

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 28, 1995 to December 1, 1995**

**SECOND REGULAR SESSION**  
**January 3, 1996 to April 4, 1996**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 4, 1996**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

must make the election no later than ~~November 1,~~  
1996 January 1, 1997.

**Sec. 12. 5 MRSA §17852, sub-§12** is enacted to read:

**12. Baxter State Park Authority rangers exercising option; retirement before 55 years of age.** For a person exercising the option provided in section 17851, subsection 12, who makes the payments required in subsection 11, and who retires before reaching 55 years of age, the retirement benefit is determined as follows.

A. For members with 10 years of creditable service on July 1, 1993, the retirement benefit is determined in accordance with subsection 1, except that:

(1) The amount arrived at under subsection 1 is reduced by applying to that amount the percentage that a life annuity due at 55 years of age bears to the life annuity due at the age of retirement; and

(2) For the purpose of making the computation under subparagraph (1), the board-approved tables of annuities in effect at the date of the member's retirement are used.

For the purpose of calculating creditable service under this subsection only, "creditable service" includes time during which a member participated in the voluntary cost-savings plan or the voluntary employee incentive program, authorized by Public Law 1989, chapter 702, Part F, section 6 and Public Law 1991, chapter 591, Part BB and chapter 780, Part VV; or 10 years of combined creditable service under this Part and Title 3, chapter 29; or creditable service available to a member that the member was eligible to purchase on June 30, 1993 and that the member does purchase in accordance with rules adopted by the board.

B. For members who do not have 10 years of creditable service on July 1, 1993, the retirement benefit is determined in accordance with subsection 1, except that the benefit is reduced by 6% for each year that the person's age precedes 55 years of age.

**Sec. 13. Maine State Retirement System methodology.** The Maine State Retirement System shall develop a methodology for calculating the full actuarial cost, reasonable administrative cost and interest, if applicable, to be applied when a person elects to retire under the Maine Revised Statutes, Title 5, section 17851, subsection 8-A. The retirement system shall also establish the procedure for election under that subsection.

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

Effective April 8, 1996.

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## CHAPTER 625

### S.P. 711 - L.D. 1811

#### An Act to Correct Errors and Inconsistencies in the Laws of Maine

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

**Whereas,** Acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the laws of Maine; and

**Whereas,** these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

**Whereas,** it is vitally necessary that these uncertainties and this confusion be resolved in order to prevent any injustice or hardship to the citizens of Maine; 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:**

#### PART A

**Sec. A-1. 1 MRSA §124,** as amended by PL 1989, c. 700, Pt. A, §3, is further amended to read:

#### §124. Maine Business Women's Week

The Governor shall annually issue a proclamation setting aside the 3rd full week in October as Maine Business Women's Week. The proclamation ~~shall~~ must invite and urge the people of the State to observe the week in schools and other suitable places with appropriate ceremony and study. The Department of Education ~~and the Maine Commission for Women~~ may make appropriate information available to the people and the schools within the limits of ~~their budgets~~ its budget.

**Sec. A-2. 5 MRSA §200-B,** as amended by PL 1995, c. 225, §1 and repealed and replaced by c.

327, §1, is repealed and the following enacted in its place:

**§200-B. Authority of Attorney General to request utility records**

**1. Public utility services.** As used in this section, the term "public utility services" means services furnished by a public utility as defined in Title 35-A, section 102, subsections 5, 7, 8, 12, 14, 15, 19 and 22 whether or not subject to the jurisdiction of the Public Utilities Commission.

**2. Demand for utility records; cause.** The Attorney General, a deputy attorney general or a district attorney may demand, in writing, all the records or information in the possession of the public utility relating to the furnishing of public utility services to a person or a location if the attorney has reasonable grounds to believe that the services furnished to a person or to a location by a public utility are being or may be used for, or to further, an unlawful purpose. Upon a showing of cause to any Justice of the Superior Court or Judge of the District Court, the justice or judge shall approve the demand. Showing of cause must be by the affidavit of any law enforcement officer.

**3. Release of other information.** An order approving a demand for utility records may include a provision prohibiting the public utility from releasing the fact of the request or that the records or information will be or have been supplied. The public utility may not release the fact or facts without obtaining a court order to that effect.

**4. Production of utility records.** Upon receipt of a demand, approved by a justice or judge, the public utility shall immediately deliver to the attorney, or the attorney's designee or agent, making the request all the records or information demanded. A public utility or employee of that public utility is not criminally or civilly liable for furnishing any records or information in compliance with the order approving the demand.

**5. Orders permitted under federal law.** The Attorney General, a deputy attorney general or a district attorney may, upon an affidavit of an investigating law enforcement officer, make application to any Justice of the Superior Court or any Judge of the District Court for any order permitted pursuant to 18 United States Code, Section 3122(a)(2).

**Sec. A-3. 5 MRSA §931, sub-§1, ¶L,** as amended by PL 1991, c. 376, §17, is further amended to read:

L. The executive director, deputy director, general counsel and staff attorneys of the Maine Health Care Finance Commission; and

**Sec. A-4. 5 MRSA §931, sub-§1, ¶L-1,** as enacted by PL 1991, c. 376, §18, is repealed.

**Sec. A-5. 5 MRSA §1825-B, sub-§2, ¶E,** as amended by PL 1995, c. 42, §1 and c. 119, §2, is repealed and the following enacted in its place:

E. The purchase is part of a cooperative project between the State and the University of Maine System or the Maine Technical College System involving:

(1) An activity assisting a state agency and enhancing the ability of the university system or technical college system to fulfill its mission of teaching, research and public service; and

(2) A sharing of project responsibilities and, when appropriate, costs;

**Sec. A-6. 5 MRSA §3305, sub-§1, ¶H,** as amended by PL 1995, c. 345, §1 and c. 465, Pt. B, §1 and affected by Pt. C, §2, is repealed and the following enacted in its place:

H. Compile, analyze and maintain information useful to the development of industry in the State concerning resources, sites, space, equipment, adequate housing, contracts, materials, transportation, markets, labor supply, population trends and other economic considerations and shall measure and monitor economic distress and poverty in the State on an ongoing basis. The State Planning Office, in conjunction with the Department of Economic and Community Development, shall study problems peculiar to the industry and economy of this State with a view toward the broader utilization of our natural resources, which studies must be advanced by coordination of research with existing private and governmental agencies and educational institutions, and may be advanced by contractual relations with persons or organizations equipped to conduct the needed research. The State Planning Office shall, upon request from the Governor or any state department, assist in the preparation of reports regarding the responsibilities and duties provided by this subsection, including regular analysis of poverty and economic distress. The State Planning Office shall coordinate its activities pursuant to this paragraph with the Bureau of Child and Family Services to meet the annual reporting needs of the bureau;

**Sec. A-7. 5 MRSA §3305, sub-§1, ¶K,** as amended by PL 1995, c. 395, Pt. D, §2 and c. 465, Pt. B, §2 and affected by Pt. C, §2, is repealed and the following enacted in its place:

K. Coordinate the development of energy policy, including:

(1) Collecting and analyzing energy data from all available energy sources in the State. The director shall afford confidential treatment to information, documents and data dealing with sales of individual companies that are engaged in the wholesale and retail trade of petroleum products in the State, upon request of the individual companies;

(2) Preparation of an energy resources plan to be submitted to the Governor and the Legislature every 2 years that includes a description of historical energy demand by end-use sector and energy resources used to meet that demand and a forecast of energy demand by end-use sector for the next 5 years, 10 years and 20 years, which must include an electric and gas forecast;

(3) Encouragement and direction or sponsorship of research, experiments and demonstration projects within the State to develop alternate energy sources, particularly, but not limited to, those sources that rely on renewable natural resources of the State, such as solar energy, water of tides and rivers, forests, winds and other sources that to date have not been fully explored or utilized; and

(4) Provision of conservation alternatives to proposed new electric power generating plants and assessment of the long-term and short-term energy savings realized by the conservation alternatives;

**Sec. A-8. 5 MRSA §3305, sub-§1, ¶L**, as amended by PL 1995, c. 395, Pt. D, §3 and enacted by c. 465, Pt. B, §3 and affected by Pt. C, §2, is repealed and the following enacted in its place:

L. Review and update the great ponds management strategy developed by the Great Pond Task Force pursuant to Title 38, section 1843-A at least every 5 years, based on the goals and principles set forth in the original strategy report;

**Sec. A-9. 5 MRSA §3305, sub-§1, ¶M**, as enacted by PL 1995, c. 395, Pt. D, §4 and c. 465, Pt. B, §3 and affected by Pt. C, §2, is repealed and the following enacted in its place:

M. Administer a program of training and financial assistance for municipal code enforcement officers;

**Sec. A-10. 5 MRSA §3305, sub-§1, ¶¶N and O** are enacted to read:

N. Coordinate the development of solid waste management policy including:

(1) Collecting and analyzing solid waste management and recycling data from all available sources including commercial and municipal entities;

(2) Preparing a solid waste management and recycling plan to be submitted to the Governor and the Legislature every 2 years; and

(3) Providing technical and financial assistance to municipalities in waste reduction and recycling activities; and

O. Own, design, develop or operate, or contract with private parties to operate, a solid waste disposal facility, as provided in Title 38, chapter 24, subchapter IV.

**Sec. A-11. 5 MRSA §5301, sub-§2, ¶E**, as amended by PL 1995, c. 131, §1 and c. 162, §1, is repealed and the following enacted in its place:

E. Convictions for which incarceration for less than one year may be imposed and that involve sexual misconduct by an applicant or licensee of the Board of Licensure in Medicine, the Board of Osteopathic Licensure, the Board of Dental Examiners, the State Board of Examiners of Psychologists, the State Board of Social Worker Licensure, the Board of Chiropractic Licensure, the State Board of Examiners in Physical Therapy, the Board of Trustees of the Maine Criminal Justice Academy, the State Board of Nursing and the Emergency Medical Services' Board.

**Sec. A-12. 5 MRSA §5303, sub-§2**, as amended by PL 1995, c. 131, §2 and c. 162, §2, is repealed and the following enacted in its place:

**2. Ten-year limits.** For applicants to and licensees and registrants of the Board of Licensure in Medicine, the Board of Osteopathic Licensure, the Board of Dental Examiners, the State Board of Examiners of Psychologists, the State Board of Social Worker Licensure, the State Board of Nursing, the Board of Chiropractic Licensure, the Board of Trustees of the Maine Criminal Justice Academy, the State Board of Examiners in Physical Therapy and the Emergency Medical Services' Board, the following apply.

A. The procedures outlined in sections 5301 and 5302 for the consideration of prior criminal conviction as an element of fitness to practice a li-

censed profession, trade or occupation apply within 10 years of the applicant's or licensee's final discharge, if any, from the correctional system.

B. Beyond the 10-year period, ex-offender applicants or licensees with no additional convictions must be considered in the same manner as applicants or licensees possessing no prior criminal record for the purposes of licensing decisions.

C. There is no time limitation for consideration of a registrant's, an applicant's or licensee's conduct that gave rise to the criminal conviction if that conduct is otherwise a ground for disciplinary action.

