

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

of installation in each area within, or giving access to, bedrooms and must be powered both by the electrical service in the dwelling or building and by battery.

A person may not have a claim for relief against a property owner, a property purchaser, an authorized agent of a property owner or purchaser, a person in possession of real property ~~or a carbon monoxide detector installer, a closing agent or a lender~~ for any damages resulting from the ~~proper~~ operation, maintenance or effectiveness of a carbon monoxide detector.

Violation of this subsection does not create a defect in title.

Sec. 11. PL 2009, c. 162, §6 is amended to read:

Sec. 6. Transfer funds from Department of Public Safety, Office of the State Fire Marshal. The Commissioner of Public Safety ~~shall~~ may transfer up to \$100,000 from the Department of Public Safety, Office of the State Fire Marshal for the purpose of purchasing carbon monoxide detectors for distribution through the Maine State Housing Authority, community action agencies, local fire departments, associations representing realtors and any other organizations that could be used to promote the placement of carbon monoxide detectors in homes. Only organizations that are willing and have the ability to properly install these detectors are eligible to participate in this program. Purchase of carbon monoxide detectors may not be made, or a contract executed, without the approval of the Director of the Bureau of General Services within the Department of Administrative and Financial Services.

Sec. 12. Appropriations and allocations. The following appropriations and allocations are made.

**PUBLIC SAFETY, DEPARTMENT OF
Fire Marshal - Office of 0327**

Initiative: Provides one-time funding for the purchase of carbon monoxide detectors and educational materials.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$0	\$115,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$115,000

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 25, 2010.

**CHAPTER 552
H.P. 1293 - L.D. 1806**

**An Act To Implement the
Recommendations of the Joint
Standing Committee on
Agriculture, Conservation and
Forestry Regarding Review of
the Department of Agriculture,
Food and Rural Resources
under the State Government
Evaluation Act**

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

Sec. 1. 3 MRSA §959, sub-§1, ¶A, as amended by PL 2005, c. 550, §1, is further amended to read:

A. The joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters shall use the following list as a guideline for scheduling reviews:

- (1) Baxter State Park Authority in ~~2009~~ 2017;
- (2) Department of Conservation in 2011;
- (3) Blueberry Advisory Committee in 2011;
- (4) Board of Pesticides Control in 2011;
- (5) Wild Blueberry Commission of Maine in 2011;
- (6) Seed Potato Board in 2011;
- (7) Maine Dairy and Nutrition Council in ~~2007~~ 2015;
- (8) Maine Dairy ~~Promotions~~ Promotion Board in ~~2007~~ 2015;
- (9) Maine Milk Commission in ~~2007~~ 2015;
- (10) State Harness Racing Commission in ~~2007~~ 2015;
- (11) Maine Agricultural Bargaining Board in ~~2009~~ 2017;
- (12) Department of Agriculture, Food and Rural Resources in ~~2009~~ 2017; and
- (14) Land for Maine's Future Board in ~~2007~~ 2015.

Sec. 2. 5 MRSA §933, sub-§1, ¶K, as enacted by PL 2005, c. 337, §2 and affected by §4, is repealed.

Sec. 3. 5 MRSA §933, sub-§1, ¶L, as amended by PL 2009, c. 462, Pt. K, §1, is repealed.

Sec. 4. 5 MRSA §933, sub-§1, ¶N, as enacted by PL 2005, c. 337, §2 and affected by §4, is amended to read:

N. Director, Division of Quality Assurance and Regulation;

Sec. 5. 5 MRSA §933, sub-§1, ¶O is enacted to read:

O. Director, Division of Agriculture Resource Development; and

Sec. 6. 5 MRSA §933, sub-§1, ¶P is enacted to read:

P. Director, Division of Animal and Plant Health.

Sec. 7. Resolve 2009, c. 63, Sec. 1 is amended to read:

Sec. 1. Commissioner of Agriculture, Food and Rural Resources to develop best management practices for poultry production. Resolved: That the Commissioner of Agriculture, Food and Rural Resources shall develop best management practices for the production and maintenance of poultry at facilities with more than 10,000 birds ~~and adopt rules to establish standards for these facilities based on the best management practices.~~ The best management practices must be available on the Department of Agriculture, Food and Rural Resources' publicly accessible website and included in the next publication of the Manual of Best Management Practices for Maine Agriculture by the department's division of animal health and industry. ~~Rules adopted in accordance with this section are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A; and be it further~~

See title page for effective date.

CHAPTER 553

H.P. 899 - L.D. 1296

An Act To Strengthen the Job Creation Through Educational Opportunity Program

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

PART A

Sec. A-1. 20-A MRSA §12541, sub-§1, as enacted by PL 2007, c. 469, Pt. A, §1, is amended to read:

1. Accredited Maine community college, college or university. "Accredited Maine ~~junior community~~ college, college or university" means an institution that is accredited by a regional accrediting association or by one of the specialized accrediting agen-

cies recognized by the United States Secretary of Education and is:

A. Any campus of the Maine Community College System;

B. Any campus of the University of Maine System;

C. The Maine Maritime Academy;

D. Any educational institution that is located in this State and has authorization to confer an associate degree or a bachelor's degree, in accordance with sections 10704 and 10704-A;

E. Any educational institution that is located in this State and is exempted from chapter 409 under section 10708, subsections 1 and 2; and

F. Any educational institution that is located in this State and is operating under a certificate of temporary approval from the state board under section 10703, to the extent that a student is ultimately able either to obtain an associate or a bachelor's degree at that institution or to transfer to and obtain a degree from an institution described in paragraphs A to E.

Sec. A-2. 20-A MRSA §12541, sub-§2, as enacted by PL 2007, c. 469, Pt. A, §1, is amended to read:

2. Benchmark loan payment. "Benchmark loan payment" means the figure described in section 12542, subsection ~~2~~ 2-A, paragraph ~~C~~ D.

Sec. A-3. 20-A MRSA §12541, sub-§2-A is enacted to read:

2-A. Educational cost-of-living adjustment. "Educational cost-of-living adjustment" means for any calendar year an amount equal to the average tuition and fees at the University of Maine System for a bachelor's degree or at the Maine Community College System for an associate degree for the academic year beginning in the prior calendar year, divided by the average tuition and fees for that degree in that system for the academic year beginning in the calendar year immediately preceding the prior calendar year.

Sec. A-4. 20-A MRSA §12541, sub-§4-A is enacted to read:

4-A. Financial aid package. "Financial aid package" means all financial aid received by a student and includes any loans that are certified by an accredited Maine community college, college or university's financial aid office, subject to any changes made by that institution's financial aid office. These loans may include private loans for the cost of attendance at an accredited Maine community college, college or university or less than the full amount of loans under federal programs, depending on the practices of the ac-