

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 6, 2010 to April 12, 2010**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 12, 2010**

**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**  
**2010**

**CHAPTER 158**  
**H.P. 1246 - L.D. 1752**

**Resolve, Regarding Legislative  
Review of the Repeal of  
Chapter 181: Child  
Development Services System:  
Regional Provider Advisory  
Boards, a Major Substantive  
Rule That Has Been  
Provisionally Repealed by the  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requires legislative authorization before major substantive agency rules may be finally adopted, amended, suspended or repealed by the agency; and

**Whereas,** the final repeal of 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 the final repeal 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. Repeal. Resolved:** That final repeal of Chapter 181: Child Development Services System: Regional Provider Advisory Boards, a provisionally repealed major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5,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 March 8, 2010.

**CHAPTER 159**  
**H.P. 1123 - L.D. 1585**

**Resolve, To Enhance  
Protection of Maine Farms and  
Nurseries**

**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 identification of shipments of tomato seedlings coming into the State for commercial sale is needed to facilitate monitoring for disease; and

**Whereas,** the introduction of disease can devastate tomato crops of both commercial growers and home gardeners; and

**Whereas,** shipments for the 2010 growing season will begin prior to the effective date of non-emergency legislation; 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,

**Sec. 1. Commissioner of Agriculture, Food and Rural Resources to require notice of shipment of tomato seedlings into the State.**

**Resolved:** That the Commissioner of Agriculture, Food and Rural Resources shall adopt rules under the Maine Revised Statutes, Title 7, section 2217 to require a person shipping tomato seedlings into the State for ultimate sale at the wholesale or retail level to notify the State Horticulturist prior to shipping. The commissioner shall ensure that the rules are established to facilitate monitoring of tomato seedlings coming into the State during the 2010 growing season; and be it further

**Sec. 2. Commissioner of Agriculture, Food and Rural Resources to review license fees for owners of plant nurseries and dealers in nursery stock.**

**Resolved:** That the Commissioner of Agriculture, Food and Rural Resources shall review license fees authorized under the Maine Revised Statutes, Title 7, section 2171 and established in Chapter 267 of the Department of Agriculture, Food and Rural Resources's rules. The commissioner shall research fees for licenses to sell nursery stock in other states and consider the advisability of a license fee structure with more than 2 tiers based on gross annual sales of nursery stock and square footage dedicated to nursery stock or a combination of these 2 or other parameters.

The commissioner shall also consider the benefit of establishing a dedicated account to receive license fees for plant nurseries and dealers of nursery stock, estimate the amount of dedicated revenue generated and determine the optimal use of the revenue to provide inspection and other services to protect growers in the State; and be it further

**Sec. 3. Commissioner of Agriculture, Food and Rural Resources to report recommenda-**

**tions. Resolved:** That the Commissioner of Agriculture, Food and Rural Resources shall report to the joint standing committee of the Legislature having jurisdiction over agriculture matters no later than January 15, 2011 with recommendations regarding fees for licenses to sell nursery stock and the advisability of establishing a dedicated account to receive license fees.

If the commissioner's recommendations include revisions to the Department of Agriculture, Food and Rural Resources's existing fees, the commissioner shall:

1. Provisionally adopt amendments to Chapter 267 of the department's rules to implement the recommendations and submit the provisionally adopted rule to the First Regular Session of the 125th Legislature for review as a major substantive rule in accordance with the Maine Revised Statutes, Title 5, section 8072; or
2. Submit a bill to the First Regular Session of the 125th Legislature to establish in statute fees for licenses to sell nursery stock.

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

Effective March 9, 2010.

**CHAPTER 160**

**H.P. 1248 - L.D. 1754**

**Resolve, Naming the Bridge over Pattagumpus Stream the Nicatou Bridge**

**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 has the time-sensitive goal of naming a bridge in the Town of Medway the Nicatou Bridge to coincide with the centennial celebration of the town; 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. Bridge named. Resolved:** That the Department of Transportation shall designate the new bridge over Pattagumpus Stream in the Town of Medway the Nicatou Bridge.

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

Effective March 16, 2010.

**CHAPTER 161**

**S.P. 455 - L.D. 1222**

**Resolve, To Promote Geothermal Energy**

**Sec. 1. Policies to promote the use of geothermal energy. Resolved:** That the Executive Department, Governor's Office of Energy Independence and Security shall examine policy options and develop recommendations to promote and provide incentives for the installation of residential geothermal heating and cooling systems, particularly in multifamily residences. The Governor's Office of Energy Independence and Security shall, at a minimum, consult with the Maine State Housing Authority and the Efficiency Maine Trust in its examination under this section; and be it further

**Sec. 2. Report; legislation. Resolved:** That, by January 15, 2011, the Executive Department, Governor's Office of Energy Independence and Security shall submit a report of its findings and recommendations under section 1, together with any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters. After its review of the report, the joint standing committee may submit a bill to the First Regular Session of the 125th Legislature relating to the report.

See title page for effective date.

**CHAPTER 162**

**H.P. 1054 - L.D. 1505**

**Resolve, To Ensure Consistency in the Scheduled Expiration of Terms of the Board Members of the Finance Authority of Maine**

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

**Whereas,** except for so-called "state members," the 4-year terms of membership of the board of directors of the Finance Authority of Maine were initially staggered so as to avoid simultaneous turnover; and