

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

CHAPTER 475
H.P. 1069 - L.D. 1457

**An Act To Make Certain
References in the Maine
Revised Statutes
Gender-neutral**

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

Sec. 1. 1 MRSA §8, as amended by PL 1981, c. 456, Pt. A, §1, is further amended to read:

§8. Transfer of legislative jurisdiction

1. Notice. In order to acquire all, or any measure of, legislative jurisdiction of the kind involved in the Constitution of the United States, Article I, Section 8, Clause 17 over any land or other area; or in order to relinquish such legislative jurisdiction, or any measure thereof, ~~which that~~ may be vested in the United States; the United States acting through a duly authorized department, agency or officer, shall file a notice of intention to acquire or relinquish such legislative jurisdiction, hereinafter called notice, together with a sufficient number of duly authenticated copies ~~thereof~~ of the notice to meet the recording requirements of subsection 3, with the Governor. The notice ~~shall must~~ contain a description adequate to permit accurate identification of the boundaries of the land or other area for which the change in jurisdictional status is sought and a precise statement of the measure of legislative jurisdiction sought to be transferred. Immediately upon receipt of the notice, the Governor shall furnish the Attorney General with a copy ~~thereof of the notice~~ and shall request ~~his~~ the Attorney General's comments and recommendations ~~thereon~~ on the notice.

2. Legislative approval of transfer of jurisdiction. The Governor shall transmit ~~said the~~ notice filed pursuant to subsection 1 together with ~~his the~~ Governor's comments and recommendations, if any, and the comments and recommendations of the Attorney General, if any, to the next session of the Legislature ~~which shall be that is~~ constitutionally competent to consider the ~~same~~ transfer of jurisdiction. Unless prior to the expiration of the legislative session to which ~~said the~~ notice is transmitted ~~as provided~~, the Legislature ~~has adopted~~ adopts an Act approving the transfer of legislative jurisdiction as proposed in ~~said the~~ notice, the ~~said~~ transfer ~~shall not be effective~~ does not take effect.

3. Recordation. The Governor shall cause a duly authenticated copy of the notice and Act to be recorded in the registry of deeds of the county where the land or other area affected by the transfer of jurisdiction is situated, and upon such recordation the transfer of jurisdiction ~~shall take~~ takes effect. If the land or other area ~~shall be~~ is situated in more than one county, a duly authenticated copy of the notice and Act ~~shall~~

~~must~~ be recorded in the registry of deeds of each such county.

Sec. 2. 1 MRSA §14, as amended by PL 1975, c. 771, §3, is further amended to read:

§14. Survey of land to be taken; filing and recording

When the Governor determines that a public exigency requires the taking of any land or rights as provided for in section 13, ~~he the~~ Governor shall cause the ~~same land~~ land to be surveyed, located and so described that ~~the same~~ it can be identified, and a plan thereof ~~shall must~~ be filed in the office of the Secretary of State and there recorded. The filing of ~~said the~~ plan ~~shall vest~~ vests the title to ~~such that~~ land and rights in the State of Maine or ~~their the~~ State's grantees, to be held during the pleasure of the State and, if transferred to the United States, during the pleasure of the United States.

Sec. 3. 1 MRSA §111-A, as enacted by PL 1977, c. 214, §3, is amended to read:

§111-A. Arbor Week

The Governor shall annually issue a proclamation setting apart the 3rd full week in May as Arbor Week, recommending its observance by the public in the planting of trees, shrubs and vines, in the promotion of forest growth and culture, in the adornment of public and private grounds, places and ways, and in such other efforts and undertakings as ~~shall~~ shall harmonize with the general character of the week. ~~He The~~ Governor shall recommend that ~~such the~~ week be observed in rural and suburban schools by exercises appropriate to Arbor Week.

Sec. 4. 1 MRSA §521, sub-§1, as enacted by PL 1975, c. 360, is amended to read:

1. Available to public. The Governor shall maintain in ~~his the~~ Governor's office a file containing a copy of every executive order issued by ~~him that~~ Governor or by previous governors, ~~which that~~ is currently in effect. This file ~~shall must~~ be open to public inspection at reasonable hours.

Sec. 5. 1 MRSA §711 is amended to read:

§711. Proclamation of Governor

Whenever, due to an emergency resulting from the effects of enemy attack, or the anticipated effects of a threatened enemy attack, it becomes imprudent, inexpedient or impossible to conduct the affairs of State Government at the normal location of the seat thereof in Augusta, the Governor shall, as often as the exigencies of the situation require, by proclamation, declare an emergency temporary location, or locations, for the seat of government at such place, or places, within or without this State as ~~he may deem~~ the Governor considers advisable under the circumstances, and shall take such action and issue such orders as may be

necessary for an orderly transition of the affairs of State Government to ~~such that~~ emergency temporary location, or locations. ~~Such~~ The emergency temporary location, or locations, ~~shall remain~~ remains as the seat of government until the Legislature ~~shall~~ by law ~~estab-~~ lish establishes a new location, or locations, or until the emergency is declared to be ended by the Governor and the seat of government is returned to its normal location.

Sec. 6. 2 MRSA §1, as amended by PL 1993, c. 361, Pt. B, §1, is further amended to read:

§1. Residence; office hours; secretary; salary

The Governor ~~shall have his~~ is entitled to reside in the Governor's official residence at Augusta during his the Governor's term of office; and shall keep ~~his~~ an office at the State House open for the transaction of the business of the State during all normal working hours of the State House.

In the absence of the Governor, ~~his~~ the Governor's private secretary ~~shall~~ must be in attendance and the private secretary shall devote ~~his the private secretary's~~ his the Governor's entire time to the duties of ~~his the Governor's~~ office.

