

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.

Augusta, Maine
2009

**CHAPTER 85
H.P. 988 - L.D. 1412**

Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services, Office of MaineCare 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, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Home and Community Benefits for Members with Mental Retardation or Autistic Disorder, a provisionally adopted major substantive rule of the Department of Health and Human Services, Office of MaineCare Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective June 2, 2009.

**CHAPTER 86
S.P. 265 - L.D. 690**

Resolve, To Establish a Working Group Concerning Domestic Violence and Firearms

Sec. 1. Working group concerning domestic violence and firearms. Resolved: That the Commissioner of Public Safety shall convene a working group of interested parties to review and propose amendments to state law regarding the possession of firearms by prohibited persons in order to bring the State into conformity with federal law. The group shall look at incorporating into state law the prohibition of possession of firearms by a person convicted of a misdemeanor crime of domestic violence. Each of the following must be invited to send a representative to participate in the working group: the Office of the Attorney General, the Maine Prosecutors Association, the Maine Coalition to End Domestic Violence, the Maine Association of Criminal Defense Lawyers, Maine Citizens Against Handgun Violence, the Sportsman's Alliance of Maine, the Maine Chiefs of Police Association, the Maine Sheriffs' Association and up to 3 other entities that the Commissioner of Public Safety determines appropriate. The Commissioner of Public Safety shall report the working group's recommendations, including proposed legislation, to the Joint Standing Committee on Criminal Justice and Public Safety no later than January 15, 2010. The Joint Standing Committee on Criminal Justice and Public Safety may submit legislation to the 124th Legislature in 2010 based on the report.

See title page for effective date.

**CHAPTER 87
H.P. 68 - L.D. 78**

Resolve, Regarding Legislative Review of Portions of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites, a Major Substantive Rule of the Department of Education

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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 182: Formula for Distribution of Funds to Child Development Services Regional Sites, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is not authorized.

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

Effective June 4, 2009.

**CHAPTER 88
S.P. 361 - L.D. 978**

Resolve, Directing the Commission on Governmental Ethics and Election Practices To Develop Recommendations for Ethical Standards for the Executive Branch

Sec. 1. Commission to develop recommendations on ethical standards for the executive branch. Resolved: That the Commission on Governmental Ethics and Election Practices shall examine existing ethical standards that govern members of the executive branch and develop advisory recommendations regarding the establishment of statutory ethical standards for the executive branch and submit a report, including suggested legislation, to the Joint Standing Committee on Legal and Veterans Affairs no later than December 3, 2009. The commission shall seek input from members of the executive branch in developing these standards. The Joint Standing Committee on Legal and Veterans Affairs is authorized to report out legislation based on this report to the Second Regular Session of the 124th Legislature.

See title page for effective date.

**CHAPTER 89
H.P. 916 - L.D. 1313**

Resolve, Directing the State Planning Office To Prepare a Reorganization Plan

Sec. 1. State Planning Office to prepare plan. Resolved: That the Executive Department, State Planning Office shall prepare a reorganization plan for the State Planning Office in which the office is nonregulatory in nature, performs planning services for agencies and is the agency responsible for the state-owned landfill; and be it further

Sec. 2. State Planning Office to conduct review. Resolved: That the Executive Department, State Planning Office shall review the powers and duties of the State Planning Office and the statutory provisions relating to the State Planning Office and prepare proposed legislation to transfer certain powers and duties of the State Planning Office to other agencies in anticipation of the reorganization of the State Planning Office in section 1 of this resolve; and be it further

Sec. 3. Report. Resolved: That the Executive Department, State Planning Office shall submit its plan under section 1 and report under section 2 to the Joint Standing Committee on State and Local Government by February 1, 2010. The joint standing committee may submit legislation related to this plan and report to the Second Regular Session of the 124th Legislature.

See title page for effective date.

**CHAPTER 90
H.P. 1013 - L.D. 1461**

Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions - Matching Funds and Property and Equipment, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices

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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and