

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

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

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 3: Maine Clean Election Act and Related Provisions - matching funds and property and equipment, a provisionally adopted major substantive rule of the Commission on Governmental Ethics and Election Practices that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized if the rule regarding the minimum amount that must be received from the resale of property and equipment purchased using Maine Clean Election Act funds is reduced from 75% to 40%.

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

Effective June 4, 2009.

CHAPTER 91

H.P. 1033 - L.D. 1480

Resolve, Regarding the Maine State Cultural Building in Augusta

Sec. 1. Resolve 2007, c. 151, §4, amended. Resolved: That Resolve 2007, c. 151, §4 is amended to read:

Sec. 4. Authority to report out legislation. Resolved: That the joint standing committee of the Legislature having jurisdiction over state and local government matters is authorized to submit legislation concerning the Maine State Cultural Building to the First and Second Regular Sessions of the 124th Legislature.

See title page for effective date.

CHAPTER 92

S.P. 396 - L.D. 1062

Resolve, To Assist Artists, Art Galleries and Art Dealers

Sec. 1. Department of the Attorney General to develop a voluntary model contract to assist artists, art galleries and art dealers. Resolved: That the Department of the Attorney General shall develop a voluntary model standard art consignment contract to assist artists, art galleries and art dealers that must include, but is not limited to, the following basic contractual components: the exclusivity of the relationship, inventory of the artwork, the commission structure, insurance, promotion of the artwork, terms of payment, reproduction terms, warranties and transportation responsibilities. The Department of the Attorney General may consult with the Maine Arts Commission as well as review other state art consignment laws in the development of the voluntary model standard art consignment contract, which must be posted on the department's publicly accessible website by January 15, 2010. The Department of the Attorney General shall report to the Joint Standing Committee on Business, Research and Economic Development on the development of the model contract by February 1, 2010.

See title page for effective date.

CHAPTER 93

H.P. 848 - L.D. 1228

Resolve, To Direct Action on Health Disparities of the Passamaquoddy Tribe and Washington County

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

Whereas, this legislation directs the development of an action plan to address the health disparities found in Washington County and the Passamaquoddy Tribe; and

Whereas, work on the plan must begin before the 90-day period expires in order for it to be completed in a timely fashion; 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