

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 116
S.P. 509 - L.D. 1390

**Resolve, Directing the State
Tax Assessor To Adjust the
State Valuation for the Town
of Topsham**

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 2009 state valuation for the Town of Topsham was calculated using incorrect information; and

Whereas, the correct valuation results in an increase in the 2009 state valuation for Topsham; and

Whereas, without this correction, Topsham would be paying less than its equitable portion of the Sagadahoc County tax for 2009-2010 and the School Administrative District 75 school budget for 2010-2011, which would require surrounding municipalities in Sagadahoc County and School Administrative District 75 to pay more than their equitable share; and

Whereas, this correction needs to be done before Sagadahoc County determines the 2009-2010 town assessments; 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. Adjustment of state valuation for Town of Topsham. Resolved: That the State Tax Assessor shall adjust the 2009 state valuation for the Town of Topsham to be \$884,150,000.

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

Effective June 9, 2009.

CHAPTER 117
H.P. 817 - L.D. 1178

**Resolve, Regarding Legislative
Review of Portions of Chapter
131: The Maine Federal, State,
and Local Accountability
Standards, 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 131: The Maine Federal, State, and Local Accountability Standards, 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 authorized.

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

Effective June 9, 2009.

CHAPTER 118
H.P. 1012 - L.D. 1460

**Resolve, Regarding Legislative
Review of Portions of Chapter
41: Special Restrictions on
Pesticide Use, a Major
Substantive Rule of the
Department of Agriculture,
Food and Rural Resources,
Board of Pesticides Control**

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 41: Special Restrictions on Pesticide Use, a provisionally adopted major substantive rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control 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 9, 2009.

**CHAPTER 119
S.P. 137 - L.D. 395**

**Resolve, To Further Regulate
the Use of Tanning Booths by
Minors**

Sec. 1. Amend the rules for the use of tanning equipment. Resolved: That the Department of Health and Human Services shall amend the rules for the use of tanning facilities by minors in Rule Chapter 223, Part T as provided in this section. Rules adopted pursuant to this section are routine technical rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. The rules must:

1. For minors under 14 years of age, prohibit the use of tanning devices;
2. For minors 14 years of age and older:
 - A. Require the tanning facility operator to confirm the identification of the minor and the minor's parent or legal guardian;
 - B. Require the tanning facility to obtain the written consent of the minor's parent or legal guardian and written acknowledgement by the minor and the parent or legal guardian that they have read and understood the information required to be disclosed by Rule Chapter 223, Part T, section 12, paragraph A, subparagraphs (1) and (3). Both

written consent and written acknowledgement must be executed in the presence of the operator of the tanning facility;

C. Limit the effect of the parent's or legal guardian's written consent to one year and allow revocation of consent by the parent or legal guardian at any time; and

D. Require the presence of the minor's parent or legal guardian for minors 14 and 15 years of age.

The department shall amend the rules to provide an increase in the licensing fees for tanning facilities to assist in covering the cost of regulation of the facilities; and be it further

Sec. 2. Work group; report. Resolved: That the Department of Health and Human Services shall convene a work group of representatives of operators of tanning facilities and representatives of a statewide consortium active in the prevention and treatment of skin cancer and other interested parties to examine existing rules, training requirements and compliance issues and funding methods and shall report to the Joint Standing Committee on Health and Human Services by January 15, 2010. The department shall provide notification of the dates, times and locations of the meetings of the work group to members of the joint standing committee. The joint standing committee is authorized to submit legislation on the report to the Second Regular Session of the 124th Legislature.

See title page for effective date.

**CHAPTER 120
H.P. 787 - L.D. 1143**

**Resolve, Directing a Study of
Domestic Violence and
Parental Rights and
Responsibilities**

Sec. 1. Study. Resolved: That the Maine Commission on Domestic and Sexual Abuse shall study domestic abuse, parental rights and responsibilities and the protection from abuse process, including the laws and practices governing parental rights when domestic abuse is alleged or suspected. The study must include:

1. A review of how the best interests of the child are determined;
2. An examination of the issues concerning the presentation of evidence that accurately portrays domestic violence and its effects in the family relationship;
3. How other states have addressed domestic violence when establishing parental rights and responsi-