

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

§8105. Rules

The commissioner may adopt or amend rules to implement this chapter, including the identification of students, needs and resource assessment and program planning, development and implementation. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. 11. 20-A MRSA §9901, as enacted by PL 2005, c. 639, §1, is repealed.

Sec. 12. 34-B MRSA §3004, sub-§3, ¶D, as enacted by PL 1985, c. 768, §5, is amended to read:

D. Participate in the coordination of services for persons with chronic mental illnesses with local transitional services coordination projects for ~~handicapped youth students with disabilities~~, as established in Title 20-A, chapter 308, assigning appropriate regional staff and resources as available and necessary in each region to be served by a project.

Sec. 13. 34-B MRSA §5433, sub-§5, as enacted by PL 1985, c. 768, §7, is amended to read:

5. Transitional services coordination projects. Participate in the coordination of services for ~~mentally retarded persons~~ individuals with developmental disabilities with local transitional services coordination projects for ~~handicapped youths students with disabilities~~, as established in Title 20-A, chapter 308, assigning appropriate regional staff and resources as available and necessary in each region to be served by a project.

Sec. 14. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 20-A, chapter 308, in the chapter headnote, the words "transitional services coordination projects for handicapped persons" are amended to read "transitional services coordination projects for students with disabilities" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. 15. Rulemaking. No later than January 8, 2010, the Department of Education shall submit to the Legislature provisionally adopted rules necessary to implement the requirements of the Maine Revised Statutes, Title 20-A, section 6662, subsection 2 for the 2010-2011 school year. Rules provisionally adopted by the department pursuant to this section must align the standards for food and beverages sold or distributed on school grounds but outside of school meal programs with the nutritional standards established for the total food service program as defined in Department of Education rules Chapter 51.

See title page for effective date.

CHAPTER 148**S.P. 73 - L.D. 223**

**An Act To Ensure That Money
from the Surcharge on
Registration of Pet Food for
the Sterilization of Animals is
Received in a Timely Manner**

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

Whereas, Public Law 2005, chapter 281 imposed a surcharge of \$20 on registered pet food; and

Whereas, funds must be available to the Companion Animal Sterilization Fund early in the calendar year so that animals may be spayed or neutered in a timely manner; 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. 7 MRSA §714, sub-§4, as amended by PL 2007, c. 459, §2, is further amended to read:

4. Surcharge on registration of pet food. For each product name of pet food registered in accordance with subsection 1, the applicant shall pay a \$20 surcharge in addition to the registration fee, except that a home-based manufacturer of pet food shall pay a total annual surcharge of \$20. The commissioner shall deposit the surcharge directly into the Animal Welfare Fund established under section 3906-B, subsection 2 Companion Animal Sterilization Fund established under section 3910-B as it is received until the total of the surcharges received for that registration year equals \$100,000.

The commissioner shall deposit all surcharges received for a registration year in excess of \$100,000 into the Animal Welfare Fund established under section 3906-B, subsection 2.

Sec. 2. 7 MRSA §3906-B, sub-§2, as amended by PL 2005, c. 281, §3, is further amended to read:

2. Animal Welfare Fund. The commissioner shall deposit all license fees received pursuant to chapters 721, 723, 725 and 735 in a separate account established by the Treasurer of State and known as the Animal Welfare Fund. The commissioner shall deposit 1/2 of feed registration fees collected under sec-

tion 714, subsection 1 and all revenue in excess of \$100,000 from the surcharge collected under section 714, subsection 4 in the Animal Welfare Fund. This account does not lapse, but continues from year to year. The commissioner shall pay from the Animal Welfare Fund the expense of furnishing license blanks, stickers and tags, travel expenses and salaries for necessary personnel, payments to animal shelters and expenses incurred in the administration of this Part.

~~The commissioner shall annually transfer \$100,000 from the Animal Welfare Fund for deposit in the Companion Animal Sterilization Fund established under section 3910-B.~~

Sec. 3. 7 MRSA §3910-B, sub-§1, as amended by PL 2007, c. 539, Pt. CCCC, §1, is further amended to read:

1. Establishment. There is established the Companion Animal Sterilization Fund, an interest-bearing account, referred to in this section as "the fund." The fund receives money deposited by the Treasurer of State pursuant to Title 36, section 5284-A, revenues generated in accordance with this section, all revenue from the surcharges collected under section 3933, subsection 4, ~~money transferred from the Animal Welfare Fund in accordance with section 3906 B, subsection 2~~ revenue received from surcharges in accordance with section 714, subsection 4 and any money contributed voluntarily to the fund. All money deposited in the fund and the earnings on that money remain in the fund to be used for the spaying or neutering of companion animals owned by persons meeting income limit standards and for the necessary direct administrative and personnel costs associated with the management of the fund and may not be deposited in the General Fund or any other fund except as specifically provided by law. The fund may not be charged for indirect costs under a departmental indirect cost allocation plan.

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

Effective May 18, 2009.

CHAPTER 149

H.P. 410 - L.D. 572

**An Act To Expand the
Membership of the Maine
Elder Death Analysis Review
Team**

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

Sec. 1. 5 MRSA §200-H, sub-§1, as amended by PL 2007, c. 324, §1, is further amended to read:

1. Composition. The team is composed of ~~13~~ 16 members as follows:

- A. The Chief Medical Examiner, ex officio;
- B. The Director of Investigations for the Office of the Attorney General, ex officio;
- C. The Director of the Division of Licensing and Regulatory Services within the Department of Health and Human Services, ex officio;
- D. The Director of the Health Care Crimes Unit within the Office of the Attorney General, ex officio;
- E. The Director of ~~Community Resource~~ Planning and Resources Development within the Department of Health and Human Services, ~~Bureau~~ Office of Elder and Adult Services, ex officio;
- F. The Director of the Adult Protective Services program within the Department of Health and Human Services, ~~Bureau~~ Office of Elder and Adult Services, ex officio;
- G. The Director of Adult Mental Health Services within the Department of Health and Human Services, ex officio;
- H. The executive director of the long-term care ombudsman program, as established in Title 22, section 5106, subsection 11-C, ex officio;
- H-1. A sexual assault nurse examiner within the Office of the Attorney General, ex officio;
- I. A representative of victim services, appointed by the Attorney General;
- J. A commanding officer of the Criminal Investigation Division within the Department of Public Safety, Bureau of the State Police, appointed by the Attorney General;
- K. A prosecutor, nominated by a statewide association of prosecutors and appointed by the Attorney General;
- L. A police chief, nominated by a statewide association of chiefs of police and appointed by the Attorney General; ~~and~~
- M. A sheriff, nominated by a statewide association of sheriffs and appointed by the Attorney General;
- N. A physician, a geriatrician or a primary care physician who works in the area of elder care, nominated by a statewide association of physicians and appointed by the Attorney General; and
- O. An emergency medical services' person, nominated by a statewide association of emer-