**Sec. A-13. 5 MRSA §7501**, as enacted by PL 1995, c. 54, §1, is amended to read:

**§7501. Commission established**

There is established the Maine Commission for Community Service, referred to in this chapter as the "commission," to foster the State's ethic of community service; encourage community service and volunteerism as a means of meeting critical human, environmental, educational and public safety needs throughout the State; serve as the State's liaison regarding national and community service and volunteer activities; foster collaboration among service agencies; receive gifts and grants, implement statewide service programs and make subgrants to state and local entities in accordance with the ~~federal~~ National and Community Service Trust Act of 1993, ~~Public Law 108-02 42 United States Code, Sections 12501 to 12682 (1994).~~

**Sec. A-14. 5 MRSA §12004-A, sub-§41**, as amended by PL 1995, c. 353, §1 and c. 394, §1, is repealed and the following enacted in its place:

<u>41. State Board of</u>	<u>\$35/Day Plus</u>	<u>32 MRSA</u>
<u>Alcohol and Drug</u>	<u>Expenses</u>	<u>§6201</u>
<u>Counselors</u>		

**Sec. A-15. 5 MRSA §19204-A, first ¶**, as amended by PL 1995, c. 319, §5 and c. 404, §15, is repealed and the following enacted in its place:

Except as otherwise provided by this chapter, persons who are the subjects of HIV tests must be offered pretest and post-test counseling. Persons who are authorized by section 19203-C or 19203-F to receive test results after exposure must be offered counseling regarding the nature, reliability and significance of the HIV test and the confidential nature of the test. Persons offered counseling under this section may decline the offer by signing a waiver

stating that counseling has been offered and is being declined.

**Sec. A-16. 10 MRSA §1475, sub-§3**, as amended by PL 1995, c. 65, Pt. A, §21 and affected by §153 and Pt. C, §15 and amended by c. 188, §2, is repealed and the following enacted in its place:

**3. Written statement.** A dealer shall obtain from the seller of a used motor vehicle a written statement containing the following information:

A. The make, model, model year and any identification or serial numbers of the motor vehicle;

B. The name and address of the seller, the principal use to which the motor vehicle was put by the seller, such as personal transportation, police car, daily rental car, taxi or other descriptive term;

C. A statement identifying any and all mechanical defects known to the seller at the time of sale; and

D. A statement identifying the type of damage, if any, that the vehicle has sustained, such as fire, water or substantial collision damage, if such information is known to the seller.

Any dealer who offers for sale to consumers a repossessed vehicle that has been obtained by the dealer through any transaction other than a retail sale is not subject to the provisions of this subsection.

The seller of the used motor vehicle shall sign and date this written statement and the dealer who buys the vehicle shall maintain a record of it for 2 years following the sale of the motor vehicle.

As used in subsection 2-A and this subsection, "substantial collision damage" means any damage to a motor vehicle from a collision when the costs of repair of that damage, at the time of repair, including replacement of mechanical and body parts, exceeded by 3 times the amount of damage that would at the time of the collision have required a report of the collision to a law enforcement agency under the provisions of Title 29-A, section 2251.

**Sec. A-17. 10 MRSA §8001, sub-§§35 and 36**, as amended by PL 1995, c. 389, §2 and repealed by c. 397, §10, are repealed.

**Sec. A-18. 11 MRSA §9-407, sub-§1** is amended to read:

(1) If the person filing any financing statement, termination statement, statement of assignment, or statement ~~of~~ release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of

the filing of the original and deliver or send the copy to such person.

**Sec. A-19. 17-A MRSA §2, sub-§5-A**, as enacted by PL 1989, c. 18, §1, is amended to read:

**5-A.** "Corrections officer" has the same meaning as in Title 25, section ~~2805~~ 2801-A, subsection 2, ~~paragraph C.~~

**Sec. A-20. 17-A MRSA §805, sub-§1, ¶¶A and B**, as amended by PL 1995, c. 224, §8 and c. 434, §1, are repealed and the following enacted in their place:

A. Damages or destroys property of another in an amount exceeding \$2,000 in value, having no reasonable ground to believe that the person has a right to do so;

B. Damages or destroys property in an amount exceeding \$2,000 in value, to enable any person to collect insurance proceeds for the loss caused;

**Sec. A-21. 20-A MRSA §254, sub-§§8 and 9**, as enacted by PL 1989, c. 889, §3, are amended to read:

**8. Model hiring procedure.** By January 1, 1991, the commissioner, in collaboration with organizations representing school boards, school administrators, teachers, ~~the Maine Commission for Women~~ and other interested parties, shall develop a model hiring procedure for school administrators. The counsel for the Maine Human Rights Commission appointed under Title 5, section 4566, subsection 3, shall review the model hiring procedure.

**9. Statewide goal.** The commissioner, in cooperation with organizations representing school boards, school administrators, teachers, ~~the Maine Commission for Women~~ and other interested parties, shall set a statewide target goal for the 5 years following the effective date of this subsection for the employment of women in positions requiring administrator certification. The commissioner shall review and update the target goal after 2 years and 4 years.

**Sec. A-22. 20-A MRSA §8205, sub-§16**, as amended by PL 1995, c. 368, Pt. LL, §3 and c. 485, §2, is repealed and the following enacted in its place:

**16. Report.** To report biennially to the Governor and the joint standing committee of the Legislature having jurisdiction over education matters on the results of the assessment in subsection 15 by the board of trustees and the general status of the school and to provide annually to the Governor and the Legislature a financial audit of the school conducted by an independent auditor;

**Sec. A-23. 22 MRSA §2906, sub-§4**, as repealed by PL 1995, c. 32, §2 and amended by c. 65, Pt. A, §60 and affected by §153 and Pt. C, §15, is repealed.

**Sec. A-24. 24-A MRSA §1519, sub-§2**, as amended by PL 1995, c. 329, §15 and repealed and replaced by c. 462, Pt. A, §46, is repealed and the following enacted in its place:

2. When an applicant is not licensed under this Title or licensed as an insurance agent, a broker or an adjuster in this State under laws now in force, the superintendent shall secure, as soon as is reasonably possible after filing of the application, appropriate background information with which to ascertain the applicant's character.