Until the first Wednesday of January 1987, the Governor ~~shall receive~~ receives an annual salary of \$35,000. Beginning the first Wednesday of January 1987, the Governor ~~shall~~ is entitled to receive an annual salary of \$70,000.

A former Governor may accept as a personal gift from the State at the end of ~~his the Governor's~~ final term the desk and chair used by that Governor as Governor.

Sec. 7. 2 MRSA §1-A, sub-§1, ¶B, as amended by PL 1987, c. 422, is further amended to read:

B. The surviving spouse of a Governor or former Governor ~~shall be~~ is eligible to receive:

- (1) If the spouse is age 60 or older:
 - (a) The retirement allowance the Governor was receiving or was entitled to receive if the deceased or former Governor died at age 60 or older; or
 - (b) A retirement pension equal to 3/8 of the salary paid to the Governor currently in office if the former Governor died before age 60; or
- (2) If the spouse is under age 60:
 - (a) At the time the spouse reaches age 60, a retirement pension equal to 3/8 of the salary paid to the Governor currently in office; or
 - (b) Before the spouse reaches age 60, a reduced retirement pension actuarially

equivalent to the benefit ~~which he~~ that the Governor would have received under division (a).

Sec. 8. 2 MRSA §1-A, sub-§1, ¶C, as enacted by PL 1985, c. 801, §§1 and 7, is amended to read:

C. Any person who succeeds to the office of Governor by means other than by election must serve as Governor a minimum of 6 months to qualify ~~himself for~~ for or for a surviving spouse to qualify for the retirement allowance.

Sec. 9. 2 MRSA §2 is amended to read:

§2. Expense account

The "Governor's Expense Account", ~~as heretofore established,~~ shall must be credited with ~~such those~~ as that amounts are appropriated by the Legislature ~~therefor for that purpose.~~ This appropriation ~~shall~~ must be available for expenditure by the Governor at ~~his the~~ the Governor's discretion. This account ~~shall is~~ is not be subject to audit, except as to total amount to be paid.

Sec. 10. 2 MRSA §3, as amended by PL 1973, c. 509, §1, is further amended to read:

§3. Expense account of Governor-elect

The "Governor-elect's Expense Account," ~~as heretofore established,~~ shall be is a continuing reserve to which ~~shall~~ must be credited the sum of \$5,000. At the close of each fiscal year there ~~shall~~ must be transferred from unappropriated surplus an amount sufficient to restore ~~such the~~ the expense account to \$5,000.

This appropriation ~~shall~~ must be available for expenditure by the Governor-elect at ~~his the Governor-elect's~~ the Governor-elect's discretion, ~~provided he is Governor-elect to his~~ after the Governor-elect has been elected to, but prior to being sworn in to, that Governor-elect's first term in office. This account ~~shall is~~ is not be subject to audit, except as to total amount to be paid.

Sec. 11. 3 MRSA §2, 2nd ¶, as amended by PL 1985, c. 166, is further amended to read:

The first regular session of the Legislature, after its convening, shall adjourn no later than the 3rd Wednesday in June and the 2nd regular session of the Legislature shall adjourn no later than the 3rd Wednesday in April. The Legislature, in case of emergency, may by a vote of 2/3 of the members of each House present and voting, extend the date for adjournment for the first or 2nd regular session by no more than 5 legislative days, and in case of further emergency, may by a vote of 2/3 of the members of each House present and voting, further extend the date for adjournment by 5 additional legislative days. The times for adjournment for the first and 2nd regular sessions may also be extended for one additional legislative day for the purpose of considering possible objections of the Governor to any bill or resolution presented to ~~him~~ the Governor by the Legislature under

the Constitution of Maine, Article IV, Part Third, Section 2.

Sec. 12. 3 MRSA §2, 5th ¶, as amended by PL 1987, c. 402, Pt. B, §1, is further amended to read:

Each member of the Senate and House of Representatives ~~shall~~ must be reimbursed for actual regular airfare expenses from ~~his~~ the member's place of abode to Augusta for one round trip each week when the Legislature is in regular session and, when the Legislature is not in regular session, for days when meetings or daily sessions are held, ~~provided that: The~~ as long as the distance from his the member's place of abode to Augusta is more than 150 miles, the mileage is determined by the most reasonable direct route and reimbursement will be is capped at commercial flight rate.

Sec. 13. 3 MRSA §21, as amended by PL 1967, c. 503, §1, is further amended to read:

§21. Organization

The Secretary of the preceding Senate, at the time and place appointed for the meeting of the Legislature, shall call the Senators-elect present to order, and from the certified roll furnished ~~him~~ to the secretary call their names, and if a quorum respond, ~~he~~ the secretary shall preside until they are qualified and a President is elected. If no quorum appear ~~he~~ the secretary shall preside, and the Senators-elect present shall adjourn from day to day, but shall transact no business, except to go into convention to fill vacancies, until a quorum appear and are qualified and a President is elected. After the election of the President, the Senate shall proceed to elect by ballot a secretary and an assistant secretary.

In case of vacancy in the office of such secretary or ~~his~~ in the secretary's absence or ~~the secretary's~~ inability to perform the duties, the said secretary's assistant shall perform the duties shall be performed by his assistant.

If the Secretary of the Senate and ~~his~~ the secretary's assistant are absent at the time set for convening the Senate, their duties ~~shall~~ must be performed by the Secretary of State or ~~his~~ the Secretary of State's deputy.

Sec. 14. 3 MRSA §22, as amended by PL 1983, c. 32, Pt. I, §1, is further amended to read:

§22. Secretary and assistant secretary; salaries and duties

The Secretary of the Senate shall perform the usual duties of the office during the session of the Legislature, file and index all papers, ~~which that~~ and have been subject to adverse legislative action, and index and supervise the preparation of the permanent senate journal. ~~He~~ The secretary shall perform the duties required ~~of him~~ by sections 21 and 23. He The secretary

shall deliver to the State Archivist all papers on file in the office of the Secretary of the Senate ~~which that~~ which that were considered by a session of the Legislature held more than 5 years previously, and the State Archivist shall inspect ~~said those~~ said those papers and preserve those having permanent value.

The Assistant Secretary of the Senate ~~shall receive~~ is entitled to a salary as provided by law and shall work under the direction of the secretary.

All fees, charges, emoluments and other receipts of whatever nature, ~~which that~~ which that may be payable to the Secretary of the Senate, the Assistant Secretary of the Senate or any employee thereof, excepting their lawful salaries and expenses properly payable to them, ~~shall~~ must be credited to the General Fund and no Secretary of the Senate, Assistant Secretary of the Senate or employee ~~shall~~ may directly or indirectly receive a private benefit or gain from the sale or distribution of any material, information or reports from the records of such Secretary of the Senate.

The President of the Senate may authorize the Secretary of the Senate and the Assistant Secretary of the Senate to serve on a full-time basis when the Legislature is not in regular or special session.

Sec. 15. 3 MRSA §41, as amended PL 1967, c. 503, §2, is further amended to read:

§41. Organization

The Clerk of the preceding House of Representatives in the same manner as provided for the Senate shall call the Representatives-elect to order and preside until they are qualified and elect a Speaker. If no quorum ~~appear he~~ appears, the clerk shall preside, and the Representatives-elect present shall adjourn from day to day until a quorum ~~appear~~ appears and ~~are~~ is qualified and a Speaker is elected. After the election of the Speaker, the House of Representatives shall proceed to elect by ballot a clerk and an assistant clerk. All revenues received by the document clerk in the performance of ~~his~~ the document clerk's duties ~~shall~~ must be credited to the General Fund.

In case of vacancy in the office of ~~such the~~ such the clerk, or ~~his~~ the clerk's absence or inability to perform the duties ~~aforsaid, the said the clerk's assistant shall perform the duties shall be performed by his assistant.~~

If the Clerk of the House and ~~his~~ the clerk's assistant are absent at the time set for convening the House, their duties ~~shall~~ must be performed by the Secretary of State or ~~his~~ the Secretary of State's deputy.

Sec. 16. 3 MRSA §42, as amended by PL 1983, c. 32, Pt. I, §2, is further amended to read:

§42. Clerk and assistant clerk; salaries and duties

The Clerk of the House of Representatives shall perform the usual duties of ~~his~~ the clerk's office during the session of the Legislature and index the house

journal. In the months of November and December next preceding the convening of the regular sessions of the Legislature, ~~he~~ the clerk shall keep open ~~his~~ the clerk's office each Wednesday and Thursday for the convenience of the public and members-elect of the Legislature. ~~He~~ The clerk shall perform the services required ~~of him~~ by sections 41 and 43.

The Assistant Clerk of the House of Representatives ~~shall~~ is entitled to receive a salary as provided by law and shall work under the direction of the clerk.

All fees, charges, emoluments and other receipts of whatever nature, ~~which~~ that may be payable to the Clerk of the House of Representatives, the Assistant Clerk of the House of Representatives, or any employee thereof, excepting their lawful salaries and expenses properly payable to them, ~~shall~~ must be credited to the General Fund, and no Clerk of the House of Representatives, Assistant Clerk of the House of Representatives or employee ~~shall~~ may directly or indirectly receive a private benefit or gain from the sale or distribution of any material, information or reports from the records of such Clerk of the House of Representatives.

The Speaker of the House of Representatives may authorize the Clerk of the House of Representatives and the Assistant Clerk of the House of Representatives to serve on a full-time basis when the Legislature is not in regular or special session.

Sec. 17. 3 MRSA §124 is amended to read:

§124. Service; proof

Service of notice of ~~such~~ petitions described in sections 121 and 122 may be made by any sheriff or constable, and proved by ~~his~~ the proper return by the sheriff or constable or by written acknowledgment of the adverse party on the petition; or, if notice is given by publication, then by the newspapers or the affidavit of the printer.

Sec. 18. 3 MRSA §162, sub-§4, as repealed and replaced by PL 1973, c. 590, §4, is amended to read:

4. Oaths, subpoenas and depositions. To administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, whether residing within or without the State, to be taken in the manner prescribed by law for taking depositions in civil actions in the Superior Court. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of a committee, or on the refusal of any witness to testify to any matters regarding which ~~he~~ the witness may be lawfully interrogated, it ~~shall be~~ is the duty of the Superior Court of any county, on application of a member of a committee, to compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from

~~such~~ that court or a refusal to testify ~~therein in that court~~. Each witness, other than a state officer or employee, ~~shall~~ is entitled to receive for ~~his~~ that witness's attendance the fees and mileage provided for witnesses in civil cases in courts of record, which ~~shall~~ must be audited and paid upon the presentation of proper vouchers sworn to by such witness and approved by the ~~chairman~~ chair of the council;

Sec. 19. 3 MRSA §165, sub-§7, as amended by PL 1985, c. 377, §1, is further amended to read:

