

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2012

only as described in ~~section~~ sections 1014 and 1015. The complaint must be filed in writing and signed under oath and must specify the facts of the alleged violation citing the specific provisions of sections 1014 and 1015 that are alleged to have been violated, the approximate date of the alleged violation and such other information as the commission requires. A complainant shall agree in writing not to disclose any information about the complaint during the time the commission is determining whether or not to pursue the complaint or during the investigation of a complaint. A complaint that does not meet the criteria of this paragraph is considered incomplete and will not be forwarded to the commission.

(1) The Legislator against whom a complaint is filed must immediately be given a copy of the complaint and the name of the complainant. Before deciding whether to conduct an investigation or to hold any hearings, the commission shall afford the Legislator an opportunity to answer the complaint in writing and in person to the commission. The commission staff may gather preliminary factual information that will assist the commission in deciding whether to conduct a full investigation or to hold hearings.

(2) The commission shall consider only complaints against Legislators in office at the time of the filing of the complaint and only complaints relating to activity that occurred or was ongoing within 2 years of the complaint. Upon a majority vote of the commission, the commission shall conduct an investigation and hold hearings as it determines necessary.

(3) The commission shall issue its findings of fact together with its opinion regarding the alleged violation of legislative ethics to the legislative body of which the Legislator concerned is a member. That legislative body may take whatever action it determines appropriate, in accordance with the Constitution of Maine.

(4) If the commission determines that a Legislator has potentially violated professional standards set by a licensing board, its opinion and such other information as may be appropriate must be referred to the licensing board that oversees the Legislator's professional conduct.

Sec. 3. 1 MRSA §1013, sub-§2, ¶B-2 is enacted to read:

B-2. If the commission receives information other than through a complaint suggesting that a Legislator may have committed a violation of leg-

islative ethics, the commission may commence an investigation or conduct hearings when there is probable cause to believe that a violation has occurred. The commission may consider only activities by a Legislator in office at the time of the investigation that occurred or were ongoing within 2 years of the investigation. The commission shall provide the Legislator with written notice of the possible violation and an opportunity to be heard in accordance with the requirements of paragraph B-1. The commission's consideration of the possible violation is subject to the confidentiality provisions of subsection 3-A.

Sec. 4. 1 MRSA §1016-C, as enacted by PL 1991, c. 880, §2, is amended to read:

§1016-C. Reports by legislative candidates

A candidate, as defined in Title 21-A, section 1, subsection 5, for the Legislature who is not required to file a report under section 1016-A ~~or~~, 1016-B or 1016-E shall file a report containing the same information required of Legislators under sections 1016-A ~~and~~, 1016-B and 1016-E no later than 5 p.m. on the first Monday in August preceding the general election unless the candidate withdraws from the election in accordance with Title 21-A, section 374-A by that date.

Sec. 5. 1 MRSA §1019, 2nd ¶, as amended by PL 1977, c. 252, §5, is further amended to read:

If the commission determines that a Legislator has willfully failed to file a statement required by this subchapter or has willfully filed a false statement, the Legislator ~~shall be~~ is presumed to have a conflict of interest ~~on every question and shall be precluded or punished as provided in section 1015~~ 1014 on every question.

See title page for effective date.

CHAPTER 472

H.P. 1229 - L.D. 1639

An Act To Allow the Adjutant General To Address a Joint Session of the Legislature

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 legislation authorizes the President of the Senate and the Speaker of the House of Representatives to invite the Adjutant General to appear in February of each year to address a joint session of the Legislature; and

Whereas, in order to authorize the appearance of the Adjutant General before the Legislature in February of 2012, it is necessary that this legislation be an emergency measure; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 37-B MRSA §10 is enacted to read:

§10. Report by Adjutant General

The President of the Senate and the Speaker of the House of Representatives may invite the Adjutant General to appear in February of each year before a joint session of the Legislature to address the Legislature on defense, veterans' services and emergency management matters and such other matters as the Adjutant General desires to bring to the attention of the Legislature.

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

Effective February 10, 2012.

CHAPTER 473

H.P. 1197 - L.D. 1592

An Act To Update the Laws Concerning the Maine School of Science and Mathematics

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §8201, as amended by PL 1995, c. 485, §1, is further amended to read:

§8201. School established

The Maine School of Science and Mathematics is established as a public, ~~chartered magnet~~ school pursuant to this chapter for the purpose of providing certain high-achieving high school students with a challenging educational experience. The school is a body politic and corporate and is an instrumentality and agency of the State. The exercise by the school of the powers conferred by this chapter is the performance of an essential public function by and on behalf of the State.

Sec. 2. 20-A MRSA §8203, sub-§2, as enacted by PL 1993, c. 706, Pt. A, §4, is amended to read:

2. Magnet school. "~~Chartered Magnet~~ school" means that the school may establish rules and regulations that delete, modify or add to current rules and regulations of the department.

Sec. 3. 20-A MRSA §8204, sub-§1, ¶J, as enacted by PL 1993, c. 706, Pt. A, §4, is amended to read:

J. The ~~superintendent~~ executive director of the school, who serves as the clerk of the board of trustees and is a nonvoting member.

See title page for effective date.

CHAPTER 474

H.P. 1228 - L.D. 1638

An Act To Enhance the Duties and Responsibilities of the Director of the Division for the Deaf, Hard of Hearing and Late Deafened

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 26 MRSA §1413-B, sub-§1-A is enacted to read:

1-A. Supervise vocational rehabilitation counselors for the deaf. Provide direct supervision and oversight of vocational rehabilitation counselors who provide counseling to deaf, hard-of-hearing and late-deafened persons and who are within the division of vocational rehabilitation within the Bureau of Rehabilitation Services;

Sec. 2. 26 MRSA §1413-E, as amended by PL 2009, c. 174, §19, is further amended to read:

§1413-E. Director of the Division for the Deaf, Hard of Hearing and Late Deafened

1. Director. ~~The Director of the Bureau of Rehabilitation Services shall appoint the~~ Director of the Division for the Deaf, Hard of Hearing and Late Deafened, ~~who~~ is responsible for administering the Division for the Deaf, Hard of Hearing and Late Deafened and its programs and policies, including generating and seeking out financial aid, grants and money and overseeing vocational rehabilitation counselors who provide counseling to deaf, hard-of-hearing and late-deafened persons and who are within the division of vocational rehabilitation within the Bureau of Rehabilitation Services.

2. Director of the Division for the Deaf, Hard of Hearing and Late Deafened; staff; qualifications. The Director of the Division for the Deaf, Hard of Hearing and Late Deafened and the staff must be knowledgeable of the needs of ~~the deaf, hard-of-hear-~~