**Sec. A-25. 24-A MRSA §2809-A, sub-§1-A**, as amended by PL 1995, c. 189, §2 and affected by §4 and amended by c. 332, Pt. A, §9, is repealed and the following enacted in its place:

**1-A. Notification of cancellation.** An insurer must provide by first class mail at least 10 days' prior notification of cancellation for nonpayment of premium for hospital, surgical or major medical expense insurance according to this section. The notice must include the date of cancellation of coverage and, if applicable, the time period for exercising policy conversion rights. Notification is not required when the insurer has received written notice from the group policyholder that replacement coverage has been obtained.

A. Notice must be mailed to the group policyholder or subgroup sponsor.

B. At the time of notification under paragraph A, notice must be mailed to the certificate holder at:

(1) The last address provided by the subgroup sponsor or the group policyholder to the insurer; or

(2) The office of the subgroup sponsor, if any, or the group policyholder.

C. Notice must be mailed to the bureau.

**Sec. A-26. 24-A MRSA §4222, sub-§4**, as amended by PL 1995, c. 332, Pt. L, §2 and repealed by Pt. O, §7, is repealed.

**Sec. A-27. 24-A MRSA §6203, sub-§1, ¶B**, as amended by PL 1995, c. 452, §§8 to 10, is further amended by amending subparagraph (18) to read:

(18) An actuarial study, certified by an actuary, demonstrating that the anticipated

revenues and other available financial resources will be sufficient to provide the services promised by the contract and indicating the method by which the reserve required by section ~~624~~ 6215-A will be calculated;

**Sec. A-28. 24-A MRSA §6215**, as repealed and replaced by PL 1995, c. 452, §30, is repealed.

**Sec. A-29. 24-A MRSA §6215-A** is enacted to read:

**§6215-A. Reserves**

A provider shall establish and maintain the following reserves:

**1. Mortgage debt.** A liquid amount equal to the aggregate amount of all principal and interest payments due during the fiscal year on any mortgage loan or other long-term financing of the facility, which reserve may be held by a lender, mortgagee or trustee for bondholders in a debt service reserve fund or similar fund, including, without limitation, any reserve fund of the Maine Health and Higher Educational Facilities Authority established pursuant to Title 22, chapter 413;

**2. Operating reserve.** A liquid amount equal to 20% of the total cash operating expenses, other than principal and interest payments on any mortgage loan or other long-term financing of the facility, projected for the forthcoming 12-month period, which reserve may be held by the provider in an operating fund; provided, however, that the percentage of the total cash operating expenses must be increased from 20% to 25% in the case of a provider who offers an extensive health care guarantee. For purposes of this section, "extensive health care guarantee" means a term in a continuing care agreement requiring the provision of health care to the subscriber on a prepaid basis for more than one year; and

**3. Reserve liabilities; actuarial value.** Each provider shall establish and maintain reserve liabilities that place a sound value on the provider's liabilities under its contracts with subscribers. The reserve must equal the excess of the present value of future benefits promised under the continuing care agreement over the present value of future revenues and any other available resources, based on conservative actuarial assumptions. The provider shall provide every 3 years to the superintendent an actuarial valuation or statement of actuarial opinion as to the adequacy of the reserve, signed by a qualified actuary, that, based on reasonable assumptions, the continuing care retirement community's assets, including the present value of estimated future maintenance fees and any other available resources, are at least equal to the present value of estimated future liabilities.

Unless otherwise approved by the superintendent, the actuarial opinion must be based on reasonable assumptions with the following provisions and margins.

**A. The liabilities of a continuing care retirement community must include, but not be limited to:**

(1) An amount equal to the present value of future health care expenses guaranteed pursuant to the continuing care contract; and

(2) The liabilities under this section must be calculated for the continuing care retirement community population existing on the valuation date under assumptions that, in the actuary's opinion, fairly represent the expected value of future costs and population decrements adjusted by the margins specified in paragraph B.

**B. Margins required to be included in the valuation assumptions to be added to the actuary's best estimate assumptions are as follows.**

(1) Health care costs per resident or per health care facility bed must be assumed to increase at a rate at least one percentage point higher than the general inflation rate.

(2) A mortality margin of 5% must be subtracted from that assumed for active residents and 10% subtracted from those in the health care facilities.

(3) A health care utilization margin of 5% must be added to the assumed rates at which residents require permanent transfer to a health care facility.

(4) The discount rate used to calculate present values may not be more than 2 1/2 percentage points higher than the rate used in the valuation of long-term life insurance contracts to be issued in the year of valuation in this State.

(5) All other assumptions must include margins that are adequate in the opinion of the actuary.

The superintendent may adopt reasonable rules further defining the standards contained in this section.

**Sec. A-30. 25 MRSA §3504**, as amended by PL 1979, c. 641, §7, is further amended to read:

**§3504. Deposit of proceeds**

Proceeds of the sale of the property at public auction, less reimbursement to the law enforcement



agency and others authorized of the reasonable expenses of custody, ~~shall~~ must be disposed of according to Title 33, chapter ~~27~~ 37.

**Sec. A-31. 29-A MRSA §252, sub-§1**, as amended by PL 1995, c. 65, Pt. A, §85 and affected by §153 and Pt. C, §15 and amended by c. 482, Pt. A, §2, is repealed and the following enacted in its place:

**1. Reports furnished to commercial users; fee.**

The Secretary of State shall furnish reports of records pertaining to convictions, adjudications, accidents, suspensions, revocations and other information required by commercial users for a fee of \$5 each. Certified copies are an additional \$1. A person receiving a report by electronic transmittal shall pay the fee associated with that transmittal.

**Sec. A-32. 29-A MRSA §558, sub-§1**, as amended by PL 1995, c. 376, §2; c. 401, §1; and c. 482, Pt. A, §5, is repealed and the following enacted in its place:

**1. Violation.** A person commits a Class E crime if that person violates or knowingly permits a violation of this subchapter or a rule adopted pursuant to this subchapter. The violation is a Class C crime if:

A. The violation is knowing or intentional;

B. The violation in fact causes either death or serious bodily injury, as defined in Title 17-A, section 2, to a person whose health or safety is protected by the provision violated; and

C. The death or injury is a reasonably foreseeable consequence of the violation.

**Sec. A-33. 29-A MRSA §588, sub-§1-A** is enacted to read:

**1-A. Minimum fine.** Notwithstanding Title 17-A, section 1301, the minimum fine for a violation of a state rule that adopts by reference the federal regulations found in 49 Code of Federal Regulations, Parts 395.3, 395.8e and 395.8k is \$250. If a minimum fine is provided by any rule adopted pursuant to this subchapter, the court shall impose at least the minimum fine, which may not be suspended by the court.

**Sec. A-34. 29-A MRSA §2412, sub-§1, ¶D**, as affected by PL 1995, c. 65, Pt. A, §153 and amended by Pt. C, §11 and affected by Pt. C, §15 and repealed by c. 368, Pt. AAA, §11, is repealed.

**Sec. A-35. 30-A MRSA §4358, sub-§1, ¶A**, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

A. "Manufactured housing" means a structural unit or units designed for occupancy and constructed in a manufacturing facility and trans-

ported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building ~~which~~ that is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this section, 2 types of manufactured housing are included. Those 2 types are:

(1) Those units constructed after June 15, 1976, commonly called "newer mobile homes," ~~which~~ that the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, ~~which~~ that in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and ~~which~~ that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit;

(a) This term also includes any structure ~~which~~ that meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.; and

(2) Those units commonly called "modular homes;" ~~which~~ that the manufacturer certifies are constructed in compliance with Title 10, chapter ~~957~~ 951, and rules adopted under that chapter, meaning structures, transportable in one or more sections, ~~which~~ that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the unit.

**Sec. A-36. 32 MRSA §271-A**, as repealed by PL 1995, c. 397, §25 and amended by c. 402, Pt. A, §11, is repealed.

**Sec. A-37. 32 MRSA §2153-A, sub-§11**, as amended by PL 1995, c. 397, §41 and c. 462, Pt. A, §56, is repealed and the following enacted in its place:

**11. Budget.** Shall submit to the Commissioner of Professional and Financial Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change unless alterations are mutually agreed upon by the Department of Professional and Financial Regulation and the board or the board's designee. The budget submitted by the board to the commissioner must be sufficient to enable the board to comply with this subchapter;

**Sec. A-38. 32 MRSA §2153-A, last ¶**, as repealed and replaced by PL 1995, c. 397, §42 and amended by c. 462, Pt. A, §57, is repealed and the following enacted in its place:

The Commissioner of Professional and Financial Regulation shall act as a liaison between the board and the Governor. The commissioner may not exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board. The commissioner may require the board to be accessible to the public for complaints and questions during regular business hours and to provide any information the commissioner requires in order to ensure that the board is operating administratively within the requirements of this chapter.

**Sec. A-39. 32 MRSA §9903, sub-§4**, as repealed by PL 1995, c. 397, §97 and amended by c. 402, Pt. A, §29, is repealed.

**Sec. A-40. 32 MRSA §9911, sub-§2**, as repealed by PL 1995, c. 397, §100 and amended by c. 402, Pt. A, §34, is repealed.

**Sec. A-41. 32 MRSA §12406, sub-§5**, as repealed by PL 1995, c. 397, §103 and amended by c. 402, Pt. A, §37, is repealed.

**Sec. A-42. 32 MRSA §12407, sub-§6**, as repealed by PL 1995, c. 397, §104 and amended by c. 402, Pt. A, §38, is repealed.

**Sec. A-43. 32 MRSA §12410, sub-§3**, as repealed by PL 1995, c. 397, §105 and amended by c. 402, Pt. A, §41, is repealed.

**Sec. A-44. 32 MRSA §14816**, as enacted by PL 1995, c. 389, §4, is repealed and the following enacted in its place:

**§14816. Exemption**

Nothing in this Act prohibits any person who is licensed to practice in this State under any other law

from engaging in the practice for which that person is licensed.

**Sec. A-45. 32 MRSA §14817** is enacted to read:

**§14817. Repeal**

This Act is repealed July 1, 2000.

**Sec. A-46. 36 MRSA §191, sub-§2, ¶Q**, as amended by PL 1995, c. 395, Pt. S, §1 and c. 419, §31, is repealed and the following enacted in its place:

Q. The listing of special fuel suppliers possessing certificates under section 3204;

**Sec. A-47. 36 MRSA §191, sub-§2, ¶R**, as amended by PL 1995, c. 395, Pt. S, §2 and enacted by c. 419, §32, is repealed and the following enacted in its place:

R. The disclosure to the Department of Human Services, Bureau of Medical Services of information relating to the administration and collection of the tax imposed by chapter 369;

**Sec. A-48. 36 MRSA §191, sub-§2, ¶S**, as enacted by PL 1995, c. 395, Pt. S, §3, is amended to read:

S. The disclosure to an authorized representative of the Department of Human Services of the names and social security numbers of applicants for the Maine Residents Property Tax Relief Program for the purpose of identifying those who are not eligible for that program pursuant to section 6207, subsection 3. The Department of Human Services may not disclose names or social security numbers to any person, agency or organization, other than the Bureau of Taxation, nor may those names and social security numbers be used for any purpose other than the purpose stated in this paragraph- ; and

**Sec. A-49. 36 MRSA §191, sub-§2, ¶T** is enacted to read:

T. The disclosure to an authorized representative of the Department of Human Services of information in the possession of the bureau identifying the location of an interest-bearing account in the name and social security number of a delinquent payor of child support as requested by the Department of Human Services.

