

# 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**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 12, 2009**

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

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**Augusta, Maine**  
**2009**

**CHAPTER 23**  
**S.P. 77 - L.D. 227**

**An Act To Raise the Fee a Bail  
Commissioner May Charge**

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

**Sec. 1. 15 MRSA §1023, sub-§5**, as amended by PL 1999, c. 15, §1, is further amended to read:

**5. Fees.** A bail commissioner is entitled to receive a fee not to exceed ~~\$40~~ \$60 for the charges pursuant to which the defendant is presently in custody. The bail commissioner shall submit such forms as the Judicial Department directs to verify the amount of fees received under this subsection. The sheriff of the county in which the defendant is detained may create a fund for the distribution by the sheriff or the sheriff's designee for the payment in whole or in part of the ~~\$40~~ \$60 bail commissioner fee for those defendants who do not have the financial ability to pay that fee.

See title page for effective date.

**CHAPTER 24**  
**H.P. 27 - L.D. 32**

**An Act To Clarify the  
Disposition of Fines from  
Maine's Soft-shelled Clam  
Laws**

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

**Sec. 1. 12 MRSA §6671, sub-§1-A** is enacted to read:

**1-A. Municipal fines.** In accordance with Title 30-A, section 3001, a fine collected pursuant to this section must be paid to the municipality in which the violation occurred.

See title page for effective date.

**CHAPTER 25**  
**S.P. 24 - L.D. 65**

**An Act To Increase the Ability  
of the Maine Wage Assurance  
Fund To Pay Unpaid Workers**

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

**Sec. 1. 26 MRSA §632, sub-§3**, as enacted by PL 1979, c. 202, §1, is amended to read:

**3. Amount in fund.** The Maine Wage Assurance Fund ~~shall be~~ is a nonlapsing, revolving fund limited to a maximum of ~~\$100,000~~ \$200,000. All ~~moneys~~ money collected from an employer pursuant to a claim for unpaid wages by an employee who has received payment from the fund, or by the State as ~~his~~ the employee's subrogee, ~~shall be~~ is credited to the fund.

The fund ~~shall~~ must be established and augmented periodically as necessary.

~~Moneys~~ Money in the fund not needed currently to meet claims against the fund ~~shall~~ must be deposited with the Treasurer of State to be credited to the fund and may be invested in such manner as is provided for by statute. Interest received on that investment ~~shall~~ must be credited to the Maine Wage Assurance Fund.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**LABOR, DEPARTMENT OF**

**Administration - Bureau of Labor Standards 0158**

Initiative: Increases the allocation in the Maine Wage Assurance Fund to a maximum of \$200,000 beginning in fiscal year 2009-10.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$95,194	\$95,194
OTHER SPECIAL	\$95,194	\$95,194
REVENUE FUNDS TOTAL		

See title page for effective date.

**CHAPTER 26**  
**H.P. 126 - L.D. 147**

**An Act To Facilitate the  
Protection of Electric Utility  
Consumer Interests in Public  
Utility Commission Cases  
Involving the Construction,  
Rebuilding or Relocating of  
Transmission Lines**

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

**Sec. 1. 35-A MRSA §3132, sub-§10-A** is enacted to read:

**10-A. Filing fee to Office of the Public Advocate.** When a person pays a filing fee to the commission pursuant to subsection 9, the person shall, at the same time, pay to the Office of the Public Advocate an amount equal to 1/100 of 1% of the estimated cost to erect, rebuild or relocate the transmission line. The

person may, at the time of the filing of the petition under this section, request the Office of the Public Advocate to waive all or a portion of the filing fee. The Office of the Public Advocate shall decide on the waiver request within 30 days.

Filing fees paid as required under this subsection must be segregated, apportioned and expended by the Office of the Public Advocate for the purposes of representing the interests of consumers in the proceeding before the commission or conducting public outreach to inform consumers about the proceeding. The Office of the Public Advocate shall return any portion of the filing fee that is not expended for these purposes to the person who paid the fee.

**Sec. 2. 35-A MRSA §3132, sub-§10-B** is enacted to read:

**10-B. Office of the Public Advocate reporting requirement; repeal.** No later than January 15, 2012, the Office of the Public Advocate shall report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters regarding filing fees collected pursuant to this section, including a detailed accounting of the amount of filing fees collected, the expenditures of the fees and the return of unexpended fees.

This subsection is repealed June 30, 2012.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

## EXECUTIVE DEPARTMENT

### Public Advocate 0410

Initiative: Provides a base allocation for expenditure of future assessments of transmission projects by the Office of the Public Advocate in representing the interests of affected ratepayers.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

See title page for effective date.

## CHAPTER 27

### H.P. 400 - L.D. 562

### An Act To Support Maine State Parks

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until

90 days after adjournment unless enacted as emergencies; and

**Whereas**, our state parks are open seasonally; and

**Whereas**, revenue from sales of merchandise will be greatest in the summer months; and

**Whereas**, increased funding for the operation and maintenance of our state parks is essential; 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. 12 MRSA §1825, sub-§5** is enacted to read:

**5. State Parks Improvement Fund established; sale of merchandise.** The State Parks Improvement Fund, referred to in this section as "the fund," is established within the bureau. The fund is nonlapsing. The bureau may sell within parks or historic sites general merchandise that is distinctive to the parks or historic sites or useful to the enjoyment of the parks or historic sites. Items that may be sold include, but are not limited to, hats, coffee mugs, bumper stickers, t-shirts, tote bags and firewood. Merchandise sold by the bureau must be of good quality, appropriate for sale by the bureau and sold for a reasonable fee. The bureau also may rent items to be used for the enjoyment of the park or historic site, including, but not limited to, rowboats, canoes, kayaks and bicycles. To the extent the bureau needs to contract with vendors to obtain goods or services in order to develop, create or manufacture merchandise for sale or lease, the commissioner shall, to the maximum extent practicable, contract with vendors located in this State. Goods and services purchased by the bureau for sale or lease under this section must be procured in accordance with Title 5, chapter 155. All proceeds from the sale or lease of merchandise pursuant to this subsection must be deposited in the fund and used for the operation and maintenance of parks.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

## CONSERVATION, DEPARTMENT OF

### Parks - General Operations 0221

Initiative: Provides an allocation to purchase materials for resale.