

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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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

Sec. 1. 1 MRSA §402, sub-§3, ¶N, as amended by PL 2005, c. 381, §2, is further amended to read:

N. Social security numbers in the possession of the Department of Inland Fisheries and Wildlife; ~~and~~

Sec. 2. 1 MRSA §402, sub-§3, ¶O, as amended by PL 2007, c. 597, §1, is further amended to read:

O. Personal contact information concerning public employees, except when that information is public pursuant to other law. For the purposes of this paragraph:

(1) "Personal contact information" means home address, home telephone number, home facsimile number, home e-mail address and personal cellular telephone number and personal pager number; and

(2) "Public employee" means an employee as defined in Title 14, section 8102, subsection 1, except that "public employee" does not include elected officials; ~~and~~

Sec. 3. 1 MRSA §402, sub-§3, ¶P is enacted to read:

P. Geographic information regarding recreational trails that are located on private land that are authorized voluntarily as such by the landowner with no public deed or guaranteed right of public access, unless the landowner authorizes the release of the information.

See title page for effective date.

CHAPTER 177

H.P. 362 - L.D. 517

An Act To Clarify a Municipality's Authority To Contract with an Animal Shelter for Services

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

Sec. 1. 7 MRSA §3947, first ¶, as amended by PL 2007, c. 439, §26, is further amended to read:

Each municipality shall appoint one or more animal control officers whose duties are enforcement of sections 3911, 3912, 3916, 3921, 3924, 3943, 3948, 3950, 3950-A, 3952 and 4041 and Title 17, section 1023, responding to reports of animals suspected of having rabies in accordance with Title 22, sections 1313 and 1313-A and any other duties to control animals as the municipality may require. A municipality may appoint an employee of an animal shelter as an

animal control officer as long as the person meets the qualifications and training requirements of this section.

Sec. 2. 7 MRSA §3949, as amended by PL 1997, c. 690, §32, is further amended by adding after the first paragraph a new paragraph to read:

A municipality may contract with an animal shelter licensed under section 3932-A for other animal control services. A municipality may not contract with a shelter for the performance of the duties of an animal control officer as specified in section 3947 unless an employee of that shelter is the appointed animal control officer for that municipality and the duties of an animal control officer are performed by the person so appointed.

See title page for effective date.

CHAPTER 178

H.P. 632 - L.D. 914

An Act To Broaden the Use of the Land for Maine's Future Fund for Investments To Promote Public Access and To Improve the Productivity of Conserved Farmlands

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

Sec. 1. 5 MRSA §6203, sub-§3, ¶B, as amended by PL 1999, c. 769, §1, is further amended to read:

~~B. Fund~~ When interest in land is acquired with proceeds from the Land for Maine's Future Fund, fund minor capital improvements on such lands acquired by proceeds from the Land for Maine's Future Fund and on adjoining lands in the same ownership or under the same management to improve accessibility, as long as these improvements do not exceed 5% of the appraised value of the acquired property; and

Sec. 2. 5 MRSA §6203, sub-§3, ¶C, as enacted by PL 1999, c. 769, §2, is amended to read:

C. When interest in farmland is acquired with proceeds from the Land for Maine's Future Fund, fund the development of a business plan and capital improvements to provide for the land's continuing use as a working farm, as long as these improvements do not exceed 5% of the appraised value of the acquired property. Capital improvements under this paragraph may also be made on

adjoining farmland in the same ownership or under the same management.

See title page for effective date.

CHAPTER 179

H.P. 738 - L.D. 1071

An Act To Add a Member to the Advisory Council on Health Systems Development

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

Sec. 1. 2 MRSA §104, sub-§1-A, as enacted by PL 2007, c. 441, §1, is amended to read:

1-A. Appointment; composition. The Advisory Council on Health Systems Development, established in Title 5, section 12004-I, subsection 31-A and referred to in this section as "the council," consists of ~~49~~ 20 members appointed pursuant to this subsection.

A. The Governor shall appoint ~~44~~ 15 members with the approval of the joint standing committee of the Legislature having jurisdiction over health and human services matters:

- (1) Two individuals with expertise in health care delivery, one of whom represents hospitals;
- (2) One individual with expertise in long-term care;
- (3) One individual with expertise in mental health;
- (4) One individual with expertise in public health care financing;
- (5) One individual with expertise in private health care financing;
- (6) One individual with expertise in health care quality;
- (7) One individual with expertise in public health;
- (8) Two representatives of consumers;
- (9) One individual with expertise in the insurance industry;
- (10) Two individuals with expertise in business, one representing a business or businesses with fewer than 50 employees; ~~and~~
- (11) One representative of the Department of Health and Human Services, Maine Center for Disease Control and Prevention that works collaboratively with other organiza-

tions to improve the health of the citizens of this State; ~~and~~

(12) One individual with expertise in health disparities and representing the State's racial and ethnic minority communities.

Prior to making appointments to the council, the Governor shall seek nominations from the public, from statewide associations representing hospitals, physicians and consumers and from individuals and organizations with expertise in health care delivery systems, health care financing, health care quality and public health.

B. Five members of the council must be members of the Legislature who serve on the joint standing committee of the Legislature having jurisdiction over health and human services matters or the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters:

- (1) Two members of the Senate, appointed by the President of the Senate, including one member recommended by the Senate Minority Leader; and
- (2) Three members of the House of Representatives appointed by the Speaker of the House, including one member recommended by the House Minority Leader.

See title page for effective date.

CHAPTER 180

H.P. 316 - L.D. 428

An Act To Amend the Laws Concerning Wrongful Death

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

Sec. 1. 18-A MRSA §2-804, sub-§(b), as amended by PL 2007, c. 280, §1, is further amended to read:

(b). Every ~~such wrongful death~~ action must be brought by and in the name of the personal representative of the deceased person, ~~and the~~. The amount recovered in every ~~such wrongful death~~ action, except as otherwise provided, is for the exclusive benefit of the surviving spouse if no minor children, ~~and~~ of the children if no surviving spouse, ~~and~~ one-half for the exclusive benefit of the surviving spouse and one-half for the exclusive benefit of the minor children to be divided equally among them if there are both surviving spouse and minor children; and to the deceased's heirs to be distributed as provided in section 2-106 if there is neither surviving spouse nor minor children. The jury may give ~~such~~ damages as it determines a fair and