

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

5. The current gaps in information about autism and other pervasive developmental disorders for education professionals and paraprofessionals and how these gaps can be addressed; and

6. The training requirements for education professionals and paraprofessionals who work with students diagnosed with autism and other pervasive developmental disorders; and be it further

Sec. 2. Report. Resolved: That the Department of Education shall submit a report, including the findings and recommendations from the work group under section 1, to the Joint Standing Committee on Education and Cultural Affairs by January 29, 2010. The Joint Standing Committee on Education and Cultural Affairs may submit legislation related to this report to the Second Regular Session of the 124th Legislature.

See title page for effective date.

CHAPTER 101

H.P. 653 - L.D. 950

Resolve, Related to the Maine Estate Tax

Sec. 1. Procedures for discharge of liability of personal representative. Resolved: That the Department of Administrative and Financial Services, Bureau of Revenue Services shall make available a form for a personal representative to request a certificate of discharge of personal liability under the Maine Revised Statutes, Title 36, section 4066 and shall make the form and an explanation of the discharge process available on a publicly accessible website and through other available means; and be it further

Sec. 2. Review federal requirements for discharge of liability. Resolved: That the Department of Administrative and Financial Services, Bureau of Revenue Services shall review procedures under the United States Internal Revenue Code for the discharge of personal liability of a personal representative under the federal estate tax and report to the Joint Standing Committee on Taxation by January 15, 2010 identifying those requirements and procedures and the ways in which they differ from requirements and procedures in this State; and be it further

Sec. 3. Legislation. Resolved: That the Joint Standing Committee on Taxation may submit legislation to the Second Regular Session of the 124th Legislature related to the report provided under section 2 or to address changes to the estate tax determined to be

necessary as the result of any changes to the federal estate tax.

See title page for effective date.

CHAPTER 102

H.P. 623 - L.D. 905

Resolve, Regarding the Sale of Certain Real Property in the City of Hallowell

Sec. 1. Conditions of sale or transfer. Resolved: That the Department of Administrative and Financial Services shall, prior to the sale or transfer of any portions of the property authorized for sale by Resolve 2003, chapter 92, incorporate the following provisions into the conditions of sale or transfer. The sale or transfer must:

1. Reserve for the use or transfer to the City of Hallowell a portion of the parcel agreed to by the State and the City of Hallowell for municipal uses. This right for reservation or transfer may be surrendered by the City of Hallowell;

2. Reserve for the use or transfer to the City of Hallowell or any school administrative unit that includes the City of Hallowell whatever portion of the parcel as agreed to by the State, the City of Hallowell and the school administrative unit for purposes of education, educational administration or educational services to be provided by the school administrative unit. This right for reservation or transfer may be surrendered by the City of Hallowell and the school administrative unit. The State shall by September 30, 2009 enter into a lease to extend the current terms of School Administrative District 16 or any successor school administrative unit that includes the City of Hallowell as a tenant at the site through September 13, 2011, subject to existing laws and with the additional provision that such lease must survive any transfer of ownership prior to that date until the expiration of the lease;

3. Reserve a portion of the parcel for public open space or public recreation either by the developer retaining ownership but reserving the parcel or by transfer to any qualified governmental or qualified non-profit entity; and

4. Condition sale or transfer on the preservation and rehabilitation of the 5 buildings and surrounding grounds known as the Industrial School for Girls Historic District consistent with the "Secretary of the Interior's Standards for the Treatment of Historic Properties" as interpreted or otherwise determined appropriate by the Maine Historic Preservation Commission.

The Commissioner of Administrative and Financial Services, prior to issuance of any request for qualifica-

tions associated with the transfer of the site, shall establish and convene a stakeholder group to guide reuse, assist in crafting a request for qualifications to be issued by the Department of Administrative and Financial Services and review qualifications of developers. The stakeholder group must have representation from interested parties, unless they decline to participate, including City of Hallowell officials, any school administrative unit that includes the City of Hallowell, the members of the Legislature whose districts include the parcel, the Maine Historic Preservation Commission, the Department of Administrative and Financial Services and others as determined by the commissioner. A subgroup of the stakeholders may participate in whole or in part in interviews of qualified developers scheduled as part of the request for qualifications process and review parameters for development, recognizing that the selection decision is under the authority of the commissioner; and be it further

Sec. 2. Specific transactions. Resolved: That nothing in this resolve may be construed to prohibit or require parcelization or multiple real estate transactions within the spirit and intent of and conditions described in section 1; and be it further

Sec. 3. Report. Resolved: That the Commissioner of Administrative and Financial Services shall provide a written report on the status of all efforts toward sale or transfer by February 1, 2010 to the Joint Standing Committee on State and Local Government.

See title page for effective date.

**CHAPTER 103
H.P. 1014 - L.D. 1462**

Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions - Increase of Seed Money to \$150,000, 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 - increase of seed money to \$150,000, 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 not authorized.

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

Effective June 8, 2009.

**CHAPTER 104
S.P. 493 - L.D. 1358**

Resolve, To Study Implementation of Shared Decision Making To Improve Quality of Care and Reduce Unnecessary Use of Medical Services

Sec. 1. Implementation of shared decision making. Resolved: That the Maine Quality Forum shall convene an advisory group of stakeholders, including, but not limited to, representatives of MaineCare, the Maine Health Data Organization, the state employee health insurance program, health insurance carriers, hospitals, physicians, health care providers and consumers, to develop a plan to implement a program for shared decision making as a strategy to improve the quality of health care in the State and control the unnecessary use of preference-sensitive health care services. The advisory group shall consider the following issues:

1. The appropriate preference-sensitive health care services for use in a shared decision-making program and an accepted protocol for shared decision making;

2. The availability of approved patient decision aids relating to each health care service and the effectiveness of patient decision aids;