

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2013

ing of elvers in any calendar year that exceed the following limits:

- (1) Eight licenses that allow the taking of elvers with 2 pieces of gear, consisting of an elver fyke net and a dip net; and
- (2) Forty licenses that allow the taking of elvers with one piece of gear only, consisting of either an elver fyke net or a dip net.

The commissioner shall by rule allow the Penobscot Nation to issue additional commercial licenses to members of the nation for the taking of elvers if the commissioner and the Penobscot Nation determine that elver resources are sufficient to permit the issuance of new licenses; and

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

Effective March 21, 2013.

CHAPTER 10
H.P. 13 - L.D. 9

An Act To Allow the Maine Potato Board To Have Access to Information Regarding the Potato Tax

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 Potato Board needs reliable up-to-date information to perform its duties in a timely manner; 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. 36 MRSA §191, sub-§2, ¶A-1 is enacted to read:

A-1. The disclosure to an authorized representative of the Maine Potato Board of information obtained by the assessor in the administration of chapter 710;

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

Effective March 27, 2013.

CHAPTER 11
H.P. 199 - L.D. 290

An Act To Eliminate the Forest Certification Incentive Cost-share Fund

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

Sec. 1. 12 MRSA c. 801-A, as amended, is repealed.

See title page for effective date.

CHAPTER 12
S.P. 116 - L.D. 283

An Act To Eliminate the Elm Tree Restoration Fund

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

Sec. 1. 12 MRSA §8702-A, as enacted by PL 1999, c. 98, §1 and amended by PL 2011, c. 657, Pt. W, §7, is repealed.

See title page for effective date.

CHAPTER 13
S.P. 115 - L.D. 282

An Act To Eliminate the Commercial Standard for Maine White-cedar Shingles

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

Sec. 1. 12 MRSA c. 805, sub-c. 3, art. 1, as amended, is repealed.

See title page for effective date.

CHAPTER 14
S.P. 89 - L.D. 253

An Act Regarding Registration of Fetal Deaths

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

Sec. 1. 22 MRSA §2841, first ¶, as corrected by RR 2009, c. 2, §54, is amended to read:

Except as authorized by the department or as required under section 1596, a certificate of each death of a fetus of 20 or more weeks of gestation ~~which that~~ occurs in this State must be filed with the State Registrar of Vital Statistics or the clerk of the municipality where the delivery occurred within 14 days after delivery and prior to removal of the fetus from the State.

Sec. 2. 22 MRSA §2841, sub-§4 is enacted to read:

4. Certificate from hospital or institution. When the fetal death occurs in a hospital or an institution, the person in charge of the hospital or institution or the person authorized to obtain the medical data shall prepare the certificate, certify by signature or by electronic process that the fetal death occurred at the place and time and on the date stated and file the certificate as directed in this section. The physician or other person in attendance shall provide the medical information required on the certificate in a timely fashion, as specified by department rule.

See title page for effective date.

**CHAPTER 15
S.P. 80 - L.D. 244**

**An Act To Amend the Student
Membership Criteria of the
State Board 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 State Board of Education has 2 student members on the board; and

Whereas, one student must represent the State's First Congressional District and the other student must represent the State's Second Congressional District; and

Whereas, with the recent redistricting, there is a possibility that a student may reside in one congressional district and attend school in the other congressional district; and

Whereas, it is important that this legislation take effect as soon as possible so that the students will represent the congressional districts that they were appointed to represent; 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. 20-A MRSA §401, sub-§1, as repealed and replaced by PL 2007, c. 695, Pt. A, §21, is amended to read:

1. Appointment. The state board consists of 9 members and, beginning in the 2007-2008 school year, 2 nonvoting student members, one junior and one senior in high school. All members are appointed by the Governor. Four members must reside in the State's First Congressional District at the time of appointment, 4 members must reside in the State's Second Congressional District at the time of appointment and one member may reside in either the First Congressional District or the Second Congressional District at the time of appointment. One of the student members must ~~reside attend school~~ in the State's First Congressional District at the time of appointment and the other student member must ~~reside attend school~~ in the State's Second Congressional District at the time of appointment. Each appointment is subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and to confirmation by the Senate.

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

Effective April 8, 2013.

**CHAPTER 16
H.P. 274 - L.D. 399**

**An Act To Change the Name of
the Department of Audit**

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

Sec. 1. 5 MRSA §241, first ¶, as amended by PL 1973, c. 792, §1, is further amended to read:

The State Auditor ~~shall be~~ is the head of the ~~Department of Audit, as heretofore established~~ Office of the State Auditor. ~~He shall~~ The State Auditor must be a certified public accountant or a college graduate with not less than 6 years of experience as a professional accountant or auditor, including not less than 5 years of auditing experience, of which not less than 4 years ~~shall~~ must have been in a supervisory capacity. ~~He shall~~ The State Auditor must be elected by the Legislature by a joint ballot of the Senators and Representatives in convention and ~~shall hold~~ holds office for a