7. Other subpoenas, etc. When the duties assigned to a committee so require, the Legislature may grant to it the power to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, whether residing within or without the State, to be taken in the manner prescribed by law for taking depositions in civil actions in the Superior Court. When the Legislature grants this power to a joint standing committee or joint select committee, such committee ~~shall~~ function ~~function~~ functions as an investigating committee and ~~shall be~~ is subject to the provisions of chapter 21. No appropriation or allocation may be made for a specific study unless the Legislative Council has first approved a budget adopted by the joint standing committee ~~which~~ that is to conduct the study. No appropriation or allocation may be made for the operation of any joint select committee unless the Legislative Council has first approved a budget adopted by the joint select committee. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of a committee, or on the refusal of any witness to testify to any matters regarding which ~~he~~ the witness may be lawfully interrogated, it ~~shall be~~ is the duty of the Superior Court of any county, on application of a member of a committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from ~~such~~ that court or a refusal to testify ~~therein in that court~~. Each witness, other than a state officer or employee, who appears before a committee by its order or subpoena ~~shall~~ is entitled to receive for ~~his~~ that witness's attendance the fees and mileage provided for witnesses in civil cases in courts of record, which ~~shall~~ must be audited and paid upon the presentation of proper vouchers sworn to by such witness and approved by the ~~chairman~~ chair of the committee;

Sec. 20. 3 MRSA §168, as amended by PL 1983, c. 32, Pt. H, is further amended to read:

§168. Staff assistants to legislative leadership

The President of the Senate, the Majority and Minority Floor Leaders of the Senate, the Speaker of the House of Representatives, and the Majority and Minority Floor Leaders of the House of Representatives ~~shall~~ each have the authority to appoint, at ~~his~~ each legislative leader's discretion, a personal staff assistant,

or more than one assistant if their aggregate salary does not exceed that of the single personal staff assistant, when the Legislature is in session and at such other times as might be necessary, with the approval of the Legislative Council.

Sec. 21. 3 MRSA §173, sub-§3, as amended by PL 1985, c. 501, Pt. B, §11, is further amended to read:

3. Distribution, sale and exchange of law books. Copies of the Revised Statutes, supplements ~~thereto~~ to the Revised Statutes and session laws ~~shall~~ must be delivered by the printer to the State Law Librarian for distribution and sale in accordance with prices, policies and procedures established by the Legislative Council. All proceeds from such sales ~~shall~~ must be deposited to the credit of the General Fund.

A.

Copies ~~shall~~ must be sent, on an exchange basis, to the Library of Congress, secretary of the Maine State Bar Association, the Supreme Court Library of Canada and to each state or territorial library in the United States.

One copy of the laws passed by each session of the Legislature ~~shall~~ must be given to each Member ~~thereof~~ of the Legislature, the Secretary of the Senate, the Assistant Secretary of the Senate, the Clerk of the House and the Assistant Clerk of the House.

The State Law Librarian may, in ~~his~~ the librarian's discretion, sell surplus copies of volumes entrusted to ~~him~~ the librarian or use them for exchange purposes to increase the usefulness of the library. Proceeds from all sales ~~shall~~ must be deposited to the credit of the General Fund.

Sec. 22. 3 MRSA §224, as enacted by PL 1977, c. 605, §1, is amended to read:

§224. Director

The executive head of the Maine-Canadian Legislative Advisory Office ~~shall be~~ is the director, who ~~shall be~~ is appointed by the Speaker of the House and the President of the Senate with the approval of the Maine-Canadian Legislative Advisory Commission. The director ~~shall~~ must be paid a salary fixed by the Legislative Council from sums available under section 226. The director ~~shall~~ must be able to speak the French language fluently. ~~He~~ The director shall report to and ~~be~~ is subject to the direction of the Legislative Council.

Sec. 23. 3 MRSA §228, as enacted by PL 1977, c. 605, §1, is amended to read:

§228. Duties; meetings

The commission shall advise the director in the carrying out of ~~his~~ the director's powers and duties,

shall assist ~~him~~ the director in encouraging increased cooperation between Maine and Canada, and especially between the Legislature of Maine and the legislative bodies of Canada and shall assist ~~him~~ the director in encouraging economic, cultural and educational exchanges between Maine and the Canadian Provinces. The commission shall meet at least 4 times in each year with the director and at such other times on the call of the ~~chairman~~ chair, at the request of the director or at the request of any member, as ~~shall be~~ necessary to carry out the duties outlined in this section.

Sec. 24. 3 MRSA §231, as amended by PL 1989, c. 503, Pt. B, §4, is further amended to read:

§231. Commission

1. Commission. The New England and Eastern Canada Legislative Commission, as established by Title 5, section 12004-K, subsection 11, and in this chapter called the "commission," ~~shall consist~~ consists of 4 members from Maine, together with the same number of members appointed according to the laws of each of the other member jurisdictions.

2. Membership. The members of the commission from Maine ~~shall be~~ are the 2 Senators and the 2 members of the House of Representatives who are appointed to the Maine-Canadian Legislative Advisory Commission pursuant to section 227.

3. Term. Each member of the commission from Maine ~~shall hold~~ holds office from the date of ~~his~~ that member's appointment until the term of ~~his~~ that member's election to the Legislature expires.

4. Compensation. Members of the commission from Maine ~~shall be~~ are compensated in accordance with Title 5, chapter 379.

5. Chairs. The members of the commission from Maine shall, by majority vote, select the ~~cochairman~~ cochairs or ~~chairmen~~ chairs who shall, together with a ~~cochairman~~ cochair selected by the members of the commission from the other member jurisdictions, preside over the commission.

6. Meetings. The commission shall meet at such times and places as are mutually agreed upon by the ~~cochairmen~~ cochairs.

Sec. 25. 3 MRSA §312-A, sub-§8, as enacted by PL 1983, c. 160, §1, is amended to read:

8. Legislative action. "Legislative action" means the drafting, introduction, consideration, modification, enactment or defeat of any bill, resolution, amendment, report, nomination or other matter by the Legislature, by either the House of Representatives or the Senate, any committee or an official in the Legislative Branch acting in ~~his~~ the official's official capacity, or action of the Governor in approving or vetoing any legislative document presented to the Governor for ~~his~~ the Governor's approval.

