

MAINE STATE LEGISLATURE

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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

DEPARTMENT TOTAL -	\$4,568,443	\$33,308,191
ALL FUNDS		

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

Effective February 23, 2012, unless otherwise indicated.

CHAPTER 478

H.P. 1216 - L.D. 1607

An Act To Preserve the Integrity of the Maine Certified Public Accountant Examination

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 needs to take effect before the expiration of the 90-day period in order to strengthen the requirements for taking the certified public accountant examination as soon as possible; 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Sec. 1. 32 MRSA §12228, sub-§3, ¶C, as repealed and replaced by PL 2007, c. 695, Pt. A, §37, is amended to read:

C. An examination applicant who has successfully completed the basic courses in accounting and auditing required by paragraph B and who expects to complete a minimum 4-year baccalaureate or higher degree required in paragraph B within 120 days following the examination is eligible to take the examination. Grades may not be released, nor may credit for the examination or any part of the examination be given to the applicant unless the degree required in paragraph B is completed within 120 days following the examination or within such time as the board in its sole discretion may determine.

Sec. 2. Application. This Act applies to applications to take the certified public accountant exami-

nation made on or after the effective date of this Act. Applicants who sat for any part of the examination prior to the effective date of this Act may continue to sit for any remaining part or parts of the examination prior to successfully completing the basic courses in accounting and auditing required by the Maine Revised Statutes, Title 32, section 12228, subsection 3, paragraph B, so long as all parts of the examination are passed within 18 months of the date the candidate first sat for any section of the examination. Applicants who sat for any part of the examination prior to the effective date of this Act but fail to pass all parts of the examination within 18 months of the date the candidate first sat for any section of the examination must successfully complete the basic courses in accounting and auditing required by Title 32, section 12228, subsection 3, paragraph B before taking any additional parts of the examination.

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

Effective February 29, 2012.

CHAPTER 479

H.P. 426 - L.D. 543

An Act To Protect Legislative Intent in Rulemaking

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

Sec. 1. 5 MRSA §8053, sub-§1, ¶B, as amended by PL 2003, c. 207, §1, is further amended to read:

B. Any person who has filed within the past year a written or electronic request with the agency for notice of rulemaking; ~~and~~

Sec. 2. 5 MRSA §8053, sub-§1, ¶C, as amended by PL 1995, c. 373, §4, is further amended to read:

C. Any trade, industry, professional, interest group or regional publication that the agency considers effective in reaching the persons affected; ~~and~~

Sec. 3. 5 MRSA §8053, sub-§1, ¶E is enacted to read:

E. The primary sponsor of the legislation that was enacted and authorized the rulemaking, as long as the legislation was enacted within the previous 2 years.

Sec. 4. 5 MRSA §8053-A, sub-§§5 and 6 are enacted to read:

5. Annual lists of rule-making activity. By February 1st of each year, the Secretary of State shall provide the Executive Director of the Legislative Council lists by agency of all rules adopted by each agency in the previous calendar year. The Executive Director of the Legislative Council shall refer each list to the appropriate joint standing committee or committees of the Legislature for review. Each list must include for each rule the following information, which must be submitted by each agency to the Secretary of State:

A. The statutory authority for the rule and the rule chapter number and title;

B. The principal reason or purpose for the rule;

C. A written statement explaining the factual and policy basis for each rule adopted pursuant to section 8052, subsection 5;

D. If the rule adopted was routine technical or major substantive;

E. If the rule was adopted as an emergency; and

F. The fiscal impact of the rule.

6. Authority to report out legislation. After each appropriate joint standing committee of the Legislature has received a list of rule-making activity pursuant to subsection 5, the committee may require an agency to appear before the committee, and the committee may report out legislation in the same legislative session in which the report is received to adjust rule-making authority related to the rules adopted in the previous calendar year.

See title page for effective date.

CHAPTER 480

H.P. 1206 - L.D. 1599

An Act To Amend Deferred Disposition under the Maine Juvenile Code

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

Sec. 1. 15 MRSA §3311-A, as enacted by PL 2011, c. 384, §1, is amended to read:

§3311-A. Eligibility for deferred disposition

A juvenile who has entered an admission to a juvenile crime that would be a Class C, Class D or Class E crime or a civil ~~offense~~ violation if committed by an adult and who consents in writing to a deferred disposition is eligible for a deferred disposition pursuant to section 3311-B.

Sec. 2. 15 MRSA §3311-B, sub-§1, as enacted by PL 2011, c. 384, §2, is amended to read:

1. Imposition. Following the acceptance of an admission of commission of a juvenile crime for which a juvenile is eligible for a deferred disposition under section 3311-A, the court may order disposition deferred to a date certain or determinable and impose requirements upon the juvenile to be in effect during the period of deferment that are considered by the court to be reasonable and appropriate to meet the purposes of the Maine Juvenile Code. The court-imposed deferment requirements must include a requirement that the juvenile refrain from conduct that would constitute a juvenile crime, crime or civil ~~offense~~ violation. Unless the juvenile crime is one under section 3103, subsection 1, paragraph B or C, the court-imposed deferment requirements may include that the juvenile abide by specific conditional release requirements under supervision by a juvenile community corrections officer. In exchange for the deferred disposition, the juvenile shall abide by the court-imposed deferment requirements. Unless the court orders otherwise, the ~~department~~ deferment requirements are immediately in effect.

Sec. 3. 15 MRSA §3311-B, sub-§2, as enacted by PL 2011, c. 384, §2, is amended to read:

2. Amendment of requirements. During the period of deferment and upon application by the juvenile granted deferred disposition pursuant to subsection 1 or by the attorney for the State or upon the court's own motion, the court may, after a hearing upon notice to the attorney for the State and the juvenile, modify the requirements imposed by the court, add further requirements or relieve the juvenile of any requirement imposed by the court that, in the court's opinion, imposes an unreasonable burden on the juvenile. If the requirements proposed for amendment are conditional release requirements, the juvenile community corrections officer must also receive notice of the hearing. In addition, the juvenile community corrections officer may make an application under this subsection for an amendment of conditional release requirements.

Sec. 4. 15 MRSA §3311-C, sub-§§2 and 6, as enacted by PL 2011, c. 384, §3, are amended to read:

2. Violation of deferment requirement. If during the period of deferment the attorney for the State has probable cause to believe that a juvenile who was granted deferred disposition pursuant to section 3311-B has violated a court-imposed deferment requirement, the attorney for the State may move the court to terminate the remainder of the period of deferment and impose disposition. Following notice and hearing, if the attorney for the State proves by a preponderance of the evidence that the juvenile has inexcusably failed to comply with a court-imposed deferment requirement, the court may continue the running of the period of deferment with the requirements unchanged, modify the requirements, add further re-