

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

ing similar issues for any other population group. The department shall facilitate the exchange of information and communication among workgroups with the goal of maximizing department workload and fiscal efficiencies as well as the impact and effectiveness of approaches or solutions proposed or developed within the work process. A description of coordination efforts must be included in any report required by this resolve.

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

Effective June 10, 2009.

CHAPTER 123

H.P. 468 - L.D. 654

Resolve, To Review Statutes, Rules and Policies Regarding Mental Retardation, Pervasive Developmental Disorders and Other Cognitive and Developmental Disorders

Sec. 1. Review and report. Resolved: That the Department of Health and Human Services shall complete its work conducted pursuant to Resolves 2007, chapter 78 regarding the review of laws, rules and policies regarding services, definitions, limitations, eligibility and levels of care for adults with mental retardation, pervasive developmental disorders and other cognitive and developmental disorders. The department shall complete its evaluation of the need for changes in law, rule or policy to ensure fairness and equity in the provision of services and evaluate the need for additional resources to meet previously unidentified needs. By January 15, 2010, the department shall report to the Joint Standing Committee on Health and Human Services on its progress in the review and any recommended changes in law. The Joint Standing Committee on Health and Human Services is authorized to submit legislation related to recommendations of the working group to the Second Regular Session of the 124th Legislature.

See title page for effective date.

CHAPTER 124

S.P. 552 - L.D. 1477

Resolve, Authorizing the Finance Authority of Maine To Oversee an Obligation Owed to the State by Lincoln Paper and Tissue, LLC

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 Finance Authority of Maine has the necessary expertise and commercial lending experience to effectively manage and administer a promissory note relating to an indebtedness from Lincoln Paper and Tissue, LLC; and

Whereas, it is necessary to act swiftly to allow the Finance Authority of Maine to oversee this obligation to ensure that the operations of the mill properties are properly overseen; 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. Assignment of rights, title, interest in promissory note. Resolved: That the Commissioner of Environmental Protection is authorized to assign to the Finance Authority of Maine all of the rights, title and interest in and to a promissory note with a maturity date of May 26, 2009 and all related documents relating to an indebtedness from Lincoln Paper and Tissue, LLC in the original amount of \$860,000 and all interest accrued thereon. Upon such assignment, the promissory note is an obligation owed to the Finance Authority of Maine, which may be administered, collected or compromised as determined by the Finance Authority of Maine.

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

Effective June 10, 2009.

CHAPTER 125

H.P. 1041 - L.D. 1486

Resolve, To Establish a Transition Adjustment for Fiscal Year 2009-10

Sec. 1. Transition adjustment for fiscal year 2009-10. Resolved: That, notwithstanding any provision of law to the contrary, the Commissioner of Education shall establish a transition adjustment to minimize the adverse fiscal impact that may be experienced by some municipalities as a result of unique changes in "property fiscal capacity" as defined in the Maine Revised Statutes, Title 20-A, section 15672, subsection 23. A municipality is eligible for this adjustment if the municipality experiences:

1. An increase of 14% or more in property fiscal capacity from the 2007 certified state valuation to the 2008 certified state valuation; and

2. A decrease of 6% or more in property fiscal capacity from the 2008 certified state valuation to the 2009 certified state valuation.

A municipality eligible under this section is entitled to receive a transition adjustment that provides that the property fiscal capacity of that municipality is the 2009 certified state valuation for fiscal year 2009-10 funding calculations.

See title page for effective date.

CHAPTER 126

S.P. 479 - L.D. 1321

Resolve, To Facilitate Disclosure of Information to Taxpayer Representatives

Sec. 1. Disclosure form. Resolved: That the State Tax Assessor shall develop and make available on the publicly accessible website of the Department of Administrative and Financial Services, Bureau of Revenue Services a simplified limited power of attorney form that may be used by a taxpayer to authorize employees of the bureau to discuss taxpayer information with a designated representative of the taxpayer. The form and applicable instructions must have a readability score, as determined by a recognized instrument for measuring adult literacy levels, equivalent to no higher than a 6th-grade reading level. The State Tax Assessor shall submit a copy of the form and instructions to the Joint Standing Committee on Taxation by January 15, 2010.

See title page for effective date.

CHAPTER 127

H.P. 775 - L.D. 1120

Resolve, Relating To Review of Certain Changes in the Application of the Sales and Use Tax Law

Sec. 1. Consultation. Resolved: That before the Department of Administrative and Financial Services, Bureau of Revenue Services implements a significant change in policy, practice or interpretation of the sales and use tax law that would result in additional revenue, it shall consult with the Office of the Attorney General prior to implementing that change to determine if the change represents a policy shift that ought to be reviewed by the appropriate legislative

committee of oversight. The Office of the Attorney General shall provide information periodically to the joint standing committee of the Legislature having jurisdiction over taxation matters regarding the consultation process and, consistent with attorney-client privilege and any other legal privilege and legal confidentiality requirements, provide a brief summary of the issues for which a consultation was sought and the results of the consultation; and be it further

Sec. 2. Repeal. Resolved: That this resolve is repealed 5 years following the effective date of this resolve.

See title page for effective date.

CHAPTER 128

S.P. 345 - L.D. 923

Resolve, To Reduce Funding to Maine Clean Election Act Candidates

Sec. 1. Funding reduced for Maine Clean Election Act candidates. Resolved: That, notwithstanding the Maine Revised Statutes, Title 21-A, chapter 14 and Public Law 2009, chapter 213, Part NNNN, the amount distributed to certified candidates for the Legislature by the Commission on Governmental Ethics and Election Practices pursuant to the Maine Clean Election Act during the 2010 election cycle must be equal to the amount distributed to certified candidates for the Legislature by the commission during the 2008 election cycle; and be it further

Sec. 2. Distributions to certified candidates; rules. Resolved: That, notwithstanding Public Law 2009, chapter 213, Part NNNN, sections 1 to 3, the Commission on Governmental Ethics and Election Practices shall distribute Maine Clean Election Act funds to certified legislative candidates in accordance with section 1 and to gubernatorial candidates in accordance with the Maine Revised Statutes, Title 21-A, section 1125. The commission shall also establish rules to implement Title 21-A, section 1125, subsection 13. The rules must set forth procedures for certified Maine Clean Election Act candidates to accept and spend contributions if the commission determines that revenues in the Maine Clean Election Fund are insufficient to make distributions to certified candidates. Rules adopted in accordance with this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The commission shall publish the adopted rules on its publicly accessible website and in a guidebook distributed to certified candidates. The commission shall report back to the Joint Standing Committee on Legal and Veterans Affairs by February 15, 2010 on how the distributions provided by Title 21-A, chapter 14 are to be made; and be it further