

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.

Augusta, Maine
2009

not engaged in a separate business as a settlement agency.

3. Renewal. On or before April 30th of each year, a settlement agency registered under this chapter shall pay an annual renewal fee of \$25 and shall file with the administrator a renewal form containing such information as the administrator may require.

4. Place of business; name. A settlement agency registered under this chapter shall maintain a home office as its principal location for the transaction of settlement business. The administrator may issue additional branch registrations to the same settlement agency upon compliance with all the provisions of this chapter governing the issuance of a single settlement agency registration. For purposes of this subsection, the conducting of a settlement by mail or at a remote location for the convenience of the parties by a settlement agent based out of the settlement agency's registered principal office or registered branch office is not considered the transaction of settlement business at a place of business other than the registered location of the settlement agency.

5. Examinations and investigations. Upon any complaint alleging a violation of law, including the Funded Settlement Act, the federal Real Estate Settlement Procedures Act of 1974, 12 United States Code, Section 2601 et seq. or the Maine Consumer Credit Code, the administrator may examine or investigate the books, records and accounts of a settlement agency.

6. Enforcement. The administrator may undertake any action authorized pursuant to Title 9-A, Article 6 to ensure compliance with this chapter. Nothing in this subsection may be construed to affect the ability of a settlement company to assert the attorney-client privilege. With respect to a settlement company that is owned or operated by an attorney licensed in this State, the administrator shall notify the Board of Overseers of the Bar of any enforcement action taken by the administrator pursuant to this chapter.

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

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Administrative Services - Professional and Financial Regulation 0094

Initiative: Allocates funds for the one-time costs of establishing new license and registration categories in the agency's licensing system.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$5,000	\$0

OTHER SPECIAL	\$5,000	\$0
REVENUE FUNDS TOTAL		

Bureau of Consumer Credit Protection 0091

Initiative: Allocates funds for the ongoing costs of regulating exchange facilitators and residential real estate settlement agencies.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$1,525	\$6,100

OTHER SPECIAL	\$1,525	\$6,100
REVENUE FUNDS TOTAL		

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

DEPARTMENT TOTALS

OTHER SPECIAL REVENUE FUNDS	\$6,525	\$6,100
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DEPARTMENT TOTAL - ALL FUNDS	\$6,525	\$6,100
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See title page for effective date.

**CHAPTER 62
S.P. 89 - L.D. 266**

An Act To Preserve Statewide Public Broadcasting

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

Sec. 1. 20-A MRSA §852, sub-§3, as enacted by PL 1991, c. 848, §2, is amended to read:

3. Transfer of assets and liabilities. The University of Maine System may transfer any assets and liabilities acquired pursuant to this section in order to unify operation in a nonprofit, nonstock private corporation, referred to in this section as "the corporation." The University of Maine System retains a reversionary interest in the university's assets as provided for in the articles of incorporation of that corporation. An annual appropriation for operating, constructing, equipping, maintaining, improving and replacing facilities of the corporation must be made in amounts sufficient to ensure delivery of broadcast sources throughout the State.

Sec. 2. 20-A MRSA §852, sub-§4 is enacted to read:

4. Condition of funding. As a condition of receiving an appropriation or allocation of state funds to broadcast throughout the State, the corporation shall continue to operate, equip and maintain facilities used to provide signals identified under paragraphs A and B that were in operation on February 1, 2009 or an equivalent network providing equivalent or expanded broadcast coverage throughout the State:

A. A television broadcast signal originating from stations whose community of license is Presque Isle, Calais, Orono, Augusta and Biddeford; and

B. A radio broadcast signal originating from stations whose community of license is Fort Kent, Presque Isle, Calais, Bangor, Waterville, Camden and Portland.

Sec. 3. 20-A MRSA §852, sub-§5 is enacted to read:

5. Failure to meet funding conditions. If the corporation fails to meet the requirements of subsection 4 during any state fiscal year in which an appropriation or allocation has been made, the corporation shall return the full amount of that appropriation or allocation to the Treasurer of State within 15 business days of the beginning of the next state fiscal year.

Sec. 4. 20-A MRSA §852, sub-§6 is enacted to read:

6. Exceptions. The corporation does not fail to meet the requirements of subsection 4 if:

A. One or more of the broadcast signals described in subsection 4, paragraphs A and B is off the air for a period of time due to a reason outside of the control of the corporation; or

B. All of the television broadcast signals or all of the radio broadcast signals are off the air for an equal period of time for any reason.

See title page for effective date.

CHAPTER 63

H.P. 585 - L.D. 850

An Act To Ensure Local Broadband Coverage

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

Whereas, by April 30, 2009, the ConnectME Authority will initiate the 3rd round of its grant program to expand access to broadband service in the

State and, particularly, to expand access in areas where there is presently no broadband or high-speed Internet service available; and

Whereas, more than \$750,000 is expected to be available for the 3rd round of grants; and

Whereas, access to broadband service is a necessity for residents and businesses in the State; and

Whereas, certain changes in law must be put into effect as soon as possible in order to affect the ConnectME Authority's implementation of the 3rd round of the grant program; 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. 35-A MRSA §9204, sub-§1, as enacted by PL 2005, c. 665, §3, is amended to read:

1. Establish criteria defining unserved and underserved areas. The authority, by rule adopted pursuant to section 9205, subsection 3, shall establish criteria to define unserved and underserved areas. The authority shall establish criteria that ensure that an area is not determined to be an unserved or underserved area if the effect of that determination would inhibit or impede private investment in any area or diminish the value of prior investment in advanced communications technology infrastructure within any area. Criteria established by the authority must include but are not limited to whether investment is planned in an area within a reasonable time. Criteria established by the authority to define unserved and underserved areas with respect to broadband service must include the percentage of households with access to broadband service within a municipality or other appropriate geographic area.

Sec. 2. 35-A MRSA §9204, sub-§2, ¶C, as enacted by PL 2005, c. 665, §3, is amended to read:

C. Expand the availability of broadband service to residential and small business customers in unserved or underserved areas. In awarding grants, the authority shall give priority to those proposals that, relative to other proposals, extend access to broadband service to a higher percentage of an unserved area within a municipality or other appropriate geographic area;

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

Effective April 30, 2009.
