

# 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.**

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**Augusta, Maine**  
**2009**

application must contain the names, addresses and signatures of 5 voters, in addition to the applicant, who are designated to receive any notices in proceedings under this chapter. For a direct initiative, the application must contain the full text of the proposed law and a summary that explains the purpose and intent of the direct initiative. The voter submitting the application shall sign the application in the presence of the Secretary of State, the Secretary of State's designee or a notary public.

**Sec. 58. 21-A MRSA §901, sub-§3-A**, as amended by PL 2007, c. 234, §1, is further amended to read:

**3-A. Review for proper form.** The Secretary of State shall review the proposed law for a direct initiative of legislation within ~~40~~ 15 business days after receipt of the application and either reject the application or provide a first revised draft of the initiative legislation to the applicant within that time. The Secretary of State may reject the application if the Secretary of State determines that the proposed law:

- A. Does not conform to the form prescribed by the Secretary of State; or
- B. Does not conform to the essential aspects of the drafting conventions established for the Maine Revised Statutes. The drafting conventions include but are not limited to:
  - (1) Correct allocation to the statutes and correct integration with existing statutes;
  - (2) Bill titles and statute section headnotes that objectively reflect the content of the bill, section or sections to which they apply;
  - (3) Conformity to the statutory numbering system; and
  - (4) Ensuring that bills enacting statutes do not contain provisions that describe intent or make testimonial statements without creating a legal requirement or duty.

By consent of the applicant the proposed law may be modified to conform with the requirements of this section. The Secretary of State may request assistance from the Revisor of Statutes in reviewing the proposed law.

The applicant shall submit each subsequent draft of the legislation to the Secretary of State for review following the same process. The Secretary of State shall review each subsequent draft from the applicant and provide a revised draft or written response suggesting how the proposed law may be modified to conform ~~with~~ to the requirements of this section within 10 business days. The applicant must give written consent to the final language of the proposed law to the Secretary of State before the petition form is designed by the Secretary of State.

**Sec. 59. 21-A MRSA §906, sub-§2**, as enacted by PL 1985, c. 161, §6, is repealed.

See title page for effective date.

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## CHAPTER 254

### S.P. 184 - L.D. 488

#### An Act To Address an Inequity in the Judicial Retirement System

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

**Sec. 1. 4 MRSA §1201, sub-§9**, as amended by PL 2007, c. 449, §1 and affected by §3, is further amended to read:

**9. Earnable compensation.** "Earnable compensation" means the annual salary as a judge. Any money paid by the State under an annuity contract for the future benefit of a judge must be considered part of the judge's earnable compensation. The earnable compensation of a member retired with a disability retirement allowance under section 1353 must be assumed, for the purposes of determining benefits under this chapter, to be continued after the member's date of termination of service at the same rate as received immediately prior thereto, subject to the same percentage adjustments, if any, that may apply to the amount of retirement allowance of the beneficiary under section 1358. ~~Beginning~~ For a member who served as a judge any time between July 1, 2003 and June 30, 2005, earnable compensation for a sitting judge as of June 30, 2005 includes the salary that would have been paid for a judge in the given year if the cost-of-living adjustments in fiscal year 2003-04 and fiscal year 2004-05 had been funded.

**Sec. 2. Payment by member.** For any judge or justice who retired prior to September 20, 2007, the salary imputed under this Act may be included in the earnable compensation of a member to whom this Act applies only if the member pays the full actuarial costs of including the imputed salary.

**Sec. 3. Calculation; implementation.** For any judge or justice who elects to make the payment as required by section 2, the Maine Public Employees Retirement System shall recalculate that judge's or justice's retirement benefits based on the effective retirement date of that judge or justice and must include the cost-of-living adjustments as set forth in the Maine Revised Statutes, Title 4, section 1201, subsection 9, as amended by this Act.

**Sec. 4. Retroactivity.** That section of this Act that amends the Maine Revised Statutes, Title 4, section 1201, subsection 9 applies retroactively to September 20, 2007.

See title page for effective date.

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**CHAPTER 255  
S.P. 133 - L.D. 391**

**An Act To Amend the Law  
Concerning Adverse Possession**

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

**Sec. 1. 14 MRSA §810-A**, as enacted by PL 1993, c. 244, §1, is amended to read:

**§810-A. Mistake of boundary line**

If a person takes possession of land by mistake as to the location of the true boundary line ~~and possession of the land in dispute is open and notorious, under claim of right, and continuous for the statutory period, the hostile nature of the claim is established and no further evidence of the knowledge or intention of the person in possession is required, the possessor's mistaken belief does not defeat a claim of adverse possession.~~

See title page for effective date.

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**CHAPTER 256  
H.P. 890 - L.D. 1271**

**An Act To Generate Savings by  
Changing Public Notice  
Requirements**

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

**Sec. 1. 5 MRSA §8053, sub-§3**, as amended by PL 2007, c. 181, §§2 to 4, is further amended to read:

**3. Contents of notice.** ~~The notice shall~~ Except for notices governed by subsections 5 and 7, a notice under this section must:

- A. Refer to the statutory authority under which the adoption of the rule is proposed;
- B. State the time and place of any scheduled public hearing or state the manner in which a hearing may be requested;
- C. State the manner and time within which data, views or arguments may be submitted to the

agency for consideration, whether or not a hearing is held;

C-1. State the name, address and phone number of the staff person responsible for providing additional information or a printed version of the proposed rule;

D. If possible, contain the express terms of the proposed rule or otherwise describe the substance of the proposed rule, stating the subjects and issues involved and indicate where a copy of the proposed rule may be obtained;

E. Refer to the substantive state or federal law to be implemented by the rules; and

F. Indicate where a copy of the statement of impact on small business pursuant to section 8052, subsection 5-A may be obtained.

**Sec. 2. 5 MRSA §8053, sub-§5**, as amended by PL 1991, c. 837, Pt. A, §11, is further amended to read:

**5. Publication.** ~~The~~ Using the format of notice pursuant to subsection 7, the Secretary of State shall:

A. Arrange for the weekly publication of a consolidated notice of rule making of all state agencies, which shall also include a brief explanation to assist the public in participating in the rule-making process. Notice of each rule-making proceeding shall be published once 17 to 24 days prior to the public hearing on the proposed rule or at least 30 days prior to the last date on which views and arguments may be submitted to the agency for consideration if no public hearing is scheduled;

B. Designate certain newspapers, which together have general circulation throughout the State, as papers of record for the purpose of publishing notice under paragraph A. Notice of proposed rules affecting only a particular locality or region need only be published in the designated newspapers having general circulation in the area affected;

C. Designate one day as rules day for publication of notices on rulemaking as set forth in this subsection; and

D. Be reimbursed for the cost of publication of rule-making notice by the agencies proposing the rulemaking. The total costs of each consolidated publication will be prorated by the Secretary of State among all agencies submitting notice for a particular week.

**Sec. 3. 5 MRSA §8053, sub-§6**, as enacted by PL 2007, c. 581, §3, is amended to read:

**6. Electronic publication.** In addition to the printed publication required in subsection 5, the Secre-