

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2010 to April 12, 2010

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 12, 2010

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2010

A. "Green power supply" means electricity or renewable energy credits for electricity generated from renewable capacity resources as defined in section 3210-C 3210, subsection 4 2, paragraph E or from a generator fueled by landfill gas B-3, including electricity generated by community-based renewable energy projects as defined in section 3602, subsection 1. "Green power supply" includes a biomass generator, whose fuel may include, but is not limited to, anaerobic digestion of agricultural products, byproducts or wastes.

B. "Renewable energy credit" has the same meaning as in section 3210, subsection 2, paragraph B 1, except that the total power production capacity limit of 100 megawatts under section 3210, subsection 2, paragraph C does not apply to wind power installations B-2.

Sec. 8. 35-A MRSA §3602, sub-§2, as enacted by PL 2009, c. 329, Pt. A, §4, is amended to read:

2. Eligible renewable resource. "Eligible renewable resource" means a renewable capacity resource as defined in section 3210, subsection 2, paragraph C, except that "eligible renewable resource" does not include a generator fueled by municipal solid waste in conjunction with recycling and does include a generator fueled by landfill gas. "Eligible renewable resource" includes a biomass generator whose fuel includes anaerobic digestion of agricultural products, byproducts or wastes B-3.

See title page for effective date.

CHAPTER 543

S.P. 584 - L.D. 1519

An Act To Ensure Search and Rescue Dogs Are Afforded Access to Public Accommodations without an Extra Charge

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

Sec. 1. 12 MRSA §10105, sub-§4-A is enacted to read:

4-A. Search and rescue dogs. A person assisting the commissioner under subsection 4 with a search and rescue dog certified by or in training with an organization recognized by the Bureau of Warden Service may be accompanied by the search and rescue dog in a place of public accommodation without being required to pay an extra charge or security deposit for the search and rescue dog. The owner of the search and rescue dog is liable for any damages done to the premises by that animal. For purposes of this subsection,

"place of public accommodation" has the same meaning as in Title 5, section 4553, subsection 8, paragraph A.

See title page for effective date.

CHAPTER 544

H.P. 857 - L.D. 1238

An Act Concerning the National Animal Identification System

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

Sec. 1. 7 MRSA §1708 is enacted to read:

§1708. National animal identification system

1. Mandatory system. The commissioner may adopt rules to carry out the provisions of a national animal identification system, referred to in this section as "the system," only if the system becomes mandatory through final federal action pursuant to the Administrative Procedure Act, 5 United States Code, Section 500 et seq., as amended. If the system becomes mandatory but allows a farmer to opt out of the system, then the commissioner must inform the farmer of the farmer's right to opt out of the system. Rules adopted pursuant to this subsection may be no more stringent than federal law or regulation and are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

2. Voluntary system. If the system is voluntary, the commissioner may not:

A. Mandate or force participation in the system that regulates livestock or poultry as defined in section 1302, subsection 3, including premises registration, animal identification or the tracking or surveillance of livestock or poultry;

B. Withhold indemnity under section 1756 or 1757 based solely on nonparticipation in the system; or

C. Deny, revoke or limit a service, license, permit, grant or another benefit or incentive to a person if that person does not participate in the system.

3. Municipal ordinance. A municipality, county or other political subdivision may not adopt or maintain an ordinance, rule or regulation that requires participation in the system, including premises registration, animal identification or the tracking or surveillance of livestock or poultry as defined in section 1302, subsection 3, except in conformance with a program of the department. An ordinance, rule or regulation in violation of this subsection is void and unenforceable.

4. Confidentiality. Information provided to the commissioner for participation in the system, whether the system is mandatory or voluntary, is confidential and may not be disclosed, except that the commissioner may release a record, data or information collected under this section to another governmental entity as the commissioner determines necessary to prevent or control disease or to protect public health, safety or welfare. The commissioner may publish and release as public information summary reports using aggregate data that does not reveal the activities of an individual person or firm.

5. Allowable acts. This section does not prohibit:

A. The commissioner from establishing or participating in a disease control program specifically designed to address a known disease in a specific species of livestock;

B. The commissioner from implementing an animal identification, brand registration or inspection system or program authorized under state law; or

C. A private agricultural industry organization from establishing a voluntary source verification program for its own members or another person who elects to participate.

6. Repeal. This section is repealed January 1, 2013.

See title page for effective date.

CHAPTER 545

H.P. 575 - L.D. 839

An Act To Authorize an Alternative Calculation of the Property Growth Factor for Municipalities with Exempt Personal Property

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

Sec. 1. 30-A MRSA §5721-A, sub-§1, ¶C, as enacted by PL 2005, c. 2, Pt. C, §1 and affected by §§3 and 5 and c. 12, Pt. WW, §16, is amended to read:

C. "Property growth factor" means the percentage equivalent to a fraction established by a municipality, whose denominator is the total valuation of the municipality, and whose numerator is the amount of increase in the assessed valuation of any real or personal property in the municipality that became subject to taxation for the first time, or taxed as a separate parcel for the first time for the most recent property tax year for which information is available, or that has had an

increase in its assessed valuation over the prior year's valuation as a result of improvements to or expansion of the property. A municipality identified as having a personal property factor that exceeds 5%, as determined pursuant to Title 36, section 694, subsection 2, paragraph B, may calculate its property growth factor by including in the numerator and the denominator the value of personal and otherwise qualifying property introduced into the municipality notwithstanding the exempt status of that property pursuant to Title 36, chapter 105, subchapter 4-C.

See title page for effective date.

CHAPTER 546

H.P. 954 - L.D. 1364

An Act To Stimulate the Economy by Expanding Opportunities for Direct Support Aides

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

Sec. 1. 22 MRSA §7301, sub-§2, ¶C, as amended by PL 2009, c. 279, §2 and c. 420, §1, is further amended to read:

C. That a variety of agencies, facilities and individuals must be encouraged to provide in-home and community support services and to increase the percentages of adults with long-term care needs receiving in-home and community support services provided by persons who are employed as personal care assistants or direct support aides or by other providers. For the purposes of this paragraph, "direct support aide" means a personal care worker or direct support worker who provides a range of services, including personal daily living supports, health supports and community supports, to adults with long-term care needs;

Sec. 2. 22 MRSA §7301, sub-§2, ¶F, as enacted by PL 2009, c. 279, §2 and c. 420, §1, is repealed and the following enacted in its place:

F. To establish the most efficient and cost-effective system for delivering a broad array of long-term care services.

Sec. 3. Plan for developing direct support aide employment policies. The Commissioner of Health and Human Services shall convene a work group of persons representing all of the significant parties, including but not limited to consumers and workers, interested in direct support aide employment policies, training programs and compensation rates. The work group shall review direct support aide employment to determine the extent to which the follow-