

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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

J.S. McCarthy Company
Augusta, Maine
2000

§763. Return of election materials

As soon as the ballots have been counted, the applications, where required, absentee ballots, return envelopes, lists required by ~~section~~ sections 753-B and 756 and other election materials ~~shall~~ must be repacked, in accordance with section 698, and returned to the clerk. The clerk shall keep them in the clerk's office for the time required by section 23, ~~subsection~~ 7.

Sec. 12. 21-A MRSA §791, sub-§1, ¶B, as amended by PL 1985, c. 357, §§18 and 19, is further amended to read:

B. A municipal clerk who, when a person has voted by absentee ballot in the clerk's presence under section ~~753~~ 753-B, subsection ~~7~~ 8, signs ~~his~~ the clerk's name to an affidavit on the absentee ballot return envelope when the affidavit is not properly completed; or

Sec. 13. 21-A MRSA §819, as enacted by PL 1995, c. 161, §6, is repealed.

Sec. 14. 21-A MRSA §862, as enacted by PL 1995, c. 459, §113, is repealed.

Sec. 15. 30-A MRSA §2502, sub-§1, as amended by PL 1995, c. 483, §22, is further amended to read:

1. Reports by candidates. A candidate for municipal office of a town or city with a population of 15,000 or more is governed by Title 21-A, sections 1001 to 1020-A, except that notices of appointment of a treasurer and campaign reports must be filed with the municipal clerk instead of the ~~Secretary of State~~ Commission on Governmental Ethics and Election Practices. A town or city with a population of less than 15,000 may choose to be governed by Title 21-A, sections 1001 to 1020-A by vote of its legislative body at least 90 days before an election for office. A town or city that votes to adopt those provisions may revoke that decision, but it must do so at least 90 days before an election subject to those sections.

A. Notwithstanding Title 17-A, section 4-A, a candidate who fails to file a notice or report as required by this section is guilty of a Class E crime and may be punished by a fine of \$5 for every day the candidate is in default or by imprisonment for not more than 30 days, or both.

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

Effective April 10, 2000.

CHAPTER 646**H.P. 848 - L.D. 1182****An Act to Amend the Qualifications of Weighmasters**

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

Sec. 1. 10 MRSA §2501, as amended by PL 1997, c. 454, §6, is repealed and the following enacted in its place:

§2501. Qualifications

1. Individual license. A person wishing to be a licensed public weighmaster shall make application to the state sealer upon forms provided by the state sealer, and each application must be accompanied by an annual fee of \$25. When the state sealer receives an application and is satisfied that the applicant is of good moral character, has the ability to weigh accurately and to make correct weight certificates, has passed such oral or written examination as the state sealer may require and makes an oath to execute the requisite duties satisfactorily, the state sealer shall grant the applicant a license as a public weighmaster. A license expires on December 31st annually or in a manner consistent with the Maine Administrative Procedure Act, whichever is later, unless sooner revoked or suspended under section 2506.

Except as provided in subsection 2, a licensed public weighmaster shall, at the public weighmaster's own expense, procure an impression seal. The public weighmaster's name and the word "Maine" must be inscribed around the outer margin of the seal and the words "licensed public weighmaster" must appear in the center of the seal. The seal must be impressed upon each weight certificate issued by the licensed public weighmaster.

2. Corporate license. A business, company or corporation wishing to be a licensed corporate public weighmaster shall make application to the state sealer upon forms provided by the state sealer. The application must name the owner or manager of the business, company or corporation who is making the application. Each application must be accompanied by an annual fee of \$250 and a list of employees who hold valid individual licenses under subsection 1. When the state sealer receives an application and is satisfied that the business, company or corporation has the ability to train its employees to weigh accurately and to make correct weight certificates and that at least one employee of that business, company or corporation holds a valid individual license under subsection 1, the state sealer shall grant the business, company or corporation a license as a corporate public weigh-

master. A license expires on December 31st annually or in a manner consistent with the Maine Administrative Procedure Act, whichever is later, unless sooner revoked or suspended under section 2506.

The holder of a corporate license must notify the state sealer when a licensed public weighmaster begins or leaves employment with that business, company or corporation. The state sealer shall assign a number to each licensed public weighmaster operating under a corporate license. A corporate licensed public weighmaster shall procure, at the corporation's expense, an impression seal. The business, company or corporation name and the word "Maine" must be inscribed around the outer margin of the seal. The words "licensed corporate public weighmaster" must appear in the center of the seal with a number identifying the individual who is operating under the corporate weighmaster license. The seal and correct identifying number must be impressed upon each weight certificate issued under the corporate license. A person who does not hold a valid license under subsection 1 may not issue a weight certificate under a corporate license.

Sec. 2. 10 MRSA §2505 is amended to read:

§2505. Malfeasance

Any licensed public weighmaster who falsifies a weight certificate, or who delegates his authority to any person not licensed as a licensed public weighmaster, or who preseals a weight certificate with his the licensed public weighmaster's official seal before performing the act of weighing, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine commits a civil violation for which a forfeiture of not more than \$100 may be adjudged.

A holder of a corporate public weighmaster's license who allows a person not licensed as a licensed public weighmaster to issue a weight certificate using the corporate seal commits a civil violation for which a forfeiture not to exceed \$500 for a first violation and not to exceed \$1,000 for a subsequent violation may be adjudged. For the purposes of this section, the person whose name appears on the application for a corporate license pursuant to section 2501, subsection 2 is deemed to be the holder of the corporate license.

Sec. 3. 10 MRSA §2506, as repealed and replaced by PL 1977, c. 694, §182, is amended to read:

§2506. Suspension or revocation of license

The state sealer is authorized, in a manner consistent with the Maine Administrative Procedure Act, to refuse to renew, and the Administrative Court is authorized, on complaint of the state sealer or the Attorney General, to suspend or revoke the license of any licensed public weighmaster or licensed corporate

public weighmaster when the licensee has violated any provision of this chapter or of any valid regulation of the state sealer affecting a licensed public weighmaster.

See title page for effective date.

CHAPTER 647

H.P. 1260 - L.D. 1814

An Act Establishing the Newborn Hearing Program

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

Sec. 1. 5 MRSA §12004-G, sub-§14-C is enacted to read:

14-C.	<u>Newborn</u>	<u>Expenses</u>	<u>22</u>
<u>Human</u>	<u>Hearing</u>	<u>Only</u>	<u>MRSA</u>
<u>Services</u>	<u>Screening</u>		<u>§8823</u>
	<u>Advisory</u>		
	<u>Board</u>		

Sec. 2. 22 MRSA c. 1686 is enacted to read:

CHAPTER 1686

NEWBORN HEARING PROGRAM

§8821. Newborn Hearing Program established

There is established within the department the Newborn Hearing Program, referred to in this chapter as the "program," to enable children and their families and caregivers to obtain information regarding hearing screening and evaluation and to learn about treatment and intervention services at the earliest opportunity in order to prevent or mitigate developmental delays and academic failures associated with undetected hearing loss. The obligations of the department regarding this program begin when funding is available to the department to implement the program.

§8822. Program requirements

1. Definitions. As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

A. "Birth admission" means the time after birth that the newborn remains in the hospital nursery prior to discharge.

B. "Board" means the Newborn Hearing Screening Advisory Board.

C. "Hearing loss" means a hearing loss of 30 decibels or more in the frequency region impor-