

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

Whereas, the residents of the Town of Otis and the Town of Mariaville are in immediate need of dissolving their union school agreement because the Town of Mariaville has become a member of Regional School Unit 24 and the Town of Otis has not and dissolving their union school agreement will enhance the ability of the Town of Otis and the Town of Mariaville to compete as innovative public schools; 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. 20-A MRSA §6212 is enacted to read:

§6212. Innovative, autonomous public schools

A school administrative unit may establish and operate an innovative, autonomous public school. The school board may approve an instruction design, a school calendar, a staff selection process and a method for assessing professional development to be used in an innovative, autonomous public school that exceed or differ from, but do not conflict with, applicable statutory and regulatory requirements. The school board shall propose, receive and allocate funding for an innovative, autonomous public school as part of the budget process for that school administrative unit in accordance with this Title. A school board may request waivers as necessary to implement an instructional model and associated curriculum that meet the standards of this section for innovation and autonomy.

1. Open enrollment. Any resident student in a school administrative unit is eligible to request enrollment in an innovative, autonomous public school. Enrollment may not be limited to a target population of students. A school board shall establish a method for selecting students when requests for enrollment exceed capacity. A school board may establish a process for determining the maximum enrollment from each municipality in the school administrative unit.

2. More accountability for student achievement. An innovative, autonomous public school must demonstrate a system for accountability for student achievement that exceeds, but is not in conflict with, the State's accountability standards and the State's assessment system.

Sec. 2. Dissolution of Otis-Mariaville Union School authorized. Notwithstanding the provisions of the Maine Revised Statutes, Title 20-A, chapter 109 and any other provision of law, dissolution of the Otis-Mariaville Union School is governed by the Otis-Mariaville Union School Agreement made in 1985, and a majority town meeting vote by the voters

of either the Town of Otis or the Town of Mariaville is sufficient to terminate the Otis-Mariaville Union School Agreement in accordance with the terms of the agreement.

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

Effective April 7, 2010.

CHAPTER 617

H.P. 1297 - L.D. 1813

An Act Relating to the Recommendations of the Office of Program Evaluation and Government Accountability Regarding Emergency Communications Services

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

Whereas, in order to ensure the public safety and health and avoid confusion with regard to the E-9-1-1 surcharge, the provisions of this legislation must take effect as soon as possible; 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. 25 MRSA §1531, sub-§2, ¶E, as enacted by PL 2003, c. 678, §2, is amended to read:

E. A representative of participating municipalities with populations of less than 5,000, selected from and recommended by the boards of selectmen, town councils or city councils of those municipalities. Three representatives of municipalities recommended by a statewide association of municipalities and appointed by the Governor;

Sec. 2. 25 MRSA §1531, sub-§2, ¶F, as enacted by PL 2003, c. 678, §2, is repealed.

Sec. 3. 25 MRSA §1531, sub-§2, ¶G, as enacted by PL 2003, c. 678, §2, is repealed.

Sec. 4. 25 MRSA §1531, sub-§4, ¶B, as enacted by PL 2003, c. 678, §2, is amended to read:

B. The member 3 members representing municipalities with populations of less than 5,000 is

~~serve for staggered terms, with one member appointed for a one-year term, the member representing municipalities with populations of 5,000 or more but less than 15,000 is one member appointed for a 2-year term and the member representing municipalities with populations of 15,000 or more is one member appointed for a 3-year term;~~

Sec. 5. 25 MRSA §1535, as enacted by PL 2007, c. 622, §1, is amended to read:

§1535. Fees for public safety answering point services and dispatch services

~~The Public Utilities Commission may, on its own motion or at the request of the department or a political subdivision of the State, board, in accordance with this section, shall establish in an adjudicatory proceeding the fees that must be paid by political subdivisions for public safety answering point services and dispatch services provided by the department to those political subdivisions, including services provided pursuant to section 2923-A. In the proceeding, the commission shall establish the revenue requirement for the department's relevant dispatch and public safety answering point services and a fee design for the recovery of the department's revenue requirement to ensure the fees reasonably reflect services provided. In any proceeding held under this section, the department and all political subdivisions that are to be provided public safety answering point services and dispatch services shall provide to the commission board all information the commission board determines necessary in order to establish the fees.~~

1. Fees. The board shall seek to establish fees under this section that are based on the incremental costs of providing public safety answering point services and dispatch services to political subdivisions.

2. Base funding level. In order to determine incremental costs under subsection 1, the board shall first establish a base funding level, consistent with the department's legislatively approved budget for public safety answering point services and dispatch services, required to provide public safety answering point services and dispatch services to State Government entities. The base funding level must be based on services provided by the department prior to the provision of emergency dispatch and E-9-1-1 call-taking services to municipal and county governments as a result of actions taken by the bureau under section 1533. The base funding level must be excluded by the board from its determination of incremental costs under subsection 1.

