

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.

Augusta, Maine
2009

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.

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.

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-

tary of State shall maintain a publicly accessible website for posting the notices of all proposed and adopted rules. ~~The notice must include a brief explanation of the proposed or adopted rule and an e-mail link to the agency liaison. Departments and agencies shall either post proposed and adopted rules in their jurisdictions on publicly accessible agency websites or link to the rules posted on the Secretary of State's website. The contents of the notice for electronic publication are pursuant to subsection 3.~~ Notice of each rule-making proceeding must be published on the Secretary of State's website 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 was scheduled.

Sec. 4. 5 MRSA §8053, sub-§7 is enacted to read:

7. Contents of notice for newspaper publication. The notice for publication in the newspaper under subsection 5 is shorter than the notice provided for all other purposes pursuant to subsection 3. The notice for newspaper publication must:

A. State the time and place of any scheduled public hearing or state the manner in which a hearing may be requested;

B. 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. 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. Include a brief and general summary of the substance of the proposed rule;

E. Provide the website address where the long notice pursuant to subsection 3 is posted;

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

G. Indicate the impact on municipalities or counties only if there is an expected financial impact on municipalities identified under section 8063.

See title page for effective date.

CHAPTER 257

S.P. 289 - L.D. 742

An Act To Amend the Composition of the Maine Commission on Domestic and Sexual Abuse

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

Sec. 1. 19-A MRSA §4013, sub-§1, ¶A, as amended by PL 2005, c. 397, Pt. A, §14, is further amended to read:

A. The Governor shall name the chair from among the following members:

(1) Two members, appointed by the Governor, who are representatives of the statewide coalition of domestic violence projects;

(1-A) Two members, appointed by the Governor, who are representatives of the statewide coalition of sexual assault centers;

(2) One member, appointed by the Governor, who is a representative of the mental health profession;

(3) One member, appointed by the Governor, who is a representative of victims of domestic violence;

(3-A) One member, appointed by the Governor, who is a representative of victims of sexual assault;

(4) Two members, appointed by the Governor, one of whom has experience representing victims of domestic abuse, who are attorneys with experience in domestic relations cases;

(5) One member, appointed by the Governor, who was a victim of domestic abuse and used the court system;

(5-A) One member, appointed by the Governor, who was a victim of sexual assault and used the court system;

(6) One member, appointed by the Governor, who is a district attorney or assistant district attorney;

(7) One member, appointed by the Governor, who is chief of a municipal police department;

(8) One member, appointed by the Governor, who is a county sheriff;