

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

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

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 E, §2, is repealed.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-

nificantly reduced maximum fee as of September 1, 2009; and

Whereas, the reduced special fees are not adequate to allow for appropriate processing of applications that because of their size, uniqueness, complexity or other relevant factors are likely to have significantly higher costs; and

Whereas, it is therefore necessary to promptly adjust these fees; 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. 38 MRSA §352, sub-§3, as amended by PL 2007, c. 661, Pt. B, §9, is further amended to read:

3. Maximum fee. The commissioner shall set the actual fees and shall publish a schedule of all fees by November 1st of each year. If the commissioner determines that a particular application, by virtue of its size, uniqueness, complexity or other relevant factors, is likely to require significantly more costs than those listed on Table I, the commissioner may designate that application as subject to special fees. ~~Through August 31, 2009, a special fee may not exceed \$250,000. Beginning September 1, 2009, a special fee may not exceed \$75,000.~~ Such a designation must be made at, or prior to, the time the application is accepted as complete and may not be based solely on the likelihood of extensive public controversy. The maximum fee for processing an application may not exceed \$250,000. All department staff who have worked on the review of the application, including, but not limited to, pre-application consultations, shall submit quarterly reports to the commissioner detailing the time spent on the application and all expenses attributable to the application, including the costs of any appeals filed by the applicant and, after taking into consideration the interest of fairness and equity, any other appeals if the commissioner finds it in the public interest to do so. The costs associated with assistance to the board on an appeal before the board may be separately charged. The processing fee for that application must be the actual cost to the department. The applicant must be billed quarterly and all fees paid prior to receipt of the permit. Nothing in this section limits the commissioner's authority to enter into an agreement with an applicant for payment of costs in excess of the maximum ~~special~~ fee established in this subsection.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect September 1, 2009.

Effective September 1, 2009.

CHAPTER 161

H.P. 672 - L.D. 970

An Act To Amend the Laws Governing Notification after a Security Breach Involving Personal Information

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

Sec. 1. 10 MRSA §1347, sub-§1, as amended by PL 2005, c. 583, §1 and affected by §14, is further amended to read:

1. Breach of the security of the system. "Breach of the security of the system" or "security breach" means unauthorized acquisition, release or use of an individual's computerized data that includes personal information that compromises the security, confidentiality or integrity of personal information of the individual maintained by a person. Good faith acquisition, release or use of personal information by an employee or agent of a person on behalf of the person is not a breach of the security of the system if the personal information is not used for or subject to further unauthorized disclosure to another person.

Sec. 2. 10 MRSA §1347-A is enacted to read:
§1347-A. Release or use of personal information prohibited

It is a violation of this chapter for an unauthorized person to release or use an individual's personal information acquired through a security breach.

Sec. 3. 10 MRSA §1348, sub-§3, as enacted by PL 2005, c. 379, §1 and affected by §4, is amended to read:

3. Delay of notification; criminal investigation by law enforcement. ~~The~~ If, after the completion of an investigation required by subsection 1, notification is required under this section, the notification required by this section may be delayed ~~if~~ for no longer than 7 business days after a law enforcement agency determines that the notification will not compromise a criminal investigation; ~~the notification required by this section must be made after the law enforcement agency determines that it will not compromise the investigation.~~

Sec. 4. 10 MRSA §1349, sub-§4, as enacted by PL 2005, c. 583, §12 and affected by §14, is amended to read: