

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

CHAPTER 156
S.P. 339 - L.D. 889

**An Act To Limit Liability for
Certain Noncommercial
Aviation Activities**

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

Sec. 1. 14 MRSA §159-A, sub-§1, ¶B, as amended by PL 2001, c. 113, §2, is further amended to read:

B. "Recreational or harvesting activities" means recreational activities conducted out-of-doors, including, but not limited to, hunting, fishing, trapping, camping, environmental education and research, hiking, recreational caving, sight-seeing, operating snow-traveling and all-terrain vehicles, skiing, hang-gliding, noncommercial aviation activities, dog sledding, equine activities, boating, sailing, canoeing, rafting, biking, picnicking, swimming or activities involving the harvesting or gathering of forest, field or marine products. It includes entry of, volunteer maintenance and improvement of, use of and passage over premises in order to pursue these activities. "Recreational or harvesting activities" does not include commercial agricultural or timber harvesting.

See title page for effective date.

CHAPTER 157
H.P. 759 - L.D. 1104

**An Act To Require the
Convening of the Professional
Standards Board**

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

Whereas, this legislation requires the Professional Standards Board to meet before the 90-day period has expired; 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. PL 2005, c. 457, Pt. GG, §2 is amended to read:

Sec. GG-2. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 20-A, section 13101, subsection 3, of the 22 initial appointments made in accordance with Title 20-A, section 13101, subsection 2, 7 of the appointees must be appointed for one-year terms, 7 of the appointees must be appointed for 2-year terms and 8 appointees must be appointed for 3-year terms. All appointments must be made by July 1, 2009.

Sec. 2. PL 2005, c. 457, Pt. GG, §3 is enacted to read:

Sec. GG-3. Convening date. The Professional Standards Board established in the Maine Revised Statutes, Title 20-A, section 13101, subsection 1 shall convene no later than September 1, 2009.

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

Effective May 18, 2009.

CHAPTER 158
S.P. 229 - L.D. 614

**An Act To Improve Child
Support Collection Procedures
by Changing the Process of
Modifying a Support Order**

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

Sec. 1. 19-A MRSA §2201, sub-§1, ¶E, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

E. If the department certifies the obligor to a board for noncompliance with an order of support, the board must revoke the obligor's license and refuse to issue or reissue a license until the obligor provides the board with a written confirmation of compliance from the department that states the obligor is in compliance with the obligor's order of support. A revocation by an agency or a refusal by an agency to reissue, renew or otherwise extend the license or certificate of authority is deemed a final determination within the meaning of Title 5, section 10002; and

Sec. 2. 19-A MRSA §2201, sub-§1, ¶F, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is repealed.

Sec. 3. 19-A MRSA §2201, sub-§11, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

11. Motion to modify order of support; stay. This section does not prohibit a support obligor from

filing a motion to modify support with the court or from requesting the department to amend a support obligation established by an administrative decision. ~~The department shall stay action to certify the obligor to a board for noncompliance with an order of support if the obligor files a motion to modify support with the court and notifies the department of the motion or requests the department to amend a support obligation established by the department.~~

Sec. 4. 19-A MRSA §2202, sub-§2, ¶F, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

F. If the obligor requests a hearing, the obligor shall direct the request to the department's support enforcement office that is responsible for handling the obligor's case; and

Sec. 5. 19-A MRSA §2202, sub-§2, ¶G, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is repealed.

Sec. 6. 19-A MRSA §2202, sub-§11, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

11. Motion to modify court order of support; stay. This section does not prohibit a support obligor from filing a motion to modify support with the court or from requesting the department to amend a support obligation established by an administrative decision. ~~The department shall stay action to certify the obligor to the Secretary of State for noncompliance with an order of support if the obligor files a motion to modify support with the court and notifies the department of the motion or requests the department to amend a support obligation established by the department.~~

See title page for effective date.

CHAPTER 159

H.P. 499 - L.D. 716

An Act To Change the Definition of "Domestic Partner" in the Laws

Governing Custody of Remains

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

Sec. 1. 22 MRSA §2843-A, sub-§1, ¶D, as amended by PL 2003, c. 672, §19, is further amended to read:

D. "Next of kin" means a person having the following relationship to the subject, in the following order of priority:

- (1) The spouse;

(1-A) A domestic partner. For purposes of this section, "domestic partner" means ~~one of 2 unmarried adults who are domiciled together under long term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare; the partner of the subject who:~~

(a) Is a mentally competent adult;

(b) Had been legally domiciled with the subject for at least 12 months immediately preceding the death of the subject;

(c) Is not legally married to or legally separated from another individual;

(d) Was the sole partner of the subject; and

(e) Was jointly responsible with the subject for each other's common welfare as evidenced by joint living arrangements, joint financial arrangements or joint ownership of real or personal property;

- (2) An adult son or daughter;
- (3) A parent;
- (4) An adult brother or sister;
- (5) An adult grandchild;
- (6) An adult niece or nephew who is the child of a brother or sister;
- (7) A maternal grandparent;
- (8) A paternal grandparent;
- (9) An adult aunt or uncle;
- (10) An adult first cousin; or
- (11) Any other adult relative in descending order of blood relationship.

See title page for effective date.

CHAPTER 160

H.P. 778 - L.D. 1134

An Act Regarding the Maximum Fee for Processing an Environmental License Application

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 specifying a cap on special fees associated with an application before the Department of Environmental Protection provides for a sig-