

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

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~~ Aging 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-

gency medical services professionals and appointed by the Attorney General.

See title page for effective date.

CHAPTER 150 S.P. 129 - L.D. 365

An Act To Amend the Laws Governing MaineCare Estate Recovery Undertaken by the Department of Health and Human Services

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

Sec. 1. 18-A MRSA §2-401, as amended by PL 2001, c. 57, §1, is further amended to read:

§2-401. Homestead allowance

A surviving spouse of a decedent who was domiciled in this State is entitled to a homestead allowance of \$10,000. If there is no surviving spouse, each minor child and each dependent child of the decedent is entitled to a homestead allowance amounting to \$10,000 divided by the number of minor and dependent children of the decedent. The homestead allowance is exempt from and has priority over all claims against the estate. Homestead allowance is in addition to any share passing to the surviving spouse or minor or dependent child by the will of the decedent unless otherwise provided, by intestate succession or by way of elective share. The homestead allowance established by this section is the sole exemption available for a decedent's homestead.

Sec. 2. 18-A MRSA §2-405, as corrected by RR 2003, c. 1, §11, is amended to read:

§2-405. Estate property exempt

Notwithstanding any provisions to the contrary, any ~~part of personal property included in the decedent's estate which shall be that~~ is exempt under Title 14, section 4422, on the date of the decedent's death, ~~shall is not be~~ liable for payment of debts of the decedent or claims against ~~his the~~ decedent's estate; ~~provided, except that nothing in this section may be deemed to affect~~ affects the provisions of sections 2-401 through 2-404.

Sec. 3. 22 MRSA §14, sub-§2-I, ¶F, as enacted by PL 1993, c. 707, Pt. I, §1, is amended to read:

F. As used in this subsection, unless the context otherwise indicates, the term "estate" means:

- (1) All real and personal property and other assets included in the recipient's estate, as defined in Title 18-A, section 1-201; and

- (2) Any other real and personal property and other assets in which the recipient had any legal interest at the time of death, to the extent of that interest, including assets conveyed to a survivor, heir or assign of the deceased recipient through tenancy in common, survivorship, life estate, living trust, joint tenancy in personal property or other arrangement but not including joint tenancy in real property.

See title page for effective date.

CHAPTER 151 H.P. 836 - L.D. 1211

An Act To Amend the Marine Resources Suspension Laws

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

Sec. 1. 12 MRSA §6352, as amended by PL 1991, c. 390, §3, is repealed and the following enacted in its place:

§6352. Notice

The commissioner shall give notice of a suspension or a revocation and may give an opportunity for a hearing to the holder.

1. Time of notice. Notice must be given within 60 days of the conviction or adjudication pursuant to section 6351 and must be mailed to the last known address as provided in the department's marine resources licensing and enforcement database or be served in hand.

2. Nature of notice. The notice must contain:

A. A statement of the conviction or adjudication pursuant to section 6351;

B. The reason and statutory grounds for the suspension or revocation;

C. The effective date of the suspension or revocation; and

D. The opportunity for a hearing, should one exist.

4. Receipt date. The notice is deemed received 3 days after the mailing.

5. Effective date of suspension or revocation. A suspension or revocation is effective on the date specified by the commissioner on the notice, which may not be less than 10 days after the mailing of the notice of suspension or revocation by the commissioner.