

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

was at least 5 years older than the minor at the time of the offense except that, if the offense was gross sexual assault under Title 17-A, section 253, subsection 1, paragraph B or C and the minor victim submitted as a result of compulsion, the presumption applies regardless of the ages of the person and the minor victim at the time of the offense; or

(2) Has been adjudicated in an action under Title 22, chapter 1071 of sexually abusing a person who was a minor at the time of the abuse.

The parent or person responsible for the child may produce evidence to rebut the presumption.

See title page for effective date.

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**CHAPTER 367**

**S.P. 466 - L.D. 1339**

**An Act To Amend the Laws  
Governing the Powers and Duties of  
the Washington County Development  
Authority**

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

**Sec. 1. 5 MRSA §13083-A**, as enacted by PL 2001, c. 568, §1, is amended to read:

**§13083-A. Washington County Development  
Authority established**

The Washington County Development Authority is established as a body corporate and politic and a public instrumentality of the State to carry out the provisions of this article. The authority is authorized to take title, acquire and manage in the name of the State and by agreement with the Federal Government the property located within the geographical boundaries of any decommissioned federal military facility located within Washington County. The authority is also authorized to purchase, develop, redevelop, sell and lease commercial, residential and public property for the purpose of developing the economy of Washington County. This authorization allows the authority to provide financial and technical assistance to any governmental entity and nonprofit located within Washington County in support of community and economic development projects.

**Sec. 2. 5 MRSA §13083-B, sub-§§3 and 5**, as enacted by PL 2001, c. 568, §1, are amended to read:

**3. Primary impact community.** "Primary impact community" means ~~the municipalities of Cutler, Machias, East Machias, Eastport, Lubec, Whiting and Dennysville~~ all municipalities in Washington County, including the unorganized territories.

**5. Real or personal property.** "Real or personal property" means any property or assets transferred by the Federal Government or the United States Department of Defense pursuant to the closure of a federal military installation located in Washington County. "Real or personal property" also means any property or assets purchased, sold, developed, redeveloped or leased by the authority pursuant to its authority under this article.

**Sec. 3. 5 MRSA §13083-C, sub-§1, ¶¶F-1 to F-3** are enacted to read:

F-1. Borrow money and apply for and accept advances, loans, grants, contributions and other forms of financial assistance from the Federal Government, the State, a municipality or other public body or from other sources, public or private, for the purposes provided in this article, give any security that is required and enter into and carry out contracts in connection with that financial assistance;

F-2. Charge and collect fees, charges and rents for the use of the properties and other services and use the proceeds of those fees, charges and rents for the purposes provided in this article;

F-3. Employ an executive director and other staff as considered necessary by the board of trustees;

**Sec. 4. 5 MRSA §13083-C, sub-§2**, as enacted by PL 2001, c. 568, §1, is amended to read:

**2. Membership; appointment.** The authority is governed by a board of trustees composed of ~~9~~ 13 voting members appointed or designated by the Governor.

A. The Governor shall make ~~8~~ 12 appointments to the board of trustees, ~~6 of which must be 9 of whom must be selected~~ from a pool of candidates who are residents of Washington County and are nominated by the primary impact communities private, nonprofit, countywide, federally recognized Washington County-based economic development organizations other than the authority. Primary impact communities also may make nominations. The Governor shall appoint members who reflect the diversity of interests represented by these communities. The Governor shall ensure that all regions of the county, as defined by the 3 county commissioner districts, are equally represented on the board of trustees. A

municipality may not have more than 2 trustees sitting on the board of trustees.

B. The Governor shall designate a commissioner of a department of State Government to be a voting, ex officio member of the board of trustees. The ex officio member designated pursuant to this paragraph may name a designee.

The ~~8 appointed~~ members appointed pursuant to paragraph A are subject to review by the joint standing committee of the Legislature having jurisdiction over business and economic development matters and to confirmation by the Senate.

**Sec. 5. 5 MRSA §13083-C, sub-§§3, 4 and 7,** as enacted by PL 2001, c. 568, §1, are amended to read:

**3. Terms.** Trustees are appointed for 4-year terms, ~~except that, for initial appointments, one trustee is appointed to a one year term, 2 trustees to 2 year terms, 2 trustees to 3 year terms and 3 trustees to 4 year terms.~~ The commissioner designated pursuant to subsection 2, paragraph B, or that commissioner's designee, serves at the pleasure of the Governor. Trustees may be removed by the Governor. The board of trustees by majority vote may recommend trustee removal due to poor attendance at board meetings. A trustee continues to hold office until a successor is appointed and qualified, but the term of the successor is not altered from the original expiration date of that term. A person may not serve more than 2 consecutive 4-year terms as a trustee.

**4. Quorum.** ~~Five members~~ A majority of appointed and sworn trustees constitute constitutes a quorum. ~~Five affirmative votes are~~ A majority vote of those present and voting is required for the board of trustees to take action.

**7. Officers; temporary agents.** The trustees shall elect a chair and vice-chair from among ~~their members the trustees.~~ The authority may contract with technical experts and other temporary agents that it requires if the authority has available funds to reimburse such experts and agents for their services. The authority may employ an executive director, technical experts and other agents and employees, permanent and temporary, that it requires and may determine their qualifications, duties and compensation. For required legal services, the authority may retain its own legal counsel.

**Sec. 6. 5 MRSA §13083-D,** as enacted by PL 2001, c. 568, §1, is amended to read:

**§13083-D. Property of authority**

The authority may lease, sell or transfer property or interests in property ~~to a local development~~

~~corporation or other entity determined by the trustees to be eligible to take ownership and possession of the property or interests in property to accomplish the readjustment or reuse of the facilities owned by the authority. A person may not hold any pecuniary interest in property owned by the authority while that person is a member of the board of trustees.~~

**Sec. 7. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 5, section 13083-C, subsection 3, of the 4 new members of the board of trustees of the Washington County Development Authority appointed pursuant to this Act, one trustee is appointed to a one-year term, one trustee is appointed to a 2-year term, one trustee is appointed to a 3-year term and one trustee is appointed to a 4-year term.

See title page for effective date.

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**CHAPTER 368**

**H.P. 1058 - L.D. 1513**

**An Act To Require Coordination of  
Early Childhood Programs for  
Children 4 Years of Age in Maine**

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

**Sec. 1. 20-A MRSA §4255** is enacted to read:

**§4255. Coordinated early childhood programs for  
children 4 years of age**

**1. Approval process for early childhood education.** Any school administrative unit that wishes to develop an early childhood program for children 4 years of age must submit a proposal for approval to the department. Evaluation of the proposal must include consideration of at least the following factors:

A. Demonstrated coordination with other early childhood programs in the community to maximize resources;

B. Consideration of the extended child care needs of working parents; and

C. Provision of public notice regarding the proposal to the community being served, including the extent to which public notice has been disseminated broadly to other early childhood programs in the community.

**2. Rulemaking.** The department may adopt rules to implement this section, and any rules adopted must include standards for early childhood programs for children 4 years of age that are developed by school administrative units. Rules adopted pursuant to