

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

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

Penmor Lithographers
Lewiston, Maine
2007

CHAPTER 282
H.P. 31 - L.D. 29

**An Act To Amend the Laws
Governing Welfare**

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

Sec. 1. 22 MRSA §3762, sub-§13, as enacted by PL 1997, c. 530, Pt. A, §16, is amended to read:

13. Reports to Legislature. The department shall provide information annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters in order to allow the Legislature to evaluate the TANF program. Such information must include but is not limited to the number of TANF households and family members, a comparison of TANF eligibility levels with the federal poverty level, the number of TANF participants in training, education and work activity components and the rates at which individuals who have found employment through ASPIRE-TANF return to the TANF program. The information must include a summary of any federal laws enacted in the previous fiscal year that may require changes in the ASPIRE-TANF program. The information of the federal law changes must include a summary of any potential positive or negative impact on the TANF program and the ASPIRE-TANF program.

Sec. 2. 22 MRSA §3769, sub-§2, as enacted by PL 1997, c. 530, Pt. A, §16, is repealed.

See title page for effective date.

CHAPTER 283
H.P. 18 - L.D. 16

**An Act To Make Lobster Trap
Molesting a Civil Offense**

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

Sec. 1. 12 MRSA §6434, sub-§3, as amended by PL 2003, c. 520, §5, is further amended to read:

3. Using another's lobster gear; prohibition. Traps, warps, buoys or cars may not be used for fishing by any person other than the licensed owner unless ~~with~~ that person has written permission from the commissioner.

Sec. 2. 12 MRSA §6434, sub-§3-A is enacted to read:

3-A. Penalty. A person who violates this section commits a civil violation for which a fine of not less than \$100 or more than \$500 may be adjudged.

Sec. 3. 12 MRSA §6434, sub-§4, as amended by PL 2003, c. 520, §5, is further amended to read:

4. Restitution. If the holder of a lobster and crab fishing license violates this section by cutting a lobster trap line, the court shall:

A. Order that person to pay to the owner of the trap line that was cut an amount equal to twice the replacement value of all traps lost as a result of that cutting; and

B. Direct that person to provide proof of payment of that restitution to the commissioner as required by section 6402, subsection 1.

~~A penalty~~ Restitution imposed under this subsection is in addition to any penalty imposed under ~~section 6204 subsection 3-A~~.

See title page for effective date.

CHAPTER 284
S.P. 170 - L.D. 515

**An Act To Amend Laws
Relating to Persons Serving as
Permanency Guardians or
Receiving Permanency
Guardianship Subsidies**

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

Sec. 1. 18-A MRSA §5-311, sub-§(b), ¶(3-A) is enacted to read:

(3-A). A person who served as guardian, permanency guardian or legal custodian of the incapacitated person when the incapacitated person was a child, if the person was actively serving in that capacity immediately before the incapacitated person's 18th birthday;

Sec. 2. 18-A MRSA §5-311, sub-§(b), ¶(5), as enacted by PL 1979, c. 540, §1, is amended to read:

(5). Any relative of the incapacitated person with whom ~~he~~ the incapacitated person resided for more than 6 months prior to the filing of the petition; or

Sec. 3. 18-A MRSA §5-311, sub-§(b), ¶(6), as enacted by PL 1979, c. 540, §1, is amended to read:

(6). A person nominated by the person who is caring for ~~him~~ the incapacitated person or paying benefits to ~~him~~ the incapacitated person.

Sec. 4. 18-A MRSA §5-311, sub-§(c), as amended by PL 2003, c. 672, §12, is further amended to read:

(c). ~~No~~ An owner, proprietor, administrator, employee or other person with a substantial financial interest in a facility or institution licensed under Title 22, sections 1817 and 7801, may not act as guardian of an incapacitated person who is a resident, as defined in Title 22, section 7852, subsection 13, unless the person requesting to be appointed guardian is one of the following:

- (1). The spouse of the incapacitated person;
- (1-A). The domestic partner of the incapacitated person;
- (2). An adult child of the incapacitated person;
- (2-A). A person who served as guardian, permanency guardian or legal custodian of the incapacitated person when the incapacitated person was a child, if the person was actively serving in that capacity immediately before the incapacitated person's 18th birthday;
- (3). A parent of the incapacitated person or a person nominated by the will of a deceased parent; or
- (4). A relative of the incapacitated person with whom the incapacitated person has resided for more than 6 months prior to the filing of the petition for appointment.

Sec. 5. 19-A MRSA §2001, sub-§5, ¶A, as amended by PL 2003, c. 123, §1, is further amended to read:

A. Gross income includes income from an ongoing source, including, but not limited to, salaries, wages, commissions, royalties, bonuses, dividends, severance pay, pensions, interest, trust funds, annuities, capital gains, social security benefits, disability insurance benefits, prizes, workers' compensation benefits, spousal support actually received pursuant to a preexisting order from a spouse who is not the parent of the child for whom support is being determined; and educational grants, fellowships or subsidies that are available for personal living expenses. Gross income does not include child support or permanency guardianship subsidies received by either party for children other than the child for whom support is being determined.

Sec. 6. 22 MRSA §4038, sub-§1-A, as amended by PL 2003, c. 408, §§2 to 5, is further amended to read:

1-A. No mandated review. Notwithstanding subsection 1, no subsequent judicial review is required unless petitioned for by any party or unless specifically ordered by the court:

- A. When custody has been granted to a person other than a parent or the department; ~~or~~

B. When custody has been granted to a parent who did not have custody at the time the child protection petition was filed; ~~or~~

E. When a permanency guardianship has been established pursuant to section 4038-C.

Sec. 7. 22 MRSA §4038-C, sub-§12 is enacted to read:

12. Appointments terminate; later appointments. Unless the District Court has scheduled a judicial review or orders otherwise, the court's appointments of the guardian ad litem and attorneys for parents and guardians terminate, and the attorneys and guardian ad litem have no further responsibilities to their clients or the court upon appointment of a permanency guardian pursuant to this section. If a party files a motion for judicial review when no judicial review is required pursuant to section 4038, subsection 1-A, or if a party files a petition pursuant to subsection 6 to terminate a permanency guardianship or determine rights of contact, the court shall appoint a guardian ad litem and attorneys for indigent parents and custodians, including permanency guardians, as required by section 4005.

See title page for effective date.

CHAPTER 285

S.P. 653 - L.D. 1835

An Act To Amend the Laws Relating to Notaries Public

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

Sec. 1. 5 MRSA §82, as amended by PL 1997, c. 712, §3, is repealed and the following enacted in its place:

§82. Appointment of notaries public; term of appointment; additional requirements for resident of adjoining state; term renewal of commissions

1. Appointment and renewal. The Secretary of State may appoint and renew a commission of a notary public who:

- A. Is 18 years of age or older at the time of appointment;
- B. Is a resident of this State at the time of appointment or is a resident of an adjacent state, is regularly employed or carries on a trade or business in this State at the time of appointment and submits an affidavit as described in subsection 2;
- C. Demonstrates proficiency in the English language at the time of appointment;