

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 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

Sec. 1. Action plan on health disparities. Resolved: That the Department of Health and Human Services, Maine Center for Disease Control and Prevention, offices of minority health and data, research and vital statistics and a Washington County health organization shall work with the Passamaquoddy health directors to help reduce health disparities between the Passamaquoddy Tribe and the State and the United States and Washington County and the State and the United States and shall:

1. Develop an action plan to address the health disparities;
2. Develop recommendations for data collection methods to address the disparities and for finding all data that has been processed; and
3. Report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2011 on:
 - A. The status of the health conditions and disparities;
 - B. The status of the recommendations for data collection and for finding all data that has been processed;
 - C. The status of the action plan, which will address the health needs of the Passamaquoddy Tribe and Washington County; and
 - D. Any recommended language necessary to implement this resolve and discussion of what is necessary to fully implement the action plan.

After receiving the report, the joint standing committee of the Legislature having jurisdiction over health and human services matters may submit legislation related to the report to the First Regular Session of the 125th Legislature.

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

Effective June 8, 2009.

CHAPTER 94

H.P. 129 - L.D. 150

Resolve, Directing the Secretary of State To Conduct a Pilot Program for Ongoing Absentee Voter Status

Sec. 1. Secretary of State to conduct a pilot program for ongoing absentee voter status. Resolved: That the Secretary of State shall conduct a pilot program for ongoing absentee voter status, to include the 3 statewide elections of November 2009, June 2010 and November 2010. The Secretary of

State shall select one or more municipalities that are willing and able to participate in the pilot program. In designing the pilot program, the Secretary of State may consult with other states that have a program for ongoing absentee voter status or a similar program. The Secretary of State shall design or approve the forms and procedures necessary to conduct the pilot program, including the procedures for voters to request ongoing absentee voter status, as well as any conditions that would cause a person's ongoing absentee voter status to be terminated prior to the end of the pilot program; and be it further

Sec. 2. Reporting date established. Resolved: That the Secretary of State shall submit a report concerning the pilot program and any recommended legislation to the joint standing committee of the Legislature having jurisdiction over legal and veterans affairs by February 15, 2011. The committee is authorized to submit legislation related to this report to the First Regular Session of the 125th Legislature after consideration of this report.

See title page for effective date.

CHAPTER 95

H.P. 845 - L.D. 1225

Resolve, To Review the Adjustments in the School Funding Formula Related to School Administrative Units That Are Eligible for the Minimum State Share of Their Total Allocation

Sec. 1. Targeted research projects for fiscal year 2009-10 work plan of the Education Research Institute; technical assistance. Resolved: That the Education Research Institute established in the Maine Revised Statutes, Title 20-A, section 10 shall provide technical assistance to the Legislature by including a targeted research project in the fiscal year 2009-10 work plan as specified in this section. The project agreement with the Education Research Institute must include a project to address the impact of the adjustments in the school funding formula related to school administrative units that are eligible for the minimum state share of their total allocation; and be it further

Sec. 2. Report. Resolved: That the Education Research Institute shall submit a report on the targeted research project described in section 1 to the Joint Standing Committee on Education and Cultural Affairs during the Second Regular Session of the 124th Legislature no later than January 15, 2010. The report must include specific findings and any recommendations from the principal investigators related to