**Sec. A-50. 36 MRSA §1952-A**, as amended by PL 1995, c. 467, §18, is further amended to read:

**§1952-A. Payment of tax on vehicles and watercraft**

The tax imposed by chapters 211 to 225 on the sale or use of any vehicle or watercraft must, except where the dealer of the vehicle or watercraft has collected the tax in full, be paid by the purchaser or other person seeking registration of the vehicle or watercraft at the time and place of registration of the vehicle or watercraft. In the case of vehicles except snowmobiles and all-terrain vehicles, the tax must be collected by the Secretary of State and transmitted to the Treasurer of State as provided by Title 29-A, section 409. In the case of watercraft, snowmobiles and all-terrain vehicles, the tax must be collected by the Commissioner of Inland Fisheries and Wildlife and transmitted to the Treasurer of State as provided by Title 12, sections 7793-A to 7793-E, 7824-A to 7824-E, 7824-F or 7854-A, ~~7824-B, 7824-E and 7824-F~~ to 7854-E.

**Sec. A-51. 38 MRSA §480-B, sub-§10**, as amended by PL 1995, c. 406, §13 and c. 460, §3 and affected by §12, is repealed and the following enacted in its place:

**10. Significant wildlife habitat.** "Significant wildlife habitat" means the following areas to the extent that they have been mapped by the Department of Inland Fisheries and Wildlife or are within any other protected natural resource: habitat, as defined by the Department of Inland Fisheries and Wildlife, for species appearing on the official state or federal lists of endangered or threatened animal species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Salmon Authority; shorebird nesting, feeding and staging areas and seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife; and significant vernal pools as defined and identified by the Department of Inland Fisheries and Wildlife. For purposes of this subsection, "identified" means identified in a specific location by the Department of Inland Fisheries and Wildlife.

**Sec. A-52. 38 MRSA §480-U**, as enacted by PL 1995, c. 287, §18, is repealed.

**Sec. A-53. 38 MRSA §488, sub-§16**, as enacted by PL 1995, c. 287, §5 and c. 493, §7 and affected by §21, is repealed and the following enacted in its place:

**16. Small road quarry.** A quarry regulated by the department under article 8 is exempt from review under this article.

**Sec. A-54. 38 MRSA §488, sub-§19** is enacted to read:

**19. Waste facilities.** Waste facilities regulated by the department under section 1310-N, 1319-R or 1319-X are exempt from review under this article. This exemption applies to new facilities, modifications of facilities, transfers of facilities and relicensing of facilities.

**Sec. A-55. PL 1993, c. 600, Pt. A, §198, first 2 lines** are repealed and the following enacted in their place:

**Sec. A-198. 32 MRSA §3263, first ¶**, as repealed and replaced by PL 1989, c. 878, Pt. A, §95, is amended to read:

**Sec. A-56. PL 1993, c. 737, §5, sub-§1, ¶C** is amended to read:

C. One member of the ~~Joint Select Committee on Corrections~~ joint standing committee having jurisdiction over corrections matters appointed jointly by the President of the Senate and the Speaker of the House of Representatives; and

**Sec. A-57. PL 1995, c. 65, Pt. A, §8, first 2 lines** are amended to read:

**Sec. A-8. 5 MRSA §3360, sub-§2 sub-§3, ¶E**, as enacted by PL 1991, c. 806, §3, is amended to read:

**Sec. A-58. PL 1995, c. 397, §126, first line** is repealed and the following enacted in its place:

**Sec. 126. 38 MRSA §90-C**, as enacted by PL 1983, c. 758, §16, is repealed and the following enacted in its place:

**Sec. A-59. PL 1995, c. 450, §6, first 2 lines** are amended to read:

**Sec. 6. 17 MRSA §9564 §2859, sub-§7**, as enacted by PL 1981, c. 43, is amended to read:

**Sec. A-60. PL 1995, c. 466, Pt. D, §1** is amended to read:

**Sec. D-1. Maine State Retirement System methodology.** The Maine State Retirement System shall develop a methodology for calculating the full actuarial cost, reasonable administrative cost, and interest, if applicable, to be applied when a person elects to retire under the Maine Revised Statutes, Title 5, section ~~47581~~ 17851, subsections 5-A, 6-A or 12. The retirement system shall also establish the procedure for election under those subsections.

## PART B

**Sec. B-1. 7 MRSA §3923-C, sub-§2**, as amended by PL 1995, c. 409, §7 and repealed by c. 490, §8, is repealed.

Sec. B-2. 7 MRSA §3923-C, sub-§2-A, as enacted by PL 1995, c. 490, §9, is amended to read:

2-A. License fees. A kennel owner shall pay a fee of \$21 to the municipal clerk for each license to keep dogs or wolf hybrids. A license is needed only for dogs or wolf hybrids 6 months of age or older. A kennel owner may not keep more than 10 dogs or wolf hybrids per license. The clerk shall retain \$1 as a recording fee and forward \$5 to the municipality's animal welfare account established pursuant to section 3945 and \$15 to the Animal Welfare Fund.

Sec. B-3. 17 MRSA §3203, as amended by PL 1995, c. 65, Pt. A, §55 and affected by §153 and Pt. C, §15 and amended by c. 87, §1, is repealed and the following enacted in its place:

§3203. Sales of motor vehicles prohibited

Except as provided in section 3203-A, any person who carries on or engages in the business of buying, selling, exchanging, dealing or trading in new or used motor vehicles; or who opens any place of business or lot in which that person attempts to or does engage in the business of buying, selling, exchanging, dealing or trading in new or used motor vehicles; or who does buy, sell, exchange, deal or trade in new or used motor vehicles as a business on the first day of the week, commonly known and designated as Sunday, is a disorderly person. Such a disorderly person upon conviction for the first offense must be punished by a fine of not more than \$100 or by imprisonment for not more than 10 days, or by both; and for the 2nd offense must be punished by a fine of not more than \$500 or by imprisonment for not more than 30 days, or by both; and for the 3rd or each subsequent offense must be punished by a fine of not more than \$750 or by imprisonment for not more than 6 months, or by both. If the person is the holder of dealer or transporter registration plates under Title 29-A, chapter 9, such person is subject to the suspension or revocation of those plates, as provided for in Title 29-A, section 903, for the violation of this section.

Sec. B-4. 18-A MRSA §5-804, Pt. 4, as enacted by PL 1995, c. 378, Pt. A, §1, is amended to read:

PART 4

PRIMARY PHYSICIAN

(OPTIONAL)

(11) I designate the following physician as my primary physician:

..... (name of physician)

..... (address) (city) (state) (zip code)

..... (phone)

OPTIONAL: If the physician I have designated above is not willing, able or reasonably available to act as my primary physician, I designate the following physician as my primary physician:

..... (name of physician)

..... (address) (city) (state) (zip code)

..... (phone)

\*\*\*\*\*

(12) EFFECT OF COPY: A copy of this form has the same effect as the original.

(13) SIGNATURES: Sign and date the form here:

..... (date) (sign your name)

..... (address) (print your name)

..... (city) (state)

(Optional) SIGNATURES OF WITNESSES:

First witness Second witness

..... (print name) (print name)

..... (address) (address)

..... (city) (state) (city) (state)

..... (signature of witness) (signature of witness)

..... (date) (date)

Sec. B-5. 21-A MRSA §1020-A, sub-§3, as enacted by PL 1995, c. 483, §15, is amended to read:

3. Municipal campaign finance reports. Municipal campaign finance reports must be filed, subject to all the provisions of this subchapter, with the municipal clerk on forms prescribed by the

Commission on Governmental Ethics and Election Practices. The municipal clerk shall send any notice of ~~letters~~ lateness required by ~~paragraph D~~ subsection 6 and shall notify the commission of any late reports subject to a penalty.

**Sec. B-6. 24 MRSA §2325-A, sub-§5-C, ¶B**, as amended by PL 1995, c. 332, Pt. G, §1 and repealed and replaced by c. 407, §1, is repealed and the following enacted in its place:

B. All policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after July 1, 1996 must provide benefits that meet the requirements of this paragraph. For purposes of this paragraph, all contracts are deemed renewed no later than the next yearly anniversary of the contract date.

(1) The contracts must provide benefits for the treatment and diagnosis of mental illnesses under terms and conditions that are no less extensive than the benefits provided for medical treatment for physical illnesses.

(2) At the request of a nonprofit hospital or medical service organization, a provider of medical treatment for mental illness shall furnish data substantiating that initial or continued treatment is medically necessary and appropriate. When making the determination of whether treatment is medically necessary and appropriate, the provider shall use the same criteria for medical treatment for mental illness as for medical treatment for physical illness under the group contract.

**Sec. B-7. Effective date.** That section of this Part that repeals and replaces the Maine Revised Statutes, Title 24, section 2325-A, subsection 5-C, paragraph B takes effect July 1, 1996.

**Sec. B-8. 24-A MRSA §2843, sub-§5-C, ¶B**, as amended by PL 1995, c. 332, Pt. G, §2 and repealed and replaced by c. 407, §6, is repealed and the following enacted in its place:

B. All policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after July 1, 1996 must provide benefits that meet the requirements of this paragraph. For purposes of this paragraph, all contracts are deemed renewed no later than the next yearly anniversary of the contract date.

(1) The contracts must provide benefits for the treatment and diagnosis of mental illnesses under terms and conditions that are

no less extensive than the benefits provided for medical treatment for physical illnesses.

(2) At the request of a nonprofit hospital or medical service organization, a provider of medical treatment for mental illness shall furnish data substantiating that initial or continued treatment is medically necessary and appropriate. When making the determination of whether treatment is medically necessary and appropriate, the provider shall use the same criteria for medical treatment for mental illness as for medical treatment for physical illness under the group contract.

**Sec. B-9. Effective date.** That section of this Part that repeals and replaces the Maine Revised Statutes, Title 24-A, section 2843, subsection 5-C, paragraph B takes effect July 1, 1996.

**Sec. B-10. 24-A MRSA §2849-B, sub-§1**, as amended by PL 1995, c. 332, Pt. F, §4 and c. 342, §6, is repealed and the following enacted in its place:

**1. Policies subject to this section.** This section applies to all individual, group medical and blanket insurance policies except hospital indemnity, specified accident, specified disease, long-term care and short-term policies issued by insurers or health maintenance organizations. For purposes of this section, a short-term policy is an individual, nonrenewable policy issued for a term that does not exceed 12 months.

**Sec. B-11. 32 MRSA §2102, sub-§2, ¶D**, as amended by PL 1993, c. 600, Pt. A, §110, is further amended to read:

D. Delegation of selected nursing services to assistants to nurses who have completed or are currently enrolled in a course sponsored by a state-approved facility or a facility licensed by the Department of ~~Professional and Financial Regulation~~ Human Services. This course must include a curriculum approved by the board. The board shall issue such rules concerning delegation as it considers necessary to ensure quality of health care to the patient;

**Sec. B-12. 32 MRSA §6214-A, sub-§2-A**, as enacted by PL 1995, c. 394, §15, is amended to read:

**2-A. Registered alcohol and drug counselor.** The board may issue a certificate of registration as a registered alcohol and drug counselor, upon the affirmative vote of 5 members of the board, to any applicant who has met the following minimal requirements:

- A. Met the eligibility requirements set forth in section 6213;
- B. Obtained a passing grade on the written exam and a provisionally passing grade on the oral exam, as established by the board and prescribed by its rules; and
- C. Met any other criteria the board may prescribe by its rules.

This subsection is repealed October 1, 1996.

**Sec. B-13. 36 MRSA §1760, sub-§47**, as amended by PL 1995, c. 420, §1 and c. 478, §1 and affected by §2, is repealed and the following enacted in its place:

**47. Emergency shelters, feeding organizations and emergency food supply programs.** Sales of household and sanitary supplies and food items otherwise subject to tax to incorporated nonprofit organizations that provide free temporary emergency shelter or food for underprivileged individuals in this State. This subsection is repealed October 1, 1996;

**Sec. B-14. 36 MRSA §1760, sub-§47-A** is enacted to read:

**47-A. Emergency shelter and feeding organizations.** Beginning October 1, 1996, sales to incorporated nonprofit organizations that provide free temporary emergency shelter or food for underprivileged individuals in this State;

**Sec. B-15. 38 MRSA §435, first ¶**, as amended by PL 1993, c. 196, §1, is further amended to read:

To aid in the fulfillment of the State's role as trustee of its waters and to promote public health, safety and the general welfare, it is declared to be in the public interest that shoreland areas be subject to zoning and land use controls. Shoreland areas include those areas within 250 feet of the normal high-water line of any great pond, river or saltwater body, within 250 feet of the upland edge of a coastal wetland, within 250 feet of the upland edge of a freshwater wetland except as otherwise provided in section 439-A 438-A, subsection 2, or within 75 feet of the high-water line of a stream. The purposes of these controls are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual

points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

**Sec. B-16. PL 1995, c. 173, §2** is repealed.

**Sec. B-17. Retroactivity.** That section of this Part that repeals Public Law 1995, chapter 173, section 2 applies retroactively to June 29, 1995.

## PART C

**Sec. C-1. 22 MRSA §3760-D**, as repealed by PL 1995, c. 368, Pt. I, §1, is reenacted to read:

### **§3760-D. Special needs payment for recipients with excessive shelter costs**

**1. Amount of payment.** The department shall provide a special housing allowance in the amount of \$75 per month for each assistance unit to recipients of Aid to Families with Dependent Children whose shelter expenses for rent, mortgage or similar payments, property insurance and property taxes equal or exceed 75% of their monthly assistance unit income. Effective July 1, 1994 the special housing allowance is limited to \$50 per month for each assistance unit. For purposes of this subsection "monthly assistance unit income" means the total of the unit's Aid to Families with Dependent Children monthly benefit, plus income countable under Aid to Families with Dependent Children program rules, plus child support received by the unit, excluding the so-called \$50 pass-through payment.

**3-A. Federal approval.** In the event that federal approval for the Aid to Families with Dependent Children housing special needs payment described in this section is not given, the department is directed to negotiate with the appropriate federal agency to seek such approval. Notwithstanding any provision in this section, the department may implement a different method or standard for determining the housing special need for the purposes of obtaining federal approval, so long as the target population described in subsection 1 receives substantially the same benefit. The department is directed to consult with advocates for recipients of Aid to Families with Dependent Children during any negotiations with a federal agency for approval of the housing special needs payment.

**Sec. C-2. Retroactivity.** That section of this Part that reenacts Title 22, section 3760-D is effective retroactively to June 29, 1995.

**Sec. C-3. 24 MRSA §2904**, as amended by PL 1995, c. 239, §1 and c. 385, §1, is repealed and the following enacted in its place:

**§2904. Immunity from civil liability for volunteer activities**

**1. Health care practitioners.** Notwithstanding any inconsistent provision of any public or private and special law, a licensed health care practitioner who voluntarily, without the expectation or receipt of monetary or other compensation either directly or indirectly, provides professional services within the scope of that health care practitioner's licensure to a nonprofit organization or to an agency of the State or any political subdivision of the State or to members or recipients of services of that organization or state or local agency is not liable for an injury or death arising from those services unless the injury or death was caused willfully, wantonly, recklessly or by gross negligence of the health care practitioner.

**2. Retired physicians, podiatrists and dentists.** Notwithstanding any inconsistent provision of any public or private and special law, a licensed physician, podiatrist or dentist who has retired from practice and who voluntarily, without the expectation or receipt of monetary or other compensation either directly or indirectly, provides professional services within the scope of that physician's, podiatrist's or dentist's licensure to a nonprofit organization or to an agency of the State or any political subdivision of the State or to members or recipients of services of that organization or state or local agency is not liable for an injury or death arising from those services unless the injury or death was caused willfully, wantonly or recklessly by the physician, podiatrist or dentist. This extended immunity applies only if the licensed physician, podiatrist or dentist retired from practice, possessed an unrestricted license in the relevant profession and had not been disciplined by the licensing board in the previous 5 years at the time of the act or omission causing the injury.

**3. Terms.** For the purpose of this section, the term:

A. "Dentist" means a person who practices dentistry according to the provisions of Title 32, section 1081;

B. "Health care practitioner" has the same meaning as provided in section 2502;

C. "Nonprofit organization" does not include a hospital; and

D. "Podiatrist" has the same meaning as provided in Title 32, section 3551.

**Sec. C-4. 29-A MRSA §403,** as amended by PL 1995, c. 6, §1 and repealed by c. 49, §1 and c. 50, §1, is repealed.

**Sec. C-5. PL 1993, c. 732, Pt. A, §8** is amended to read:

**Sec. A-8. 38 MRSA §1303-C, sub-§39,** as amended by PL 1993, c. 424, §2 and affected by §3, is further amended to read:

**39. Treatment.** "Treatment" means any process, including but not limited to incineration, designed to change the character or composition of any hazardous waste, waste oil or biomedical waste so as to render the waste less hazardous or infectious. ~~"Treatment" also means any process including but not limited to incineration designed to change the character of composition of any waste oil, as defined in rules adopted under section 1319-O, subsection 2, or biomedical waste so as to render the waste less hazardous.~~

**Sec. C-6. PL 1995, c. 7, §2** is repealed.

**Sec. C-7. Retroactivity.** That section of this Part that repeals Public Law 1995, chapter 7, section 2 is effective retroactively to June 29, 1995.

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

Effective April 8, 1996, unless otherwise indicated.

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## CHAPTER 626

S.P. 727 - L.D. 1833

### An Act to Clarify the Definition of Commercial Whitewater Outfitter

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

**Whereas,** the 90-day period will not terminate until after the spring whitewater rafting season; and

**Whereas,** the provisions of this Act preclude potential criminal actions against whitewater rafting clubs; 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. 12 MRSA §7365-A** is enacted to read: