of injury, disease or illness sustained while serving on active state service as provided in chapter 3, subchapter ~~HH~~ 3; or

(d) Served in the Reserve Components of the United States Armed Forces and was entitled to retired pay under 10 United States Code, chapter 1223 or would have been entitled to retired pay under chapter 1223 except that the person was under 60 years of age.

Sec. 2. 37-B MRSA §505, sub-§2, ¶A, as amended by PL 2001, c. 662, §66, is further amended by amending subparagraph (3) to read:

(3) "Veteran" means any person who served in the military or naval forces of the United States and entered the service from this State or resided in this State for 5 years immediately preceding application for aid and, if living, continues to reside in this State and who: