

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.

Augusta, Maine
2010

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 Chapter 285: Adjustment of Non-bank Mortgage Lender Fees To Fund Investigative and Legal Compliance Personnel, a provisionally adopted major substantive rule of the Department of Professional and Financial Regulation 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 26, 2010.

CHAPTER 178

H.P. 1081 - L.D. 1537

Resolve, Directing the Maine Human Rights Commission To Report on Improvements

Sec. 1. Maine Human Rights Commission. Resolved: That the Maine Human Rights Commission shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by February 1, 2011 concerning case processing revisions, planned case processing revisions and recommendations for legislative action, all to reduce the time for investigating complaints. The report must include the estimated costs of the revisions and the recommendations.

See title page for effective date.

CHAPTER 179

H.P. 1119 - L.D. 1581

Resolve, Regarding Commercial Electricity Customers Whose Bills Increased after a Decrease in Electricity Use

Sec. 1. Best rate option; credit for affected customers. Resolved: That, notwithstanding any other provision of law, the Public Utilities Commis-

sion shall direct the transmission and distribution utility serving those commercial electricity customers that are eligible for the best rate option pursuant to the final order in Public Utilities Commission Docket # 2009-397 dated March 5, 2010 that experienced higher electricity bills after decreasing their electricity use and to credit such a commercial electricity customer in a manner approved by the commission for the difference between what the customer was actually charged for delivery service during the 12-month period preceding the date of the final order and what the customer would have been charged under the best rate option during that period. The commission shall ensure that a transmission and distribution utility recovers in rates all costs incurred pursuant to this section.

See title page for effective date.

CHAPTER 180

H.P. 1283 - L.D. 1795

Resolve, Regarding Legislative Review of Chapter 2: Standards for Qualifications of Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services

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 Chapter 2: Standards for Qualifications of Assigned Counsel, a provisionally adopted major substantive rule of the Maine Commission on Indigent Legal Services that has been submitted to the Legislature for review pursuant to the Maine Revised Stat-

utes, 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 29, 2010.

CHAPTER 181
H.P. 60 - L.D. 71

**Resolve, To Create a Working
Group To Review the Property
Tax Exemption for Veterans**

Sec. 1. Convene working group. Resolved: That the Department of Administrative and Financial Services, Bureau of Revenue Services shall convene a working group to review the current property tax exemption for veterans and make recommendations for changes that will increase the property tax exemption for qualified post-World War I veterans. The working group must include representatives of the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services. The Department of Administrative and Financial Services, Bureau of Revenue Services shall invite the participation of the Maine Municipal Association and other interested stakeholders; and be it further

Sec. 2. Duties of working group. Resolved: That the working group under section 1 shall review alternatives for increasing the property tax exemption for qualified post-World War I veterans. The alternatives must include, but are not limited to, an increase on a one-time basis, an increase over time through indexing to the Consumer Price Index or a 5% annual increase. The working group shall review the financial and administrative impact on state and local government as well as the benefit to veterans; and be it further

Sec. 3. Report recommendations. Resolved: That, by January 15, 2011, the Department of Administrative and Financial Services, Bureau of Revenue Services shall report to the joint standing committee of the Legislature having jurisdiction over taxation matters the findings and recommendations of the working group under section 1.

See title page for effective date.

CHAPTER 182
H.P. 1187 - L.D. 1686

**Resolve, To Clarify the
Reporting of Debt Service
Costs and the Allowance of
Minor Capital School
Improvement Projects Costs
under Essential Programs and
Services**

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

Whereas, many school administrative units have an immediate need to submit proposals for approval under the school funding formula for recognition of non-state-funded debt service expenditures incurred for minor capital school improvement projects; and

Whereas, it may be necessary to change the law to allow for reimbursement for these non-state-funded debt service expenditures; and

Whereas, a review of current law and state policy pertaining to the funding and reporting requirements for these projects 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. Review of essential programs and services requirements for non-state-funded debt service expenditures incurred for minor capital school improvement projects. Resolved: That the Commissioner of Education shall convene a stakeholder group to review current state law related to recognizing, funding and approving non-state-funded debt service costs incurred for minor capital school improvement projects; and be it further

Sec. 2. Stakeholder group. Resolved: That the Commissioner of Education or the commissioner's designee is a member of the stakeholder group. The Commissioner of Education shall invite the participation of representatives of the following educational associations:

1. The Maine School Superintendents Association;