

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

CHAPTER 18
H.P. 340 - L.D. 452

**An Act To Include the Town of
Falmouth as a Member of the
Greater Portland Transit
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, the Maine Revised Statutes, Title 30-A, section 3504, subsection 3 provides that the Greater Portland Transit District is comprised of the City of Portland and the City of Westbrook and further provides that its board of directors consists of 5 directors appointed from the City of Portland and 3 directors appointed from the City of Westbrook; and

Whereas, the Town of Falmouth has applied for membership in the Greater Portland Transit District and the board of directors of the Greater Portland Transit District has voted to accept its application for membership; and

Whereas, the Town of Falmouth cannot become a member of the Greater Portland Transit District until Title 30-A, section 3504, subsection 3 has been amended to reflect the change in membership; and

Whereas, the board of directors of the Greater Portland Transit District has determined that it would be advantageous to the district and the people it serves if the board of directors could receive and accept applications for membership to the Greater Portland Transit District from other municipalities located wholly or partially within the Portland Area Comprehensive Transportation System, whether or not contiguous with the other members of the Greater Portland Transit District; 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. 30-A MRSA §3501, sub-§3 is enacted to read:

3. Portland Area Comprehensive Transportation System. "Portland Area Comprehensive Transportation System" means the federally designated planning organization for the Portland region established to improve the coordination of transportation planning and investment decisions by state, municipal and public transportation organizations.

Sec. 2. 30-A MRSA §3504, sub-§3, 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:

3. Greater Portland Transit District. The board of directors of the Greater Portland Transit District, ~~presently comprised~~ composed of the ~~Cities~~ City of Portland ~~and, the City of Westbrook and the Town of Falmouth, shall consist~~ consists of 5 directors appointed from the City of Portland ~~and, 3 directors appointed from the City of Westbrook and 2 directors appointed from the Town of Falmouth.~~ Notwithstanding the other provisions of this chapter, the board of directors of the Greater Portland Transit District may receive and accept applications for membership from other municipalities located wholly or partially within the Portland Area Comprehensive Transportation System whether or not they are contiguous to other members of the Greater Portland Transit District and may determine the number of directors to be appointed from those municipalities to the board of directors of the Greater Portland Transit District on any basis that is mutually agreed upon by the municipality applying for membership and the board of directors of the Greater Portland Transit District. The ~~Cities of Portland and Westbrook~~ member municipalities may, by ordinance, provide that their appointees serve at the will of the appointing power or for terms ~~which~~ that are shorter than those established in subsection 2.

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

Effective April 3, 2009.

CHAPTER 19
S.P. 13 - L.D. 4

**An Act To Remove the Age Re-
striction for Serving as a
Corporator of a Mutual
Financial Institution**

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

Sec. 1. 9-B MRSA §325, sub-§1, ¶A, as amended by PL 1997, c. 398, Pt. D, §10, is further amended to read:

A. The persons named in the articles of incorporation constitute the original board of corporators of a mutual financial institution. Membership on this board continues until terminated pursuant to the articles of incorporation or bylaws, by death, resignation or disqualification as provided in this section.

Sec. 2. 9-B MRSA §325, sub-§1, ¶B, as amended by PL 1997, c. 398, Pt. D, §10, is repealed.

See title page for effective date.

CHAPTER 20

H.P. 104 - L.D. 122

An Act To Correct the Law Concerning Private Investigators' License Qualifications

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

Sec. 1. 32 MRSA §8105, sub-§5, as amended by PL 2001, c. 298, §2, is further amended to read:

5. Application. Submits an application ~~which~~ that contains the following:

- A. Full name;
- B. Full current address and addresses for the prior 5 years;
- C. The date and place of birth, height, weight and color of eyes;
- D. A statement granting the chief of police authority to check the criminal records of any law enforcement agency. The applicant must agree to submit to having ~~his~~ fingerprints taken by the issuing authority if it becomes necessary to resolve any question as to ~~his~~ the applicant's identity; and
- E. Answers to the following questions:
 - (1) Are you currently under indictment or information for a crime for which the possible penalty is imprisonment for a period equal to or exceeding one year?
 - (2) Have you ever been convicted of a crime for which the possible penalty was imprisonment for a period equal to or exceeding one year?
 - (3) Are you a fugitive from justice?
 - (4) Are you an unlawful user of or addicted to marijuana or any other drug?
 - (5) Have you been adjudged mentally defective or been committed to a mental institution within the past 5 years? or
 - (6) Are you an illegal alien?

By affixing ~~his~~ the applicant's signature, the applicant certifies that the information in the application provided by ~~him~~ the applicant is true and correct and that ~~he~~ the applicant understands that an affirmative answer to any of the questions in paragraph E, ~~subpara-~~

~~graph (5)~~ is cause for refusal and any false statement may result in prosecution as provided in section 8114.

See title page for effective date.

CHAPTER 21

H.P. 214 - L.D. 271

An Act To Encourage Economic Recovery and Employment Growth To Support Maine's Working Waterfronts

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

Whereas, Maine's working waterfront industries are critical to the growth of the State's economy and bolstering these industries, which have suffered unexpected catastrophic events in regions of high unemployment, by providing Pine Tree Development Zone benefits could help them recover more rapidly and allow them to continue to be valuable assets to the economy; 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. 30-A MRSA §5250-I, sub-§4, as amended by PL 2005, c. 351, §1, is further amended to read:

4. Base level of employment. "Base level of employment" means the greater of either the total employment in the State of a business as of March 31st, June 30th, September 30th and December 31st of the calendar year immediately preceding the year of the business's application to become a certified Pine Tree Development Zone business divided by 4 or its average employment during the base period. Pursuant to section 5250-J, subsection 4-A, "base level of employment" may be adjusted to mean 25% of the average number of employees of that business over the 3 months immediately preceding the catastrophic occurrence.

Sec. 2. 30-A MRSA §5250-I, sub-§5-A is enacted to read:

5-A. Catastrophic occurrence. "Catastrophic occurrence" means accidental fire, flood, hurricane, windstorm, earthquake or other similar event.