Sec. 26. 3 MRSA §402, sub-§§1 to 3, as enacted by PL 1975, c. 593, §3, are amended to read:

1. Chair. The "~~chairman chair~~" is the presiding officer of the investigating committee. ~~He~~ The chair may be the permanent ~~chairman chair~~ or another member designated as temporary ~~chairman chair~~ in the absence of the ~~chairman chair~~.

2. Executive session. An "executive session" is a session at which only members of the investigating committee, staff of the committee, counsel to the committee, the witness and ~~his~~ counsel ~~shall~~ may be present.

3. Interested party. An "interested party" is any person who learns that ~~he~~ that person has been specifically identified in testimony taken before an investigating committee and who reasonably believes that ~~he~~ that person has been adversely affected by such testimony.

Sec. 27. 3 MRSA §429, as enacted by PL 1975, c. 593, §3, is amended to read:

§429. Release of testimony

1. Release. The decision to release testimony and the decision as to the form and manner in which testimony ~~shall~~ may be released ~~shall be is an~~ investigating committee action. However, no testimony ~~shall~~ may be released without first affording the witness who gave such testimony, or ~~his~~ the witness's counsel, an opportunity to object to the proposed release.

A. The witness or ~~his~~ the witness's counsel may, by such objection, require that testimony given in open session, if it is released at all, be released in the form of a full, consecutive transcript.

B. The witness or ~~his~~ the witness's counsel may, by such objection, require that testimony given in executive session not be released in any form or manner whatsoever.

2. Transcript. The witness or ~~his~~ the witness's counsel, upon payment of the cost of preparation, ~~shall~~ must be given a transcript of any testimony taken. However, the witness or ~~his~~ the witness's counsel ~~shall~~ is not be entitled to obtain a transcript of the executive session testimony of other witnesses. The release of a transcript under this subsection is not the release of testimony within the meaning of subsection 1.

Sec. 28. 3 MRSA §§451 to 457, as enacted by PL 1975, c. 593, §3, are amended to read:

§451. Counsel

The witness may have counsel present to advise ~~him~~ the witness at all times. The witness or ~~his~~ the witness's counsel may, during the time the witness is giving testimony, object to any investigating committee action detrimental to the ~~witness's~~ witness's interests

and is entitled to have a ruling by the ~~chairman chair~~ on any such objection.

§452. Questioning of adverse witnesses

The witness or ~~his~~ the witness's counsel may question adverse witnesses whose testimony is being taken in open session. However, the ~~chairman chair~~ of the investigating committee may reasonably limit the right to so question. The ~~chairman's chair's~~ ruling is final, unless otherwise decided by investigating committee action.

§453. Pertinency of requested testimony

The witness or ~~his~~ the witness's counsel may challenge any request for ~~his~~ the witness's testimony as not pertinent to the subject matter and scope of the investigation, in which case the relation believed to exist between the request and the subject matter and scope of the investigation ~~shall~~ must be explained.

§454. Who can compel testimony

The committee ~~chairman chair~~ may direct compliance with any request for testimony to which objection has been made. However, the ~~chairman's chair's~~ direction may be overruled by investigating committee action.

§455. Television, films, radio

Any decision to televise, film or broadcast testimony ~~shall be is~~ investigating committee action. If the witness or ~~his~~ the witness's counsel objects to a decision to televise, film or broadcast ~~his~~ the witness's testimony, ~~his~~ the witness's testimony ~~shall~~ may not be televised, filmed or broadcast.

§456. Statements and form of answers

The witness or ~~his~~ the witness's counsel may insert in the record sworn, written statements of reasonable length relevant to the subject matter and scope of the investigation. In giving testimony, the witness may explain ~~his~~ the witness's answers briefly.

§457. Privileges

The witness ~~shall~~ must be given the benefit of any privilege which ~~he~~ the witness could have claimed in court as a party to a civil action, provided that the committee ~~chairman chair~~ may direct compliance with any request for testimony to which claim of privilege has been made. However, the ~~chairman's chair's~~ direction may be overruled by investigating committee action.

Sec. 29. 3 MRSA §473, first ¶, as enacted by PL 1975, c. 593, §3, is amended to read:

~~No~~ A witness ~~shall~~ may not be punished for contempt of an investigating committee unless the court finds:

Sec. 30. 3 MRSA §473, sub-§3, ¶¶B and C, as enacted by PL 1975, c. 593, §3, are amended to read:

B. A citation for failure to testify in response to a request for ~~his~~ the witness's testimony challenged as not pertinent to the subject matter and scope of the investigation, the requirements of sections 412 and 453 have been complied with and the request was pertinent as explained;

C. A citation for failure to testify in response to a request for ~~his~~ the witness's testimony on grounds of privilege, the requirements of section 457 have been complied with.

Sec. 31. 3 MRSA §701, sub-§9, as enacted by PL 1985, c. 507, §1, is amended to read:

9. Earnable compensation. "Earnable compensation" means the actual compensation of a Legislator. Any money paid by the State under an annuity contract for the future benefit of a Legislator ~~shall be~~ is considered part of the Legislator's earnable compensation. The earnable compensation of a member retired with a disability retirement allowance under section 853 ~~shall be~~ is assumed, for the purposes of determining benefits under this chapter, to be continued after ~~his~~ the Legislator's date of termination of service at the same rate as received immediately prior to that time, subject to the same percentage adjustments, if any, that may apply to the amount of retirement allowance of the beneficiary under section 858.

