

# 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.**

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**Augusta, Maine**  
**2010**

**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 Repeal.** This section is repealed January 1, 2013.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-

ing goals are being met in programs administered by the Department of Health and Human Services:

1. Development of a rational, equitable and clear framework for defining jobs, administering compensation, designing and delivering training and ensuring a sufficient and high-quality workforce;

2. Development of a logical sequence of employment tiers, showing employment and training links among long-term care and acute care jobs, in both facility-based and home-based services;

3. The establishment of a statewide job classification system of direct support job titles, including direct support aide, with an initial focus on personal care jobs within programs funded by the department;

4. The setting of rates for all jobs classified in the statewide job classification system for wages, benefits, training, travel, supervision and administrative costs, with a goal of achieving transparency and wage level parity across programs, with reimbursement rates that cover the cost of health insurance and workers' compensation, liability insurance, recruitment, background checks and motor vehicle violation checks; and

5. Consideration of a multidepartmental oversight entity to be established by statute or by executive action to be assigned responsibility and authority to implement and provide ongoing oversight of the recommendations regarding direct support aide employment policies that result from work undertaken pursuant to this section.

For the purposes of this section, "direct support aide" has the same meaning as defined in the Maine Revised Statutes, Title 22, section 7301, subsection 2, paragraph C.

See title page for effective date.

## CHAPTER 547

### H.P. 1124 - L.D. 1586

#### An Act To Amend the Definition of "Farmers' Market"

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, the number of farmers' markets operating in the State increases abruptly in May; and

**Whereas**, it is desirable that revisions to statutes affecting farmers' markets go into effect prior to this seasonal increase; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of

the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 7 MRSA §415, sub-§1**, as enacted by PL 1993, c. 138, §1, is amended to read:

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Farmers' market" means a building, structure or place used by 2 or more farmers for the direct sale of farm and food products to consumers, at which all sellers of farm and food products meet the requirements of subsection 2, paragraph B.

B. "Farm and food products" means any agricultural, horticultural, forest or other product of the soil or water, including, but not limited to, fruits, vegetables, eggs, dairy products, meat and meat products, poultry and poultry products, fish and fish products, grain and grain products, honey, nuts, maple products, apple cider, fruit juice, wine, ornamental or vegetable plants, nursery products, fiber or fiber products, firewood and Christmas trees.

**Sec. 2. 7 MRSA §415, sub-§2, ¶B**, as amended by PL 2005, c. 512, §5, is further amended to read:

B. A person may not sell farm and food products at a market labeled "farmers' market" unless at least 75% of the ~~product~~ products offered by that person ~~was~~ were grown or processed by that person or under that person's direction. A product not grown or processed by that person or under that person's direction must have been grown or processed by and purchased directly from another farmer and the name and location of the farm must be identified on the product or on a sign in close proximity to the displayed product.

**Sec. 3. 22 MRSA §2174** is enacted to read:

#### **§2174. Sale of baked goods at farmers' markets**

Notwithstanding section 2156 and rules adopted under section 2153, a person licensed under this subchapter and offering baked goods for sale at a farmers' market as defined in Title 7, section 415 may display and sell unpackaged baked goods in a manner that allows customers to directly select baked goods for purchase. For the purposes of this section, "baked goods" means breads, rolls, buns, flatbreads, cakes, cookies, pies and other pastries.