

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

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;

2. Study the issue of keeping housing units in proper repair, including examining the laws regarding warranty of habitability to see if there is a way to have the law work more simply to resolve both minor and major problems;

3. Study the issue of keeping tenants in their apartments in the event of a foreclosure;

4. Examine the current laws regarding evictions both in lease and tenancies at will to determine if consolidating those laws into one statutory scheme is feasible and to determine if some minimal standards should apply to lease tenancies;

5. Recommend changes to clarify and simplify the current law; and

6. Consider any other issues pertaining to landlord and tenant issues that it determines to be relevant; and be it further

Sec. 5. Notice to Legislature. Resolved: That the chair of the working group shall provide written notice of working group under section 1 meetings and copies of any minutes of meetings to members of the Joint Standing Committee on Legal and Veterans Affairs and the Office of Policy and Legal Analysis; and be it further

Sec. 6. Report. Resolved: That, no later than January 15, 2010, the working group under section 1 shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Legal and Veterans Affairs. The Joint Standing Committee on Legal and Veterans Affairs is authorized to introduce a bill related to the subject matter of the report to the Second Regular Session of the 124th Legislature upon receipt of the report.

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

Effective June 18, 2009.

CHAPTER 138

H.P. 367 - L.D. 522

Resolve, To Establish the Study Commission Regarding Teachers' Compensation

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 resolve establishes the Study Commission Regarding Teachers' Compensation to study the issues confronting citizens of this State who

depend on the retention of a stable, experienced corps of professional teachers in this State's public schools to ensure that the State's public school students will acquire the knowledge and skills essential for college, career and citizenship in the 21st century; 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. Commission established. Resolved: That the Study Commission Regarding Teachers' Compensation, referred to in this resolve as "the commission," is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 8 members appointed as follows:

1. Two Senators, one from each of the 2 political parties having the largest number of members in the Senate, appointed by the President of the Senate;

2. Three members of the House of Representatives, at least one from each of the 2 political parties having the largest number of members in the House, appointed by the Speaker of the House. In appointing members, the Speaker of the House shall consider geographic distribution;

3. One teacher recommended by the President of the Maine Education Association and appointed by the President of the Senate;

4. One superintendent or member of a school board of a school administrative unit, recommended by the President of the Maine School Boards Association and the President of the Maine School Superintendents Association and appointed by the President of the Senate; and

5. One public member holding a professional position outside of public education in human resources management and specializing in compensation, recommended by the Maine State Council of the Society for Human Resource Management and appointed by the Governor; 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 commission; and be it further

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify