

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 225
S.P. 923 - L.D. 2312

**Resolve, To Extend the Pilot
Project at the Juvenile
Correctional Facilities**

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 guardian ad litem and advocate pilot project established under Resolve 2005, chapter 101 will terminate April 1, 2008 unless the Legislature acts; 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. Resolve 2005, c. 101, §4, repealed.
Resolved: That Resolve 2005, c. 101, §4 is repealed; and be it further

Sec. 2. Resolve 2005, c. 101, §4-A, enacted.
Resolved: That Resolve 2005, c. 101, §4-A is enacted to read:

Sec. 4-A. Mountain View Youth Development Center. Resolved: That, beginning on the effective date of this section, the commissioner shall within existing resources appoint a selection committee, consisting of the Associate Commissioner for Juvenile Services or the associate commissioner's designee, a juvenile prosecutor and a juvenile defense attorney. The selection committee shall recommend an appropriate guardian ad litem for each juvenile committed to the Mountain View Youth Development Center who is chosen for participation in the pilot project in section 1. The juvenile court shall give great weight to the recommendation of the selection committee in making its appointment of the guardian ad litem. The guardian ad litem selected must be on the current Maine District Court roster of guardians ad litem but may not be a member of the selection committee or the defense attorney for the juvenile. A person serving as a guardian ad litem under this resolve acts as the court's agent and is entitled to quasi-judicial immunity for acts performed within the scope of the duties of the guardian ad litem. In consultation with the selection committee, the department shall develop and provide orientation and training specific to the role of a guardian ad litem for a juvenile committed to a juvenile correctional facility prior to the guardian ad litem's assuming the guardian's responsibilities, and the department may offer ongoing training. At least quarterly, the selection committee shall review the guardian ad litem's performance. If the selection

committee determines at any time that a guardian ad litem is not performing the guardian's responsibilities appropriately, the selection committee may recommend the removal of the guardian ad litem and recommend a replacement. The juvenile court shall give great weight to the recommendations of the selection committee to remove and replace a guardian ad litem. The recommendations of the selection committee to select, remove and replace a guardian ad litem must be made by at least majority vote, and the court's decisions to accept or reject those recommendations are not appealable; and be it further

; and be it further

Sec. 3. Resolve 2005, c. 101, §8, amended.
Resolved: That Resolve 2005, c. 101, §8 is amended to read:

Sec. 8. Evaluation of pilot project. Resolved: ~~That, in consultation with the selection committee under section 3, the commissioner shall establish a process and criteria for evaluating the effectiveness of the pilot project in section 1 at both of the department's juvenile correctional facilities, including a comparison of the implementation of the project at the department juvenile correctional facilities. The results of the evaluation must be provided to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters in a written report no later than January 15, 2008, along with the department's recommendation as to whether the project should be expanded, modified, reduced or terminated the commissioner shall submit a summary of the pilot project in section 1 to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters no later than January 15, 2010. In lieu of any action by the Legislature, the~~ The pilot project terminates on April 1, 2008 2010.

; and be it further

Sec. 4. Retroactivity. Resolved: That this resolve applies retroactively to April 1, 2008.

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

Effective April 24, 2008.

CHAPTER 226
H.P. 279 - L.D. 349

**Resolve, To Provide Funding
for Small Wind Power
Generators**

Sec. 1. Small wind power generator pilot project. **Resolved:** That the Public Utilities Commission is authorized to establish a pilot project

for small wind power generators pursuant to this section.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Commission" means the Public Utilities Commission.

B. "Small wind power generator" means an electricity-generating installation certified by the commission at any one site that includes a turbine of not more than 10 kilowatts that is powered entirely by wind energy and intended to serve the electricity needs of a household or small business.

2. Pilot projects. The commission may develop an application process and provide funding to support pilot projects involving the installation of a small wind power generator up to the amount of funding appropriated for this purpose.

3. Qualification. The commission may certify any project as a small wind power generator if the commission determines that the project provides an efficient and effective means of generating electricity for a household or small business.

4. Report. The commission shall submit a report on the small wind power generator pilot project to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs no later than January 12, 2010. The report must include a detailed description of the approved projects, the amount of power generated and the economic advantage of the investment in small wind power generators.

5. Expiration. Any pilot project developed pursuant to this section must expire no later than June 30, 2010; and be it further

Sec. 2. Transfer of funds from Accident, Sickness and Health Insurance Internal Service Fund. Resolved: That, notwithstanding any other provision of law, the State Controller shall transfer \$30,800 by June 30, 2009 from the Accident, Sickness and Health Insurance Internal Service Fund in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund. The State Controller shall also transfer the equitable share of health insurance savings to each participating fund by June 30, 2009. The fund transfers are to recognize health insurance savings achieved through changes to be adopted by the State Employee Health Commission; and be it further

Sec. 3. Transfer of funds from Retiree Health Insurance Internal Service Fund. Resolved: That, notwithstanding any other provision of law, the State Controller shall transfer \$9,200 by June

30, 2009 from the Retiree Health Insurance Internal Service Fund in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund. The State Controller shall also transfer the equitable share of retiree health insurance savings to each participating fund by June 30, 2009. The fund transfers are to recognize retiree health insurance savings achieved through changes to be adopted by the State Employee Health Commission; and be it further

Sec. 4. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

PUBLIC UTILITIES COMMISSION

Public Utilities - Administrative Division 0184

Initiative: Provides one-time funds for the small wind power generator pilot project.

GENERAL FUND	2007-08	2008-09
All Other	\$0	\$40,000
GENERAL FUND TOTAL	\$0	\$40,000

See title page for effective date.

CHAPTER 227

H.P. 1474 - L.D. 2088

Resolve, To Direct the Department of Inland Fisheries and Wildlife To Allow Maine Residents To Renew Their Watercraft Registrations Online and To Direct the State Controller To Make Certain Transfers

Sec. 1. Registering watercraft online. Resolved: That the Department of Inland Fisheries and Wildlife shall institute a system that provides the option of renewing a watercraft registration through a safe and secure website in order to make the registering of watercraft as convenient to the public as the online registering of motor vehicles and all-terrain vehicles. The Department of Inland Fisheries and Wildlife shall charge a fee that is in addition to the regular registration fee to cover both its administrative costs for the online registration of watercraft and, to the extent possible, merchant fees that would otherwise be charged on the excise tax to ensure municipalities do not lose excise tax revenue because of the online registrations; and be it further

Sec. 2. Transfer; Department of Inland Fisheries and Wildlife carrying account; working capital advance for Swan Island. Re-