

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

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

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Lewiston, Maine
2008

of the inhabitants of the municipality, the ~~local health officer~~ commissioner or designee shall, by written order, direct the person's removal to some place of safety, to be securely kept and provided for until the ~~officer's~~ commissioner's or designee's further order.

Sec. 14. 30-A MRSA §1560, sub-§4, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

4. Notice. If the diseased person was committed to the place of confinement by an order of court or judicial process, the ~~local health officer~~ Commissioner of Health and Human Services or the commissioner's designee shall send the following to the office of the clerk of court from which the order or process was issued:

- A. The order for the diseased person's removal or a copy of the order attested by the ~~local health officer~~ commissioner or designee; and
- B. A statement describing the actions taken under the order.

Sec. 15. 38 MRSA §2171, sub-§1, as amended by PL 1993, c. 310, Pt. B, §4, is further amended to read:

1. Membership. The committee must be comprised of citizens from each affected municipality, appointed by the municipal officers, including, but not limited to: a ~~municipal~~ local health officer; a municipal officer; and at least 3 additional residents of the municipality, including abutting property owners and residents potentially affected by pollution from the facility. In addition, each committee may include members representing any of the following interests: environmental and community groups; labor groups; professionals with expertise relating to landfills or incinerators; experts in the areas of chemistry, epidemiology, hydrogeology and biology; and legal experts.

Sec. 16. Qualifications standards for current local health officers. A person who is employed as a local health officer on the effective date of this Act who is not qualified by education, training or experience or who has not met the qualification standards adopted by rule by the Department of Health and Human Services pursuant to the Maine Revised Statutes, Title 22, section 451, subsection 2 shall meet those qualification standards no later than June 30, 2009.

See title page for effective date.

**CHAPTER 599
H.P. 1658 - L.D. 2299**

An Act To Make Technical Corrections in the Laws Regarding Funding Adult Education Programs and the Closure of an Elementary School in a School District

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

Whereas, certain inconsistencies have been identified in the school district reorganization law, Public Law 2007, chapter 240, Part XXXX, that may adversely affect the ability of school administrative units to raise and appropriate funds for adult education programs; and

Whereas, certain inconsistencies have been also identified in the school district reorganization law, Public Law 2007, chapter 240, Part XXXX, that may adversely affect the authority of member municipalities in school administrative districts and community school districts to close an elementary school; and

Whereas, the provisions of this Act must take effect immediately to allow school administrative units to raise and appropriate funds for adult education programs and to restore the authority of member municipalities in school administrative districts and community school districts to close an elementary school; 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. 20-A MRSA §4102, sub-§4, ¶A, as enacted by PL 1983, c. 422, §17, is amended to read:

A. Elementary schools in school administrative districts and community school districts may only be closed if approved by the voters in accordance with the procedures set out in section 1407 and section 1751, subsection 5 1512 for regional school units.

Sec. 2. 20-A MRSA §8603-A, as enacted by PL 2007, c. 131, §3, is amended to read:

§8603-A. Warrant to raise, appropriate, receive and expend money

1. Warrant language. In order to fund adult education and educational activities and tuition costs under section 8603, a school administrative unit must use the following warrant language at a duly called special or regular meeting or city election:

"Article: To see if (the school administrative unit) will appropriate \$..... for adult education and raise \$..... as the local share; with authorization to expend any additional, incidental, or miscellaneous receipts in the interest and for the well-being of the adult education program."

2. Approval. Approval of the warrant must be by majority vote of those voting ~~and, if in more than one municipality, by a majority of those voting in each municipality in the school administrative unit's legislative body budget meeting or election.~~

3. Effect on multiple school administrative units. ~~If individual municipalities in a more than one school administrative unit are approving is participating in the budget adult education program, the appropriation line must still be the total amount of the adult education budget, but for all the units participating and the amount to be raised must be that specific school administrative unit's share of the total amount of that specific municipality's local share to be raised by local taxation.~~

Sec. 3. Retroactivity. That section of this Act that amends the Maine Revised Statutes, Title 20-A, section 4102, subsection 4, paragraph A applies retroactively to June 7, 2007.

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

Effective April 11, 2008.

CHAPTER 600

S.P. 916 - L.D. 2296

An Act Regarding the Statewide Homeless Council

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

Sec. 1. 22 MRSA §4323, sub-§5 is enacted to read:

5. Emergency contact information. The department shall collect from each municipality emergency contact information for use by municipal residents in applying for assistance under this section. The department shall forward the municipal emergency contact information periodically to the statewide

2-1-1 telephone number designated pursuant to Title 35-A, section 7108.

Sec. 2. 30-A MRSA §5047, sub-§1, as enacted by PL 2005, c. 380, Pt. A, §2, is amended to read:

1. Membership; chair. The council consists of ~~11~~ **13** members appointed as follows:

A. Six members appointed by the Governor, 2 from each of 3 regional homeless councils, based on nominations provided by the 3 regional homeless councils;

B. The Director of the Maine State Housing Authority;

C. Three members appointed jointly by the President of the Senate and the Speaker of the House, one from each of 3 regional homeless councils, based on nominations provided by the 3 regional homeless councils; ~~and~~

D. One member representing the Office of the Governor, who serves as the chair;

E. The Commissioner of Health and Human Services or the commissioner's designee; and

F. The Commissioner of Corrections or the commissioner's designee.

Sec. 3. 30-A MRSA §5048, sub-§6, as enacted by PL 2005, c. 380, Pt. A, §2, is amended to read:

6. Assistance to homeless. In cooperation with the state authority, identify the resources available to and ways to increase access to services to the homeless and persons with special needs, identify the gaps in delivery services to this population and make recommendations concerning the policies and programs serving this population; ~~and~~

Sec. 4. 30-A MRSA §5048, sub-§7, as enacted by PL 2005, c. 380, Pt. A, §2, is amended to read:

7. Review, monitor and implement plans. On an annual basis, review and comment on plans submitted pursuant to Title 34-B, section 1221, and propose amendments and updates to and implement a plan to end homelessness; ~~and~~

Sec. 5. 30-A MRSA §5048, sub-§8 is enacted to read:

8. Advise departments. Advise the Department of Corrections and the Department of Health and Human Services on issues related to homelessness and other issues related to the duties of the council.

See title page for effective date.
