

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

Sec. 14. 5 MRSA §12004-G, sub-§10-B, as enacted by PL 2001, c. 658, §1 and as affected by §5, is repealed.

Sec. 15. 5 MRSA §12004-G, sub-§12, as amended by PL 1989, c. 104, Pt. C, §§3 and 10, is repealed.

Sec. 16. 5 MRSA §12004-G, sub-§21-B, as enacted by PL 2001, c. 708, §2, is repealed.

Sec. 17. 5 MRSA §12004-G, sub-§26, as amended by PL 1991, c. 93, §1, is repealed.

Sec. 18. 5 MRSA §12004-I, sub-§3-A, as enacted by PL 1999, c. 566, §4, is repealed.

Sec. 19. 5 MRSA §12004-I, sub-§6-F, as enacted by PL 1999, c. 474, §1, is repealed.

Sec. 20. 5 MRSA §12004-I, sub-§29-C, as amended by PL 1997, c. 184, §11, is repealed.

Sec. 21. 5 MRSA §12004-I, sub-§47-E, as enacted by PL 1999, c. 786, Pt. A, §1, is repealed.

Sec. 22. 5 MRSA §12004-J, sub-§2-A, as amended by PL 1997, c. 700, §1, is repealed.

Sec. 23. 5 MRSA §12006, sub-§2, as amended by PL 1999, c. 668, §47, is further amended to read:

2. Legislative repeal of inactive boards. The Secretary of State shall submit suggested legislation to the joint standing committee of the Legislature having jurisdiction over state government matters on or before January 15th in the first regular session of each biennium to repeal those boards that have not reported on their activities to the Secretary of State under this section or section 12005-A during either of the prior 2 calendar years or have been inactive during the preceding 24 months. The joint standing committee of the Legislature having jurisdiction over state government matters may submit legislation to the first regular session of each biennium to repeal those boards.

Sec. 24. 20-A MRSA c. 406, as amended, is repealed.

Sec. 25. 22 MRSA §2692, as enacted by PL 1999, c. 786, Pt. A, §3, is repealed.

Sec. 26. 22 MRSA §2693, sub-§1, ¶A, as amended by PL 2003, c. 494, §10, is further amended to read:

A. By July 1, 2005, the department shall adopt rules establishing the procedures for adoption and periodic review of maximum retail prices, the procedures for establishing maximum retail prices for new prescription drugs and for reviewing maximum retail prices of selected drugs and the procedures for phasing out or terminating maximum retail prices. ~~Prior to adopting rules pursuant to this paragraph, the commissioner shall con-~~

~~sult with and consider the recommendations of the commission regarding the rules.~~

Sec. 27. 22 MRSA §2693, sub-§1, ¶C, as enacted by PL 1999, c. 786, Pt. A, §3, is amended to read:

C. In establishing maximum retail prices under this paragraph, the commissioner ~~shall consider the advice of the commission and~~ shall follow procedures set forth by rules adopted by the department.

Sec. 28. 24-A MRSA c. 56-B, as amended, is repealed.

Sec. 29. 26 MRSA §51, as amended by PL 2003, c. 673, Pt. Q, §1, is repealed.

Sec. 30. 30-A MRSA §5241, sub-§5, as enacted by PL 2001, c. 669, §1, is repealed.

See title page for effective date.

CHAPTER 396

H.P. 1340 - L.D. 1906

An Act To Clarify the Authority of Boards and Committees

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

Whereas, the Law Court issued an opinion known as Stevenson v. Town of Kennebunk on April 26, 2007; and

Whereas, the Stevenson decision raises substantial questions about the ability of any governmental body to take any action when there is a vacancy on that body; and

Whereas, the Stevenson decision disrupts the ability of governmental bodies to continue operating as they have for years; and

Whereas, it is immediately necessary to clarify the law and eliminate any uncertainty before government bodies incur substantial delays and inconvenience, effort and expense to change local charters and ordinances; 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. 1 MRSA §71, sub-§3 is repealed and the following enacted in its place:

3. Authority to 3 or more. Words in any statute, charter or ordinance giving authority to 3 or more persons authorize a majority to act when the statute, charter or ordinance does not otherwise specify. Notwithstanding any law to the contrary, a vacancy on an elected or appointed body does not in itself impair the authority of the remaining members to act unless a statute, charter or ordinance expressly prohibits the body from acting during the period of any vacancy and does not in itself affect the validity of any action no matter when taken.

Sec. 2. 30-A MRSA §504 is enacted to read:

§504. Authority to act

Words in any statute, charter or ordinance giving authority to 3 or more persons authorize a majority to act when the statute, charter or ordinance does not otherwise specify. Notwithstanding any law to the contrary, a vacancy on an elected or appointed body does not in itself impair the authority of the remaining members to act unless a statute, charter or ordinance expressly prohibits the body from acting during the period of any vacancy and does not in itself affect the validity of any action no matter when taken.

Sec. 3. 30-A MRSA §2602, sub-§7 is enacted to read:

7. Authority to act. Words in any statute, charter or ordinance giving authority to 3 or more persons authorize a majority to act when the statute, charter or ordinance does not otherwise specify. Notwithstanding any law to the contrary, a vacancy on an elected or appointed municipal or quasi-municipal body does not in itself impair the authority of the remaining members to act unless a statute, charter or ordinance expressly prohibits the municipal or quasi-municipal body from acting during the period of any vacancy and does not in itself affect the validity of any action no matter when taken.

Sec. 4. Retroactivity. An action, vote or adjudication of an elected or appointed body that occurred prior to the effective date of this Act, including actions, votes or adjudications that occurred prior to April 26, 2007, is not void for the sole reason that a vacancy existed on the elected or appointed body at the time the action, vote or adjudication occurred.

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

Effective June 21, 2007.

**CHAPTER 397
H.P. 1358 - L.D. 1921**

**An Act Regarding the Central
Voter Registration System**

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

Whereas, the Maine Revised Statutes, Title 21-A governs the conduct of statewide elections in the State, including requirements for use and distribution of information from the central voter registration system; and

Whereas, changes to the requirements for the central voter registration system must be in place as soon as possible in order for the Secretary of State to properly administer these laws and produce statewide and district voter lists and files and for the municipal election officials to produce municipal voter lists and files for dissemination to the public in support of campaigns for federal, state and local offices; 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. 21-A MRSA §195, as amended by PL 2005, c. 453, §44, is further amended to read:

§195. Report

The Secretary of State shall report annually, by March 1st, to the joint standing committee of the Legislature having jurisdiction over voter registration matters on the progress of the implementation of the administration of the central voter registration system developed pursuant to this subchapter. The report may include public access to the information from the central voter registration system, taking into consideration the compelling state interests to prevent voter fraud and the potential disenfranchisement of voters and to ensure that voters are not discouraged from participating in the voting process. The report may include suggested legislation necessary to ~~implement or~~ administer the central voter registration system. The committee may report out legislation regarding the central voter registration system to the Legislature during the First Regular Session of the 121st Legislature and any subsequent Legislature.

Sec. 2. 21-A MRSA §196, as enacted by PL 2005, c. 404, §2 and amended c. 568, §10, is further amended to read: