

# 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**

(4) Report or prevent criminal misconduct or assist law enforcement agencies in their investigations; or

(5) Report child abuse or neglect under Title 22, section 4011-A.

C. The department may publish and release as public information statistical summaries of complaints and dispositions as long as the release of such information does not jeopardize the confidentiality of individually identifiable information.

See title page for effective date.

**CHAPTER 332**

**H.P. 663 - L.D. 961**

**An Act To Amend the Maine Condominium Act Regarding Escrow of Assessments**

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

**Sec. 1. 33 MRSA §1603-115-A** is enacted to read:

**§1603-115-A. Optional escrow of assessments**

(a) The association may require that a person who purchases a unit after October 1, 2009 make payments into an escrow account established by the association until the balance in the escrow account for that unit is equal to 6 months of assessments as established under section 1603-115.

(b) All assessment payments made under this section and received after October 1, 2009 must be held in an account of a bank or other financial institution under terms that place these assessment payments beyond the claim of creditors of the association. Upon request by a unit owner, the association shall disclose the name of the institution and the account number where these assessment payments are being held. An association may use a single escrow account to hold assessment payments made under this section from all of the unit owners.

(c) The association shall pay interest on the assessment payments under this section in an amount equivalent to the rate required under Title 9-B, section 429.

(d) The association shall return the assessment payments made under this section, together with the interest earned under subsection (c), to the unit owner when the owner sells the unit and has fully paid all assessments under section 1603-115. The association may use the balance in the account to offset any assessments remaining unpaid.

(e) The assessment payments made under this section may be used by the association to cover up to 6 months of the costs attributable to a unit for which assessment payments have not been made.

See title page for effective date.

**CHAPTER 333**

**S.P. 157 - L.D. 454**

**An Act To Expand Representation on the Animal Welfare Advisory Council**

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

**Sec. 1. 7 MRSA §3906-C, sub-§1**, as amended by PL 2003, c. 405, §4, is further amended to read:

**1. Membership.** The council consists of ~~12~~ 14 members appointed by the Governor as follows:

- A. One member representing municipal interests;
- B. One animal control officer;
- C. One member representing licensed animal shelters;
- D. One member representing licensed boarding ~~or breeding~~ kennels;
- E. One member representing licensed pet shops;
- F.
- G. One member who is or has been a veterinarian licensed to practice in the State;
- H. One member who owns a pet and represents the interests of the public in animal welfare, generally;
- I. One attorney with experience in animal welfare law;
- J. One cooperative extension agent or specialist;
- K. One member with expertise in equine care;
- L. One member with expertise in livestock representing a statewide farming organization; ~~and~~
- M. One member representing a ~~State-based~~ state-based animal advocacy group;
- N. One member who holds a kennel license issued under section 3923-C; and
- O. One member representing licensed breeding kennels.

In making the appointment of the veterinarian member, the Governor shall consider nominations made by the Maine Veterinary Medical Association. In making

the appointment of the person holding a kennel license issued under section 3923-C, the Governor shall consider nominations made by state-based dog clubs.

See title page for effective date.

**CHAPTER 334**

**H.P. 909 - L.D. 1306**

**An Act To Require Interscholastic Athletic Organizations To Comply with the Public Proceedings Provisions of the Freedom of Access Laws for Certain Meetings**

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

**Sec. 1.** 1 MRSA §402, sub-§2, ¶E, as amended by PL 1995, c. 608, §2, is further amended to read:

E. The board of directors of a nonprofit, non-stock private corporation that provides statewide noncommercial public broadcasting services and any of its committees and subcommittees; ~~and~~

**Sec. 2.** 1 MRSA §402, sub-§2, ¶F, as enacted by PL 1995, c. 608, §3, is amended to read:

F. Any advisory organization, including any authority, board, commission, committee, council, task force or similar organization of an advisory nature, established, authorized or organized by law or resolve or by Executive Order issued by the Governor and not otherwise covered by this subsection, unless the law, resolve or Executive Order establishing, authorizing or organizing the advisory organization specifically exempts the organization from the application of this subchapter; ~~and~~

**Sec. 3.** 1 MRSA §402, sub-§2, ¶G is enacted to read:

G. The committee meetings, subcommittee meetings and full membership meetings of any association that:

(1) Promotes, organizes or regulates statewide interscholastic activities in public schools or in both public and private schools; and

(2) Receives its funding from the public and private school members, either through membership dues or fees collected from those schools based on the number of participants of those schools in interscholastic activities.

This paragraph applies to only those meetings pertaining to interscholastic sports and does not apply to any meeting or any portion of any meeting the subject of which is limited to personnel issues, allegations of interscholastic athletic rule violations by member schools, administrators, coaches or student athletes or the eligibility of an individual student athlete or coach.

**Sec. 4.** 1 MRSA §402, sub-§4 is enacted to read:

4. Public records of interscholastic athletic organizations. Any records or minutes of meetings under subsection 2, paragraph G are public records.

See title page for effective date.

**CHAPTER 335**

**S.P. 520 - L.D. 1436**

**An Act To Create Economic Development in the State by Modernizing the State's Captive Insurance Laws**

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

**Sec. 1.** 24-A MRSA §6701, sub-§2, as enacted by PL 1997, c. 435, §1, is amended to read:

**2. Association.** "Association" means any legal association of individuals, corporations, limited liability companies, partnerships or associations that have been in continuous existence for at least one year, ~~except labor organizations~~, the member organizations of which ~~collectively~~:

A. Own, control or hold with power to vote all of the outstanding voting securities of an association captive insurance company incorporated as a stock insurer; ~~or~~

B. Have complete voting control over an association captive insurance company incorporated as a mutual or reciprocal insurer; ~~or~~

C. Constitute all of the subscribers of an association captive insurance company formed as a reciprocal insurer.

**Sec. 2.** 24-A MRSA §6701, sub-§4, as enacted by PL 1997, c. 435, §1, is amended to read:

**4. Captive insurance company.** "Captive insurance company" means any pure captive insurance company, sponsored captive insurance company, association captive insurance company or industrial insured captive insurance company formed or licensed under this chapter.