

# 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.**

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**Augusta, Maine**  
**2009**

OTHER SPECIAL	\$60,000	\$0
REVENUE FUNDS TOTAL		

See title page for effective date.

**CHAPTER 136**

**H.P. 770 - L.D. 1115**

**Resolve, To Establish the Task Force on Kinship Families**

**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 Task Force on Kinship Families is created in this resolve in order to study issues facing kinship families; and

**Whereas,** the task force must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; 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. Task force established. Resolved:** That the Task Force on Kinship Families, referred to in this resolve as "the task force," is established; and be it further

**Sec. 2. Task force membership. Resolved:** That the task force consists of 13 members appointed as follows:

1. Four members appointed by the President of the Senate as follows:
  - A. Two Senators; and
  - B. One member representing a private nonprofit agency that provides services to kinship families and one member who is a state-licensed pediatrician;
2. Seven members appointed by the Speaker of the House as follows:
  - A. Five Representatives; and
  - B. One member who is currently providing primary care for a relative's child and one member representing the Probate Court; and
3. The Commissioner of Health and Human Services or the commissioner's designee; and

4. The Commissioner of Education or the commissioner's designee; and be it further

**Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the task force; and be it further

**Sec. 4. Appointments; convening of task force. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the task force, which must be no later than August 1, 2009; and be it further

**Sec. 5. Duties. Resolved:** That the task force shall examine the issues facing kinship families, defined here as family members who care for a relative's child, and how state policies and practices can be crafted to meet the special needs of kinship families. In examining this issue, the task force shall identify existing resources within the State for kinship families, determine the needs of kinship families and gaps in services, review legal and custody issues and concerns for kinship families and create strategies for sustaining and maintaining resources for kinship families; and be it further

**Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide necessary staffing services to the task force; and be it further

**Sec. 7. Report. Resolved:** That, no later than December 2, 2009, the task force shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 124th Legislature. The Joint Standing Committee on Health and Human Services is authorized to introduce a bill related to the subject matter of the report to the Second Regular Session upon receipt of the report; and be it further

**Sec. 8. Funding. Resolved:** That the operations of the task force are contingent upon receipt of outside funding to fund all costs of the task force. Private financial or in-kind contributions to support the work of the task force may not be accepted from any party having a pecuniary or other vested interest in the outcome of the study. Any person, other than a state agency, authorized and desiring to make a financial or in-kind contribution must certify to the Legislative Council that it has no pecuniary or other vested interest in the outcome of the study. All such contributions are subject to the approval of the Legislative Council. All accepted contributions must be forwarded to the Executive Director of the Legislative Council along with an accounting record that includes the amount of contributions, the date the contributions

were received, from whom the contributions were received and the purpose of and any limitation on the use of those contributions. The Executive Director of the Legislative Council shall administer the contributions and shall notify the chairs of the task force when those contributions have been received. If funding has not been received within 30 days after the effective date of this resolve, then no meetings of the task force are authorized and no study-related expenses of any kind may be incurred or reimbursed; and be it further

**Sec. 9. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**LEGISLATURE**

**Study Commissions - Funding 0444**

Initiative: Allocates funds for the costs to the Legislature of the Task Force on Kinship Families in the event that outside funding is received.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
Personal Services	\$1,540	\$0
All Other	\$2,950	\$0
	\$4,490	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL		

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

Effective June 17, 2009.

**CHAPTER 137  
H.P. 747 - L.D. 1080**

**Resolve, To Create a Working Group To Study Landlord and Tenant Issues**

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

**Whereas,** a working group to study issues related to landlords and tenants is created in this resolve and must issue its findings and report by December 2, 2009; and

**Whereas,** the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; 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. Working group established. Resolved:** That the Director of the Maine State Housing Authority or the director's designee shall convene a working group to study issues related to landlords and tenants. The Director of the Maine State Housing Authority or the director's designee shall convene the first meeting of the working group no later than August 1, 2009, and the working group shall elect a chair from among its members; and be it further

**Sec. 2. Working group members. Resolved:** That the working group under section 1 consists of the following 9 members:

1. The Director of the Maine State Housing Authority or the director's designee;
2. Four members representing the following organizations:
  - A. The State's designated protection and advocacy agency pursuant to the Maine Revised Statutes, Title 5, section 19502;
  - B. A statewide nonprofit legal services organization that provides free legal services to the elderly;
  - C. A statewide nonprofit legal services organization that provides free legal services to low-income persons; and
  - D. A statewide nonprofit legal services organization that provides free legal services, including administrative and legislative advocacy, to low-income persons; and
3. Four members representing organizations of landlords and housing managers in the State.

The chair of the working group shall invite the participation of one member representing the District Court selected by the Chief Justice of the Maine Supreme Judicial Court; and be it further

**Sec. 3. Selection of members. Resolved:** That, no later than 30 days following the effective date of this resolve, the organizations described in section 2 shall notify the Director of the Maine State Housing Authority or the director's designee of the members selected for participation in the working group under section 1; and be it further

**Sec. 4. Duties. Resolved:** That the working group under section 1 shall:

1. Study the feasibility of providing heating fuel assistance and weatherization assistance for landlords who serve low-income tenants in certain economically distressed areas;