

# 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**

A. Examine this Title and Title 18-B and draft amendments that the commission considers advisable;

B. Evaluate the operation of this Title and Title 18-B and recommend amendments based on the evaluation;

C. Examine current laws pertaining to probate and trust laws and recommend changes based on the examination; and

D. Examine any other aspects of the State's probate and trust laws, including substantive, procedural and administrative matters, that the commission considers relevant.

**2. Propose changes.** The commission may propose to the Legislature, at the start of each session, changes in the probate and trust laws and in related provisions that the commission considers appropriate.

#### **§1-804. Organization**

The Chief Justice of the Supreme Judicial Court shall notify all members of the commission of the time and place of the first meeting of the commission. At that time the commission shall organize, elect a chair, vice-chair and secretary-treasurer from its membership and adopt rules governing the administration of the commission and its affairs. The commission shall maintain financial records as required by the State Auditor.

#### **§1-805. Federal funds**

The commission may accept federal funds on behalf of the State.

**Sec. 3. Report.** On or before January 15, 2010 and January 15, 2011, the Probate and Trust Law Advisory Commission shall report on the activities of the commission to the joint standing committee of the Legislature having jurisdiction over judiciary matters.

See title page for effective date.

## **CHAPTER 263**

### **H.P. 471 - L.D. 657**

#### **An Act To Allow the Award of Court Costs or Attorney's Fees in Protection from Harassment Actions**

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

**Sec. 1. 5 MRSA §4655, sub-§1-A** is enacted to read:

**1-A. Judgment against plaintiff.** If a judgment is entered against the plaintiff and the court finds that the complaint is frivolous, the court may order the

plaintiff to pay court costs, reasonable attorney's fees or both.

See title page for effective date.

## **CHAPTER 264**

### **H.P. 983 - L.D. 1407**

#### **An Act To Assess the Physical Education Capacity of Elementary Schools in Maine and To Establish the Obesity and Chronic Disease Fund within the Department of Education**

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

**Sec. 1. 20-A MRSA c. 223, sub-c. 7-C** is enacted to read:

#### **SUBCHAPTER 7-C**

#### **ELEMENTARY SCHOOL PHYSICAL EDUCATION**

#### **§6631. Obesity and Chronic Disease Fund**

**1. Fund established.** The Obesity and Chronic Disease Fund, referred to in this section as "the fund," is established as an interest-bearing account administered by the department.

**2. Revenue.** Any private or public funds appropriated, allocated or dedicated to the fund must be deposited into the fund as well as income from any other source directed to the fund. All interest earned by the fund becomes part of the fund. Any balance remaining in the fund at the end of the fiscal year does not lapse but is carried forward into subsequent fiscal years.

**3. Use of fund; physical education.** Balances in the fund may be used for the necessary expenses of the department in the administration of the fund. Balances in the fund may be used to pay for new equipment, new staff training, new personnel, new administrative costs and other expenses not related to an existing physical education program and for the implementation of a new physical education program for elementary schools.

**Sec. 2. Assessment.** The Commissioner of Education shall conduct a statewide assessment, using a survey or sampling methodology, of the current physical education capacities of elementary schools in the State. The assessment must include:

1. The average teacher-to-student ratio for academic classes and the average teacher-to-student ratio for physical education classes;