Sec. 6. 25 MRSA §2926, sub-§1-A is enacted to read:

1-A. Quality assurance. The bureau shall develop and implement a quality assurance program to audit and monitor compliance with emergency dis-

patching standards, practices and procedures of public safety answering points.

Sec. 7. 25 MRSA §2927, sub-§1-B, as repealed by PL 2009, c. 400, §6 and affected by §15 and amended by c. 416, §1, is repealed.

Sec. 8. 25 MRSA §2927, sub-§1-E, ¶A, as enacted by PL 2009, c. 400, §9 and affected by §15, is amended to read:

A. The statewide E-9-1-1 surcharge is ~~30¢~~ 37¢ per month per line or number. Beginning July 1, 2010, the statewide E-9-1-1 surcharge is 45¢ per month per line or number. The statewide E-9-1-1 surcharge may not be imposed on more than 25 lines or numbers per customer billing account.

Sec. 9. 25 MRSA §2927, sub-§1-F, ¶A, as enacted by PL 2009, c. 400, §10 and affected by §15, is amended to read:

A. The prepaid wireless E-9-1-1 surcharge is ~~30¢~~ 37¢ per retail transaction. Beginning July 1, 2010, the prepaid wireless E-9-1-1 surcharge is 45¢ per retail transaction.

Sec. 10. 25 MRSA §2927, sub-§3-B is enacted to read:

3-B. Support of supervisory positions. Revenues in the E-9-1-1 fund may be used to fund 2 legislatively authorized supervisory positions relating to emergency dispatch and E-9-1-1 call-taking services provided by the department.

This subsection is repealed on June 30, 2011.

Sec. 11. 25 MRSA §2927, sub-§5, as amended by PL 2009, c. 122, §6 and c. 219, §3, is repealed and the following enacted in its place:

5. Legislative annual report. The bureau shall include in the Public Utilities Commission's annual report pursuant to Title 35-A, section 120, subsection 7 to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters:

A. The bureau's planned expenditures for the year and use of funds for the previous year;

B. The statewide E-9-1-1 surcharge collected under this section;

C. The bureau's recommended statewide E-9-1-1 surcharge for the coming year;

D. The bureau's recommendations for amending existing and enacting new law to improve the E-9-1-1 system; and

E. The performance of each of the public safety answering points in the State during the previous calendar year, including the results of the bureau's quality assurance program audits under section 2926, subsection 1-A and any recommendations of the bureau relating to the emergency dispatch-

ing standards, practices and procedures of public safety answering points.

Sec. 12. Transition. The terms of the 3 members of the Maine Communications System Policy Board who are first appointed under the section of this Act that amends the Maine Revised Statutes, Title 25, section 1531, subsection 2, paragraph E must be staggered, with one member appointed for a one-year term, one member appointed for a 2-year term and one member appointed for a 3-year term.

Sec. 13. Retroactivity; application. That section of this Act that repeals the Maine Revised Statutes, Title 25, section 2927, subsection 1-B and those sections that amend Title 25, section 2927, subsections 1-E and 1-F apply retroactively to January 1, 2010. The provisions of Title 25, section 2927, subsection 1-F, paragraph F do not apply to that section of this Act that amends Title 25, section 2927, subsection 1-F, paragraph A.

Sec. 14. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC UTILITIES COMMISSION

Emergency Services Communication Bureau 0994

Initiative: Allocates funds for consulting services to implement an E-9-1-1 quality assurance program.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$0	\$150,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$150,000

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

Effective April 7, 2010.

CHAPTER 618

H.P. 1266 - L.D. 1779

An Act To Prohibit Surcharges on the Use of Debit Cards

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

Sec. 1. 9-A MRSA §1-301, sub-§17-A is enacted to read:

17-A. Debit card. "Debit card" has the same meaning as in Title 10, section 1271, subsection 3.

Sec. 2. 9-A MRSA §8-303, sub-§2, as enacted by PL 1981, c. 243, §25, is amended to read:

2. No A seller in any a sales transaction may not impose a surcharge on a cardholder who elects to use a credit card or debit card in lieu of payment by cash, check or similar means.

See title page for effective date.

CHAPTER 619

H.P. 1294 - L.D. 1807

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2010-11 and To Make Certain Changes in the Laws Governing Tax Increment Financing Payments in the Unorganized Territories

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

Whereas, prompt determination and certification of the municipal cost components in the Unorganized Territory Tax District are necessary to the establishment of a mill rate and the levy of the Unorganized Territory Educational and Services Tax; 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:

PART A

Sec. A-1. Municipal cost components for services rendered. In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for services and reimbursements to be rendered in fiscal year 2010-11 is as follows:

Audit - Fiscal Administration	\$198,691
Education	12,529,594
Forest Fire Protection	93,916
Human Services - General Assistance	58,000