Sec. 32. 3 MRSA §854, as enacted by PL 1985, c. 507, §1, is amended to read:

§854. Restoration to service

If a recipient of a retirement allowance under this chapter again becomes a member of the Legislature, ~~he~~ the recipient may:

1. Receive allowance. Continue to receive the retirement allowance and not accrue any additional creditable service for that legislative service; or

2. Discontinue allowance. Direct, in writing, that the executive director discontinue ~~his~~ the recipient's retirement allowance and ~~he shall accrue~~ the recipient accrues additional creditable service for that legislative service.

Sec. 33. 4 MRSA §2, as amended by PL 1979, c. 127, §6, is further amended to read:

§2. Appointment of additional justices

Whenever the Chief Justice of the Supreme Judicial Court or, in the event of ~~his~~ the Chief Justice's disability, any associate justice thereof has reason to believe that any Justice of the Supreme Judicial or Superior Court is totally and permanently disabled by reason of physical or mental incapacity and because thereof is unable to perform the duties of ~~his~~ the of-

vice, ~~he~~ the Chief Justice or associate justice shall cause a commission of 3 competent disinterested members of the medical profession to make due inquiry and examination into the facts and report ~~thereon~~ the results of the inquiry to the Supreme Judicial Court. Upon receiving ~~said~~ the report, ~~he~~ the Chief Justice or associate justice shall ~~thereupon~~ call a meeting of ~~said court~~ the Supreme Judicial Court and submit to ~~them~~ it the report of ~~said~~ the medical commission. The court shall ~~thereupon, upon said,~~ based on the report and ~~such~~ other evidence as they may ~~deem~~ consider necessary, if any, determine the facts ~~in relation thereto~~. If ~~said~~ the court ~~find~~ finds that ~~said~~ the Justice of the Supreme Judicial or Superior Court is permanently and totally disabled by reason of physical or mental incapacity and because ~~thereof~~ of the disability is unable to perform the duties of ~~his~~ the office, the Chief Justice shall certify ~~said~~ that fact to the Governor. Upon receipt of ~~such~~ a certificate from the court, the Governor shall make due inquiry into the matter and, if ~~he~~ the Governor confirms the finding of ~~said~~ the court, the Governor shall appoint an additional Justice of the Supreme Judicial or Superior Court, as the case may be.

Sec. 34. 4 MRSA §4, sub-§3, ¶C, as enacted by PL 1983, c. 853, Pt. C, §§4 and 18, is amended to read:

C. The Chief Justice of the Supreme Judicial Court or ~~his~~ the Chief Justice's designee may prescribe regulations for the submission of the required statements through ~~his~~ the Chief Justice's office; and for the advance approval by ~~him~~ the Chief Justice of other reasonably necessary expenses.

Sec. 35. 4 MRSA §6, as amended by PL 1983, c. 853, Pt. C, §§6 and 18, is further amended to read:

§6. Active Retired Justices

Any Justice of the Supreme Judicial Court, who has retired from the court under this chapter in effect prior to December 1, 1984, or any Justice of the Supreme Judicial Court who retires or terminates ~~his~~ service on the court in accordance with chapter 27, except for a disability retirement, is eligible for appointment as an Active Retired Justice of the Supreme Judicial Court as provided. The Governor may, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary and to confirmation by the Legislature, appoint any eligible justice as an Active Retired Justice of the Supreme Judicial Court for a term of 7 years, unless sooner removed, and that justice may be reappointed for a like term. Any justice so appointed and designated ~~shall thereupon constitute~~ as an Active Retired Justice of the Supreme Judicial Court constitutes a part of the court from which ~~he has~~ the Justice retired and ~~shall have~~ has the same jurisdiction and ~~be~~ is subject to the same restrictions ~~therein~~ as before retirement, except that ~~he~~

~~shall~~ the Active Retired Justice may act only in the cases and matters and hold court only at the terms and times as ~~he may be~~ directed and assigned ~~to~~ by the Chief Justice of the Supreme Judicial Court. The Chief Justice is empowered and authorized to assign and designate ~~any such an~~ Active Retired Justice of the Supreme Judicial Court as to ~~his~~ that justice's services and may direct as to which ~~term of the Law Court he~~ shall attend the Active Retired Justice attends, and order ~~him~~ the Active Retired Justice to hear all matters and issue all orders, notices, decrees and judgments in vacation that any Justice of the Supreme Judicial Court is authorized to hear or issue.

Sec. 36. 4 MRSA §6-A, as enacted by PL 1979, c. 12, §1, is amended to read:

§6-A. Active Retired Justice of Supreme Judicial Court to sit in Superior Court

An Active Retired Justice of the Supreme Judicial Court may be assigned by the Chief Justice of the Supreme Judicial Court to sit in the Superior Court in any county, and when so directed ~~he shall have the Active Retired Justice has~~ authority and jurisdiction ~~therein in that county~~ as if ~~he~~ the Active Retired Justice were a regular Justice of the Superior Court; and, whenever the Chief Justice of the Supreme Judicial Court so directs, ~~he~~ the Active Retired Justice may hear all matters and issue all orders, notices, decrees and judgments that any Justice of the Superior Court is authorized to hear and issue.

The order of the Chief Justice of the Supreme Judicial Court directing an Active Retired Justice of the Supreme Judicial Court to sit in the Superior Court ~~shall must~~ be filed with the Executive Clerk of the Supreme Judicial Court, but need not be docketed or otherwise recorded in any case heard by ~~him~~ the Active Retired Justice.

