

# MAINE STATE LEGISLATURE

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

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

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**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**  
**1997**

is a law enforcement officer, unless the person knows that the law enforcement officer is not in fact engaged in the performance of the law enforcement officer's public duty, or unless the person is justified under this chapter in using deadly force against the law enforcement officer. A law enforcement officer may not make a nonconsensual warrantless entry into a dwelling place solely in response to a threat not justified under this section.

See title page for effective date.

**CHAPTER 290**

**H.P. 598 - L.D. 789**

**An Act to List Specific Threatened and Endangered Species**

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

**Sec. 1. 12 MRSA §7753, sub-§3**, as amended by PL 1995, c. 667, Pt. A, §33, is further amended to read:

**3. Legislative authority.** The Legislature, as sole authority, shall designate a species as state endangered or state threatened species. The list of state endangered or state threatened species is as follows:

Common Name	Scientific Name	Status
Least Tern	<i>Sterna albifrons</i>	Endangered
Golden Eagle	<i>Aquila chrysaetos</i>	Endangered
Piping Plover	<i>Charadrius melodus</i>	Endangered
Sedge Wren	<i>Cistothorus platensis</i>	Endangered
Grasshopper Sparrow	<i>Ammodramus savannarum</i>	Endangered
Box Turtle	<i>Terrapene carolina</i>	Endangered
Black Racer	<i>Coluber constrictor</i>	Endangered
Roseate Tern	<i>Sterna dougallii</i>	<del>Threatened</del> Endangered
Northern Bog Lemming	<i>Synaptomys borealis</i>	Threatened
Loggerhead Turtle	<i>Caretta caretta</i>	Threatened
Blanding's Turtle	<i>Emydoidea blandingii</i>	<del>Threatened</del> Endangered
Black Tern	<i>Chlidonias niger</i>	Endangered
American Pipit	<i>Anthus rubescens</i>	Endangered
Peregrine Falcon	<i>Falco peregrinus</i>	Endangered
Flat-headed Mayfly	<i>Epeorus frisoni</i>	Endangered
Ringed		

Boghaunter	<i>Williamsonia lintneri</i>	Endangered
Clayton's Copper	<i>Lycaena dorcas claytoni</i>	Endangered
Edwards' Hairstreak	<i>Satyrrium edwardsii</i>	Endangered
Hessel's Hairstreak	<i>Mitoura hesseli</i>	Endangered
Katahdin Arctic	<i>Oenis polixenes katahdin</i>	Endangered
Spotted Turtle	<i>Clemmys guttata</i>	Threatened
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Threatened
Razorbill	<i>Alca torda</i>	Threatened
Atlantic Puffin	<i>Fratercula arctica</i>	Threatened
Harlequin Duck	<i>Histrionicus histrionicus</i>	Threatened
Arctic Tern	<i>Sterna paradisaea</i>	Threatened
Upland Sandpiper	<i>Bartramia longicauda</i>	Threatened
Swamp Darter	<i>Etheostoma fusiforme</i>	Threatened
Tidewater Mucket	<i>Leptodea ochracea</i>	Threatened
Yellow Lampmussel	<i>Lampsilis cariosa</i>	Threatened
Tomah Mayfly	<i>Siphonisca aerodromia</i>	Threatened
Pygmy Snaketail	<i>Ophiogomphus howei</i>	Threatened
Twilight Moth	<i>Lycia rachelae</i>	Threatened
Pine Barrens Zanclognatha	<i>Zanclognatha martha</i>	Threatened

**Sec. 2. 12 MRSA §7754, sub-§4** is enacted to read:

**4. Annual report.** The commissioner shall submit a written report by January 1st of each year to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters describing the status of all current and planned programs, activities and rules of the department pertaining to the conservation or management of endangered or threatened species. When appropriate, this report may be combined with any transplantation report required under subsection 1, paragraph D.

See title page for effective date.

**CHAPTER 291**

**H.P. 712 - L.D. 976**

**An Act to Amend the Enhanced 9-1-1 Laws**

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

**Sec. 1. 25 MRSA §2925, sub-§1**, as amended by PL 1993, c. 566, §8, is further amended to read:

**1. Membership.** The E-9-1-1 Council is composed of ~~45~~ 17 members; one appointed by the Public Utilities Commission; one appointed by the Commissioner of Public Safety; and ~~43~~ 15 appointed by the Governor, including one who is a municipal official nominated by the statewide association of municipalities, one county official nominated by a statewide association of county commissioners, one who is a chief of a municipal police department nominated by the statewide association of chiefs of police, one who is the chief of a municipal fire department nominated by the statewide association of fire chiefs, one who is a county sheriff nominated by the statewide association of sheriffs, one who represents small telephone companies, one who represents the largest provider of local exchange telephone services, one who represents cellular or wireless service providers, one who represents a direct provider of emergency medical services, one who is a dispatcher nominated by the statewide association of dispatchers, one who is a member of a volunteer fire department, one to represent the deaf and hearing impaired and 3 to represent the public-at-large. Each member may name a designee who may attend meetings of the council and act on that member's behalf in council proceedings.

**Sec. 2. 25 MRSA §2928**, as amended by PL 1995, c. 672, §5, is repealed.

**Sec. 3. 25 MRSA §§2929 to 2931** are enacted to read:

**§2929. Confidentiality of system information**

**1. Definition.** As used in this section, "confidential information" means the following information as contained in any database, report, audio recording or other record of the bureau or a public safety answering point:

- A. The names, addresses and telephone numbers of persons listed in E-9-1-1 databases;
- B. Customer information, described in Title 35-A, section 7501, subsection 1, that is omitted from a telephone utility directory list at the request of a customer;
- C. The name, address and telephone number of a caller to a public safety answering point; or
- D. The name, address and telephone number of and any medical information about a person re-

ceiving emergency services through the E-9-1-1 system.

**2. Confidentiality.** Confidential information may not be utilized for commercial purposes and may not be disclosed in any manner except as follows:

A. A public safety answering point may disclose confidential information to public or private safety agencies and emergency responders for purposes of processing emergency calls and providing emergency services;

B. A public safety answering point may disclose confidential information to a law enforcement officer or law enforcement agency for the purpose of criminal investigations related to an E-9-1-1 call;

C. A public safety answering point may disclose confidential information to designees of the bureau director for the purpose of system maintenance and quality control; and

D. The bureau director may disclose confidential information to public safety answering points, public or private safety agencies, emergency responders or others within the E-9-1-1 system to the extent necessary to implement and manage the E-9-1-1 system.

**3. Disclosure required.** The restrictions on disclosure provided under subsection 2 apply only to those portions of databases, reports, audio recordings or other records of the bureau or a public safety answering point that contain confidential information. Other information that appears in those records and other records, except information or records declared to be confidential under other law, is subject to disclosure pursuant to Title 1, section 408. The bureau shall develop procedures to ensure protection of confidential records and information and public access to other records and information. Procedures may involve developing edited copies of records containing confidential information or the production of official summaries of those records that contain the substance of all nonconfidential information.

**4. Audio recordings of E-9-1-1 calls; confidential.** Audio recordings of emergency calls made to the E-9-1-1 system are confidential and may not be disclosed except as provided in this subsection. Except as provided in subsection 2, information contained in the audio recordings is public information and must be disclosed in transcript form in accordance with subsection 3. Subject to all the requirements of subsection 2, the bureau or a public safety answering point may disclose audio recordings of emergency calls made to the E-9-1-1 system in the following circumstances:

A. To persons within the E-9-1-1 system to the extent necessary to implement and manage the E-9-1-1 system;

B. To a law enforcement officer or law enforcement agency for the purpose of criminal investigations related to an E-9-1-1 call;

C. To designees of the bureau director for the purpose of system maintenance and quality control; and

D. In accordance with an order issued on a finding of good cause by a court of competent jurisdiction.

**5. Unlisted telephone numbers.** The name and address associated with the number of a telephone company customer with an unlisted telephone number may be furnished to the E-9-1-1 system for processing a request for E-9-1-1 services from that number and for the provision of emergency services resulting from the request.

**6. Penalty for disseminating information.** Disclosing confidential information in violation of subsection 2 or disclosing audio recordings of emergency calls to the E-9-1-1 system in violation of subsection 4 is a Class E crime.

#### **§2930. Immunity**

**1. Governmental entity.** Subject to all the limitations and exceptions provided under the Maine Tort Claims Act, Title 14, chapter 741, a government entity is immune from tort liability for property damages, bodily injury or death resulting from acts or omissions occurring in developing, establishing, implementing, maintaining or operating the E-9-1-1 system.

**2. Cellular or wireless telecommunications service provider.** To the extent that a local exchange carrier is deemed to have limitations of liability and indemnification pursuant to the provisions of a tariff or schedule agreement in effect at the time of the transmission of the E-9-1-1 service, a cellular or wireless telecommunications provider that processes an E-9-1-1 communication has the same limitation of liability and indemnification that the local exchange carrier has for that E-9-1-1 transmission.

#### **§2931. Misuse of E-9-1-1 system**

**1. Prohibited use.** A person is guilty of misuse of the E-9-1-1 system if, without reasonable cause, that person makes repeated telephone calls to a public safety answering point by dialing 9-1-1 to make nonemergency reports or inquiries after having been forbidden to do so by a public safety answering point manager or administrator or a law enforcement officer.

**2. Penalty.** Violation of this section is a Class E crime.

See title page for effective date.

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## CHAPTER 292

### H.P. 974 - L.D. 1354

#### **An Act to Transfer the Responsibility for the Certification of Batterers' Intervention Programs to the Department of Corrections**

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

**Sec. 1. 19 MRSA §770-C, sub-§1,** as enacted by PL 1995, c. 405, §17, is amended to read:

**1. Rules establishing standards and procedures for certification.** The Department of Public Safety Corrections, referred to in this section as the "department," shall adopt rules pursuant to the Maine Administrative Procedure Act, in consultation with the Maine Commission on Domestic Abuse, that establish standards and procedures for certification of batterers' intervention programs. The department, in consultation with the commission, shall review and certify programs that meet the standards. Rules adopted pursuant to this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter II-A.

**Sec. 2. 19-A MRSA §4014, sub-§1,** as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

**1. Rules establishing standards and procedures for certification.** The Department of Public Safety Corrections, referred to in this section as the "department," shall adopt rules pursuant to the Maine Administrative Procedure Act, in consultation with the Maine Commission on Domestic Abuse, that establish standards and procedures for certification of batterers' intervention programs. The department, in consultation with the commission, shall review and certify programs that meet the standards. Rules adopted pursuant to this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter II-A.

**Sec. 3. Effective date.** That section of this Act that amends the Maine Revised Statutes, Title 19-A, section 4014, subsection 1 is effective October 1, 1997.

See title page for effective date, unless otherwise indicated.

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