

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

§3322. Personal information; limit on use

Personal information gathered or transmitted under this subchapter may be used only for the purposes for which it was gathered or transmitted.

§3323. Record in original language; English translation

A record filed with a tribunal of this State under this subchapter must be in the original language and, if not in English, must be accompanied by an English translation.

Sec. 84. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 19-A, chapter 67, subchapter 4, in the subchapter headnote, the words "establishment of support order" are amended to read "establishment of support order or determination of parentage" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. 85. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 19-A, chapter 67, subchapter 5, in the subchapter headnote, the words "enforcement of order of another state without registration" are amended to read "enforcement of support order without registration" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. 86. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 19-A, chapter 67, subchapter 6, article 3, in the article headnote, the words "registration and modification of child support order" are amended to read "registration and modification of child support order of another state" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. 87. Contingent effective date. This Act takes effect upon the ratification by the United States of the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, concluded at The Hague on November 23, 2007. The Commissioner of Health and Human Services shall notify the joint standing committee of the Legislature having jurisdiction over judiciary matters and the Revisor of Statutes when the United States has ratified the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.

See title page for effective date, unless otherwise indicated.

CHAPTER 96**H.P. 418 - L.D. 580****An Act Concerning the Automatic Dissolution of Certain Marriages**

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 19-A, section 751, subsection 2 provides for the dissolution of a marriage when there is a final entry of a criminal judgment sentencing either spouse to a term of life imprisonment; and

Whereas, this practice is not followed by either the Department of Health and Human Services or the Department of Corrections; and

Whereas, some families do not want the marriage to be dissolved; 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. 19-A MRSA §751, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

§751. Certain marriages void without process

The following marriages are void and dissolved without legal process:

1. Solemnized in State. A marriage prohibited in section 701, if solemnized in this State; or,

~~**2. Final judgment.** A marriage when there is an entry of a final judgment sentencing either party to imprisonment for life.~~

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

Effective May 8, 2009.

CHAPTER 97**H.P. 198 - L.D. 252****An Act Regarding the Transfer of Nursing Facilities**

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

Sec. 1. 22 MRSA §3175-D is enacted to read:

§3175-D. Nursing facility depreciation

1. Depreciation. For sales of nursing facilities, as defined in section 1812-A, that occur on or after October 1, 2009, the department shall either:

A. At the time of the sale, recapture depreciation paid by the department under the MaineCare program, from the proceeds of the sale; or

B. At the election of the buyer and seller, waive the recapture of depreciation at the time of the sale and allow the asset to transfer at the historical cost of the seller less depreciation allowed under the MaineCare program to the buyer for reimbursement purposes.

See title page for effective date.

CHAPTER 98

H.P. 481 - L.D. 698

**An Act To Allow School
Budget Validation Referenda
To Be Held on a Saturday**

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

Whereas, current law prohibits a municipality from conducting a school budget validation referendum on a Saturday; and

Whereas, many municipalities schedule and hold referendum questions on a Saturday as a matter of custom or historical tradition; and

Whereas, the residents of a municipality and their elected leaders are most qualified to determine which day of the week may be best suited for holding any referendum; and

Whereas, in some cases the provisions of a municipal charter may effectively require a municipal referendum to be conducted on a Saturday; and

Whereas, the 2009 school budget validation referenda around the State will be conducted prior to the adjournment of this Legislature; 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. 20-A MRSA §1486, sub-§2, as amended by PL 2007, c. 668, §19, is further amended to read:

2. Validation referendum procedures. The budget validation referendum must be held on or before the 14th calendar day following the scheduled date of the regional school unit budget meeting. The referendum may not be held on a ~~Saturday~~, Sunday or legal holiday. The vote at referendum is for the purpose of approving or rejecting the total regional school unit budget approved at the regional school unit budget meeting. The regional school unit board shall provide printed information to be displayed at polling places to assist voters in voting. That information is limited to the total amounts proposed by the regional school unit board for each cost center summary budget category article, the amount approved at the regional school unit budget meeting, a summary of the total authorized expenditures and, if applicable because of action on an article under section 15690, subsection 3, paragraph A, a statement that the amount approved at the regional school unit budget meeting includes locally raised funds that exceed the maximum state and local spending target pursuant to section 15671-A, subsection 5.

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

Effective May 8, 2009.

CHAPTER 99

H.P. 356 - L.D. 511

**An Act To Support Pretrial
Diversion Programs for Issuers
of Worthless Checks**

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

Sec. 1. 32 MRSA §11003, sub-§7, ¶D, as enacted by PL 1985, c. 702, §2, is amended to read:

D. Concerns a debt obtained by that person as a secured party in a commercial credit transaction involving the creditor; ~~and~~

Sec. 2. 32 MRSA §11003, sub-§8, as enacted by PL 1985, c. 702, §2, is amended to read:

8. Collection activities related to the operation of a business. Any person whose collection activities are confined to and directly related to the operation of a business other than that of a debt collector, such as, but not limited to, financial institutions regulated under Title 9-B-; ~~and~~