

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.

Penmor Lithographers
Lewiston, Maine
2008

**CHAPTER 161
S.P. 735 - L.D. 1930**

**Resolve, Authorizing the
Department of Inland Fisheries
and Wildlife To Convey
Certain Lands**

Preamble. The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

Sec. 1. Commissioner of Inland Fisheries and Wildlife authorized, but not directed, to convey certain lands in Kennebunk, York County. Resolved: That the Commissioner of Inland Fisheries and Wildlife may by quitclaim deed without covenant convey for appraised fair market value, and on such other terms and conditions as the commissioner may direct, to Central Maine Power Company, as follows:

Two parcels of land located northerly of but not adjacent to Maguire Road and adjacent to certain lands of Central Maine Power Company in the Town of Kennebunk, York County, Maine, being a portion of the premises described in a deed from The Nature Conservancy of the Pine Tree State, Inc. to the State of Maine dated May 1, 1990 and recorded in Book 5383, Page 332 in the York County Registry of Deeds and more particularly described as follows:

Parcel One

Beginning at the northeasterly corner of the first parcel of land, being a 100-foot wide strip of land, described in a deed to Central Maine Power Company from Coastal Blueberry Service, Inc. dated February 5, 1970 and recorded in Book 1865, Page 339 in the York County Registry of Deeds at a capped rebar set by Dow & Coulombe for a standard boundary survey titled "The Nature Conservancy of the Pine Tree State, Inc., Kennebunk, York County, Maine" dated November 28, 1989 and last revised May 1, 1990; thence on a bearing of N 53° 49' W along the northeasterly line of said land of Central Maine Power Company a distance of 100 feet to a capped rebar set by Dow & Coulombe for said survey; thence across land of the State of Maine on a bearing of N 36° 18' E a distance of 1022.8 feet to a point on the westerly line of land of Central Maine Power Company acquired from Arthur O. Webber in a deed dated May 10, 1951 and recorded in Book 1184, Page 272 in said Registry; thence along said land of Central Maine Power Company and other land of Central Maine Power Company acquired from Charles C. Chase in a deed dated August 29, 1951 and recorded in Book 1180, Page 583 in said Registry on a bearing of S 19° 34' W a distance of 347.1 feet to an angle point; thence continuing along said land of Cen-

tral Maine Power Company acquired from said Chase on a bearing of S 36° 18' W a distance of 690.2 feet to the point of beginning.

Said Parcel One contains 85,646 square feet, more or less.

Parcel Two

Beginning at the southwest corner of a parcel of land described in a deed to Central Maine Power Company from Merrill R. Farrand and Wendy A. Bowden dated April 26, 2007 and recorded in Book 15143, Page 235 in said Registry, said corner also being common with other lands of Central Maine Power Company described in said deed from Charles C. Chase recorded in Book 1180, Page 583 and said deed from Arthur O. Webber recorded in Book 1184, Page 272 in said Registry; thence along land of Central Maine Power Company described in said deed from Farrand on a bearing of S 65° 50' E a distance of 43.1 feet to a point; thence across land of the State of Maine on a bearing of S 36° 18' W a distance of 149.2 feet to a point in the easterly line of land of Central Maine Power Company described in said deed from Charles C. Chase; thence along said land of Central Maine Power Company on a bearing of N 19° 34' E a distance of 146.3 feet to the point of beginning.

Said Parcel Two contains 3,146 square feet, more or less.

See title page for effective date.

CHAPTER 162

H.P. 1469 - L.D. 2083

**Resolve, To Expand Access to
Foreign Language Instruction
in Maine Schools**

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

Whereas, this legislation must be enacted as an emergency measure in order to retain highly qualified foreign language teachers whose first language is not English in secondary schools; 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

Sec. 1. World language teachers. Resolved: That the State Board of Education shall amend its rules concerning testing and certification for world language teachers to specify that a targeted need

certificate held by an individual whose first language is the target language that the individual teaches may be renewed annually if the individual documents the need for an extension and is enrolled in a tutorial program to improve the individual's required basic skills in reading and writing and mathematics. The rule amendment must also specify that there is no limit on the number of times this type of certification may be renewed under these conditions. Notwithstanding the Maine Revised Statutes, Title 20-A, section 13011, subsection 9, rules amended or adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

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

Effective March 24, 2008.

CHAPTER 163

H.P. 1378 - L.D. 1943

Resolve, Regarding Legislative Review of Portions of Chapter 11: Consumer Directed Personal Assistance Services, a Major Substantive Rule of the Department of Health and Human Services

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 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 11: Consumer Directed Personal Assistance Services, a provisionally adopted major substantive rule of the Department of Health and Human Services that has been submitted to

the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective March 25, 2008.

CHAPTER 164

H.P. 1509 - L.D. 2130

Resolve, Directing the Secretary of State To Work with the Legislative Youth Advisory Council To Establish a Program Regarding Educating Youth about Voting

Sec. 1. Secretary of State to provide informational voting literature. Resolved: That the Secretary of State, in consultation with the Legislative Youth Advisory Council, shall develop a program to produce youth civic education materials to be provided for public dissemination at branches of the Bureau of Motor Vehicles and at public high schools throughout the State. This material must include, but is not limited to, information explaining the age of eligibility for voter registration in the State, the registration process in the State and the age of eligibility to vote in the State. The Secretary of State shall submit to the joint standing committee of the Legislature having jurisdiction over voting matters, by March 1, 2009, recommended legislation that would incorporate this program into the statutory duties required of the Secretary of State. The joint standing committee of the Legislature having jurisdiction over voting matters may submit legislation to the First Regular Session of the 124th Legislature that would incorporate this program into the statutory duties required of the Secretary of State.

See title page for effective date.

CHAPTER 165

H.P. 1541 - L.D. 2166

Resolve, Regarding Legislative Review of Portions of Chapter 294: Rules Governing the Qualifications for Local Health Officers, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention