

# 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**

- (8-A) One member, appointed by the Governor, who is the statewide coordinator of a statewide coalition to end domestic violence;
- (8-B) One member, appointed by the Governor, who is the executive director of a statewide coalition against sexual assault;
- (8-C) The Attorney General or the Attorney General's designee;
- (8-D) The Chief of the Maine State Police or the chief's designee;
- (9) The Commissioner of Public Safety or the commissioner's designee;
- (9-A) The Commissioner of Health and Human Services or the commissioner's designee;
- (9-C) The Commissioner of Education or the commissioner's designee;
- (9-D) The Commissioner of Labor or the commissioner's designee;
- (9-E) The Commissioner of Corrections or the commissioner's designee;
- (9-F) One member, appointed by the Governor, who has experience working in batterers' intervention programs; ~~and~~
- (10) Up to 8 members-at-large, appointed by the Governor;
- (11) Up to 4 members, appointed by the Governor, representing underserved populations; and
- (12) One member, appointed by the Governor, who is a tribal member and provides services through a tribal program to tribal members who are victims of domestic or sexual violence.

See title page for effective date.

**CHAPTER 258  
H.P. 766 - L.D. 1111**

**An Act To Promote  
Transparency and  
Accountability in Campaigns  
and Governmental Ethics**

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

**Sec. 1. 1 MRSA §1012, sub-§4**, as amended by PL 2007, c. 642, §4, is further amended to read:

**4. Gift.** "Gift" means anything of value, including forgiveness of an obligation or debt, given to a

person without that person providing equal or greater consideration to the giver. "Gift" does not include:

- A. Gifts received from a single source during the reporting period with an aggregate value of \$300 or less;
- B. A bequest or other form of inheritance;
- C. A gift received from a relative or from an individual on the basis of a personal friendship as long as that individual is not a registered lobbyist or lobbyist associate under Title 3, section 313, unless the Legislator has reason to believe that the gift was provided because of the Legislator's official position and not because of a personal friendship;
- D. A subscription to a newspaper, news magazine or other news publication; ~~or~~
- E. Legal services provided in a matter of legislative ethics;
- F. A meal, if the meal is a prayer breakfast or a meal served during a meeting to establish a prayer breakfast; or
- G. A meal, if the meal is provided by industry or special interest organizations as part of the informational program presented to a group of public servants.

**Sec. 2. 1 MRSA §1014, sub-§2**, as amended by PL 2007, c. 642, §7, is repealed.

**Sec. 3. 1 MRSA §1014, sub-§2-A** is enacted to read:

**2-A. Undue influence.** It is a violation of legislative ethics for a Legislator to engage in conduct that constitutes the exertion of undue influence, including, but not limited to:

- A. Appearing for, representing or advocating for another person in a matter before a state agency or authority, for compensation other than compensation as a Legislator, if the Legislator makes reference to that Legislator's legislative capacity, communicates with the agency or authority on legislative stationery or makes threats or implications relating to legislative action;
- B. Appearing for, representing or advocating for another person in a matter before a state agency or authority if the Legislator oversees the policies of the agency or authority as a result of the Legislator's committee responsibilities, unless:

(1) The appearance, representation or advocacy is provided without compensation and for the benefit of a constituent;

(2) The Legislator is engaged in the conduct of the Legislator's profession and is in good

standing with a licensing board, if any, that oversees the Legislator's profession;

(3) The appearance, representation or advocacy is provided before a court or office of the judicial branch; or

(4) The representation consists of filing records or reports or performing other routine tasks that do not involve the exercise of discretion on the part of the agency or authority; and

C. Representing or assisting another person in the sale of goods or services to the State, a state agency or a state authority, unless the transaction occurs after public notice and competitive bidding.

See title page for effective date.

**CHAPTER 259**

**H.P. 478 - L.D. 695**

**An Act To Streamline Health Care Services in Maine by Allowing Certified Nurse Practitioners and Certified Nurse Midwives To Verify Medical Papers and Records**

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

**Sec. 1. 32 MRSA §2205-B, sub-§5** is enacted to read:

**5. Global signature authority of a certified nurse practitioner or certified nurse midwife.** When a provision of law or rule requires a signature, certification, stamp, verification, affidavit or endorsement by a physician, that requirement may be fulfilled by a certified nurse practitioner or a certified nurse midwife. This subsection may not be construed to expand the scope of practice of a certified nurse practitioner or a certified nurse midwife.

See title page for effective date.

**CHAPTER 260**

**H.P. 336 - L.D. 448**

**An Act To Modify the Informed Growth Act**

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

**Sec. 1. 30-A MRSA §4371**, as enacted by PL 2007, c. 347, §1, is repealed and the following enacted in its place:

**§4371. Exemption**

**1. Ordinance.** The provisions of this subchapter do not apply to a municipality that has adopted an ordinance that contains requirements for determining the impacts of a proposed large-scale retail development as defined in section 4366, subsection 6 and requires an independent study of the community economic impacts for each individual large-scale retail development. The ordinance must include a requirement to consider the findings of the study, among other evidence, when reviewing a land use application and must contain standards for determining when an impact of a large-scale retail development is detrimental to the municipality.

**2. Community economic impact study.** The study pursuant to subsection 1 may include an examination of job creation; retail wages; sales revenue retained and reinvested in the community; municipal revenues generated; municipal services and maintenance costs caused by the development's construction and operation; public subsidies including tax increment financing; impacts on utilities; and any other factors the municipality identifies.

**3. Qualified preparer.** The study pursuant to subsection 1 must be prepared by a preparer qualified by education, training and experience pursuant to section 4367 who is chosen by the municipality.

**4. Public presentation.** The study pursuant to subsection 1 must be presented to the public consistent with section 4368.

See title page for effective date.

**CHAPTER 261**

**H.P. 466 - L.D. 652**

**An Act To Clarify the Maine Uniform Building and Energy Code**

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

**PART A**

**Sec. A-1. 10 MRSA §1415-C, sub-§7**, as enacted by PL 2007, c. 699, §2, is amended to read:

**7. Repeal.** This section is repealed ~~July~~ **December** 1, 2010.

**Sec. A-2. 10 MRSA §1415-D, sub-§2**, as enacted by PL 2007, c. 699, §3, is amended to read: