

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

**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**  
**2001**

a lien imposed or enforced by a licensing authority under this subsection may bring an action in Superior Court for a determination of the validity of the lien.

5. Energizing lines. A transmission and distribution utility may not deliver electricity over any line in, upon, along or under a road, street or other public way if the lines or related structures were constructed by a person other than a transmission and distribution utility unless the transmission and distribution utility is provided with certified copies of applicable permits required under section 2503. A transmission and distribution utility may not refuse to deliver electricity over a line if:

A. The owner of the line reimburses the transmission and distribution utility for the cost of connecting the line to the utility's system; and

B. The line meets the transmission and distribution utility's standards, provided those standards are no different from the standards the utility applies to its own lines.

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

Effective May 9, 2001.

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**CHAPTER 111**

**S.P. 71 - L.D. 277**

**An Act to Amend the Standards Regarding the Endangerment of the Welfare of a Dependent Person**

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

**Sec. 1. 17-A MRSA §555, sub-§§1 and 2,** as amended by PL 1995, c. 110, §1, are further amended to read:

**1.** A person is guilty of endangering the welfare of a dependent person if that person intentionally, knowingly or recklessly endangers the health, safety or mental welfare of a person who is unable to perform self-care because of advanced age, physical or mental disease, disorder or defect.

**2.** As used in this section "endangers" includes a failure to act only when the defendant had a legal duty to protect the health, safety or mental welfare of the dependent person. For purposes of this section, a legal duty may be inferred if the defendant has assumed responsibility for the care of the dependent person.

See title page for effective date.

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**CHAPTER 112**

**H.P. 267 - L.D. 345**

**An Act to Include Whole Scallops in the Shellfish Sanitation Program**

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

**Sec. 1. 12 MRSA §6001, sub-§55** is enacted to read:

**55. Whole scallop.** "Whole scallop" means a cultured scallop in any form, except when the final product form is the adductor muscle of the scallop only.

**Sec. 2. 12 MRSA §6856, sub-§1,** as enacted by PL 1977, c. 661, §5, is amended to read:

**1. Certified activities.** A shellfish certificate authorizes a wholesale seafood license holder or a shellfish transportation license holder to undertake the activities expressly authorized therein, which may include buying and selling, shipping, transporting, shucking or other processing of shellfish or whole scallops. A wholesale seafood license or shellfish transportation license ~~shall~~ is also ~~be~~ necessary to undertake the activities authorized under those licenses.

**Sec. 3. 12 MRSA §6856, sub-§4,** as amended by PL 1981, c. 462, §6, is further amended to read:

**4. Regulations.** The commissioner may adopt or amend regulations concerning:

A. The procedures for issuing certificates and the required qualifications for each type of certificate;

B. The minimum sanitation standards for establishments and vehicles;

C. The sanitation and quality control standards for shellfish and whole scallops and their products;

D. The methods for taking, handling, shipping, transporting and processing of shellfish and whole scallops taken from closed areas;

E. The records and reports of takings, purchases, processing, sales, shipping and transporting of shellfish and whole scallops;

F. The labeling or marking of shipments of shellfish and whole scallops; and