Sec. 37. 4 MRSA §54, as amended by PL 1975, c. 408, §8, is further amended to read:

§54. Clerks; duties; compensation; expenses of county

The Chief Justice of the Supreme Judicial Court shall appoint a clerk of the law court to serve at ~~his~~ the Chief Justice's pleasure and shall, from time to time, designate one or more of the clerks of court or some competent person or persons ~~who shall to~~ act as additional clerks of the law court. The clerk of the law court ~~shall is entitled to~~ receive such salary as the Chief Justice ~~shall determine determines~~ and shall devote full time to ~~his~~ the clerk's duties. The clerk of the law court shall also act as reporter of decisions. The Chief Justice or in ~~his~~ the Chief Justice's absence the senior justice present shall allow to the county in which any law term is held such expense as may be incurred on account of such law term, which ~~shall must~~ be paid by the State. The dockets of the law court

~~shall must~~ be made from time to time and kept as the court may direct.

Sec. 38. 4 MRSA §101-A, as enacted by PL 1983, c. 269, §§7 and 9, is amended to read:

§101-A. Chief Justice of the Superior Court

The Chief Justice of the Supreme Judicial Court shall designate one of the Justices of the Superior Court as the Chief Justice of the Superior Court. ~~He shall serve~~ The Justice so designated serves at the pleasure and under the supervision of the Chief Justice of the Supreme Judicial Court and ~~shall be is~~ responsible for the operation of the Superior Court. Any authority relating to the operation of the Superior Court, that is vested by law in the Chief Justice of the Supreme Judicial Court, may be delegated by ~~him~~ the Chief Justice of the Supreme Judicial Court to the Chief Justice of the Superior Court acting under ~~his~~ the supervision of the Chief Justice of the Supreme Judicial Court. The Chief Justice of the Superior Court shall also perform such additional duties as may be assigned to ~~him~~ the Chief Justice of the Superior Court from time to time by the Chief Justice of the Supreme Judicial Court. The term "Justice of the Superior Court" includes the Chief Justice of the Superior Court.

Sec. 39. 4 MRSA §102, sub-§3, as enacted by PL 1983, c. 853, Pt. C, §§7 and 18, is amended to read:

3. Expenses. Section 4, relating to reimbursement of Justices of the Supreme Judicial Court for expenses incurred by them, including clerical assistance, ~~shall apply applies~~ to Justices of the Superior Court. The Chief Justice of the Supreme Judicial Court or ~~his~~ the Chief Justice's designee may specify by order a maximum amount to be expended by any justice for clerical assistance.

Sec. 40. 4 MRSA §106 is amended to read:

§106. Conferences

The Chief Justice of the Supreme Judicial Court may from time to time call together the several Justices of the Superior Court at such place as ~~he~~ the Chief Justice may appoint for conference as to the conduct and dispatch of judicial business and interchange of views in matters of practice in ~~said~~ the court. In addition to their salaries and expenses in holding the several terms of court to which they are assigned, the several justices ~~shall be are~~ entitled to their actual cash disbursements in attending such conferences.

Sec. 41. 4 MRSA §117, as amended by PL 1975, c. 735, §5, is further amended to read:

§117. Other expenses of the court

Within the limits of the funds and appropriations available to the Superior and Supreme Judicial Courts, the Chief Justice of the Supreme Judicial Court or ~~his~~

the Chief Justice's designee may authorize the expenditure of funds for such other expenses and capital improvements as are reasonably necessary for the efficient operation of the Superior and Supreme Judicial Courts.

Sec. 42. 4 MRSA §120, first ¶, as repealed and replaced by PL 1987, c. 769, Pt. B, §2, is amended to read:

The Chief Justice of the Supreme Judicial Court may assign a Justice of the Superior Court who had been serving as a Judge of the District Court and who has been nominated and confirmed as a Justice of the Superior Court to sit in the District Court in order to finish any cases ~~which he~~ that the justice had presided over as a Judge of the District Court and ~~which that~~ remain unresolved after his the justice's confirmation.

Sec. 43. 4 MRSA §164, sub-§1 is amended to read:

1. Hold court when necessary. Hold court in any division when ~~he deems~~ the Chief Judge determines it necessary by reason of illness, absence or disability of the judge regularly assigned or by reason of an excessive case load in any district;

Sec. 44. 4 MRSA §164, sub-§§6 and 7, as amended by PL 1975, c. 408, §15, are further amended to read:

6. Records and reports. Prescribe, subject to the approval of the Chief Justice or ~~his~~ the Chief Justice's delegate, the records to be kept and destroyed and the reports to be made by each district judge;

7. Statistics. Collect such statistics and other information pertaining to the business of the District Court as are requested by the Chief Justice or ~~his~~ the Chief Justice's delegate;

Sec. 45. 4 MRSA §164, sub-§8, as amended by PL 1977, c. 544, §9, is further amended to read:

8. Budget. Utilizing such assistance from the Administrative Office of the Courts as ~~he~~ the Chief Judge may request, prepare and submit a proposed annual budget for the District Court to the Chief Justice or ~~his~~ the Chief Justice's delegate;

Sec. 46. 4 MRSA §164, sub-§11 is amended to read:

11. Conference of judges. Convene at least once annually at such place as ~~he may deem~~ the Chief Judge considers appropriate, a conference of District Court Judges to consider and take action upon or make recommendations with respect to current problems in the operation of the District Court. The expenses of District Court Judges attending this conference ~~shall be~~ are an expense of the District Court;

Sec. 47. 4 MRSA §556, first ¶, as repealed and replaced by PL 1975, c. 735, §11, is amended to read:

The clerk shall keep a true and exact account of all moneys ~~which he~~ that the clerk receives or is entitled to receive for services by virtue of ~~his~~ the office as clerk of the Superior or Supreme Judicial Courts and shall pay the same to the Treasurer of State. All moneys belonging to the county or State respectively ~~shall~~ must be paid within 30 days after they are received by ~~him~~ the clerk, in such manner as the Chief Justice or ~~his~~ the Chief Justice's designee shall from time to time specify. If, in either case, ~~he~~ the clerk neglects to do so, ~~he~~ the clerk shall pay 25% interest thereon until paid. Upon the county treasurer's or Treasurer of State's notice of any known delinquency, the clerk's bond ~~shall~~ must then be sued.

Sec. 48. 4 MRSA §702, as amended by PL 1973, c. 788, §8, is further amended to read:

§702. Duties

The Reporter of Decisions shall prepare correct reports of all legal questions argued and decided, reporting cases more or less at large according to ~~his~~ the reporter's judgment of their importance. ~~He~~ The reporter shall publish periodic advance sheets and at least one volume of Maine Reports yearly. The reporter shall, subject to the approval of the Chief Justice of the Supreme Judicial Court, make a written contract in the name of the State with any person, firm or corporation for the printing, publishing and binding of ~~said~~ those reports. The price of each volume and the advance sheets ~~shall~~ must be stated in the contract. ~~He~~ The reporter may require ~~such~~ the person, firm or corporation with whom the reporter contracts to give a good and sufficient bond with good and sufficient sureties, conditioned for the faithful performance of all the terms and conditions of ~~such~~ that contract by the person, firm or corporation with whom the reporter ~~makes such contract~~ contracts. In case of a breach of any or all of the conditions of ~~such~~ the bond, the reporter may maintain an action on ~~such~~ the bond in the name of the State. In the exercise of any discretionary powers vested in ~~him~~ the reporter by this section or by section 57, the Reporter of Decisions shall act in accordance with such instructions or advice ~~as may be given to him by~~ received from the Chief Justice of the Supreme Judicial Court.

All copies of the Maine Reports purchased by the State ~~shall~~ must be delivered to the State Law Librarian for distribution as provided in Title 3, section 173, subsection 3, paragraph B.

Sec. 49. 4 MRSA §1051, first ¶, as repealed and replaced by PL 1985, c. 819, Pt. A, §1, is amended to read:

~~No court~~ Court may not be held on Sunday or any day designated for the annual Thanksgiving; New

Year's Day, January 1st; Martin Luther King, Jr., Day, the 3rd Monday in January; Washington's Birthday, the 3rd Monday in February; Patriot's Day, the 3rd Monday in April; Memorial Day, the last Monday in May, but if the Federal Government designates May 30th as the date for observance of Memorial Day, the 30th of May; the 4th of July; Labor Day, the first Monday of September; Columbus Day, the 2nd Monday in October; Veterans' Day, November 11th; or on Christmas Day. The Chief Justice of the Supreme Judicial Court may order that court be held on a legal holiday when ~~he~~ the Chief Justice finds that the interests of justice and judicial economy in any particular case will be served. The public offices in county buildings may be closed to business on the holidays named in this section. When any one of the holidays named in this section falls on Sunday, the Monday following ~~shall~~ must be observed as a holiday, with all the privileges applying to any of the days named in this section.

Sec. 50. 25 MRSA §50, 2nd ¶, as enacted by PL 1971, c. 423, §2, is amended to read:

The Governor is authorized and empowered to do all things necessary to protect the public and prevent damage to property. The Governor may order the State Police or National Guard to evacuate any area designated by ~~him~~ the Governor and to carry out any other orders ~~he deems~~ the Governor determines necessary, and ~~they shall~~ in such event the State Police and National Guard have full authority to carry out ~~his~~ the Governor's orders. The Governor may delegate any authority vested in ~~him~~ the Governor under this provision.

Sec. 51. 35-A MRSA §1320, sub-§7, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

7. Stay. While an appeal under subsection 1 is pending, no injunction may issue suspending or staying any order of the commission and the appeal ~~shall~~ does not excuse any person or corporation from complying with and obeying any order or decision or any requirement of any order or decision of the commission or operate in any manner to stay or postpone the enforcement of the order or decision, except in the cases and upon the terms as the commission orders. While an appeal under subsection 5 is pending final determination by the court, the Chief Justice, or in ~~his~~ the Chief Justice's absence any other justice, may enjoin or stay the effect of the ruling or order upon the terms and conditions as ~~he~~ the Chief Justice determines proper.

Sec. 52. Maine Revised Statutes revisions. The Revisor of Statutes shall review the Maine Revised Statutes to determine where references to individuals occurring throughout the statutes need to be made gender-neutral and shall implement these revisions when updating, publishing or republishing the

statutes. The Revisor of Statutes shall develop a schedule to change all such gender-specific terms to gender-neutral terms in all Titles of the Maine Revised Statutes as soon as reasonably practicable. The changes may be made through the preparation and publication of an additional annual revisor's report pursuant to the Maine Revised Statutes, Title 1, section 95 that is dedicated to the correction of gender-specific terms. The Revisor of Statutes shall include in the annual report a report on the progress in carrying out the schedule developed pursuant to this section. When correcting gender-specific references within statutory units in the additional annual revisor's report prepared pursuant to this section, the Revisor of Statutes need not correct those statutory units to incorporate other administrative changes and corrections authorized under Title 1, section 93.

See title page for effective date.

CHAPTER 476

S.P. 550 - L.D. 1679

An Act To Promote Clean Energy Jobs and To Establish the Maine Climate Council

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 Climate Council, its Scientific and Technical Subcommittee and its working groups, which are established in this legislation and which are directed in this legislation to address a number of critical and pressing issues relating to the effects of climate change on the State, its communities and its environment and natural resources, must commence work on those issues as soon as is 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. 5 MRSA §12004-I, sub-§24-G is enacted to read: