

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.

J.S. McCarthy Company
Augusta, Maine
2001

Sec. 8. 12 MRSA §7901, sub-§3-A, as enacted by PL 1987, c. 89, §2, is repealed.

See title page for effective date.

CHAPTER 332

S.P. 316 - L.D. 1084

An Act to Clarify the State's Burden of Proof in Cases of Criminal Homicide or Serious Bodily Injury Caused by a Person Operating a Motor Vehicle

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

Sec. 1. 29-A MRSA §2411, sub-§6, as repealed and replaced by PL 1999, c. 703, §1, is amended to read:

6. Aggravated punishment category. An operator commits a Class C offense if the State pleads and proves that the operator, while operating a motor vehicle in violation of this section:

A. In fact caused serious bodily injury as defined in Title 17-A, section 2, subsection 23 to another person or in fact caused the death of another person; or

B. Has either a prior conviction for a Class C crime under this section or a prior criminal homicide conviction involving or resulting from the operation of a motor vehicle while under the influence of intoxicating liquor or drugs or with a blood-alcohol content of 0.08% or greater.

In any prosecution under this subsection, the State need not prove that the defendant's condition of being under the influence of intoxicants or having a blood-alcohol level of 0.08% or more caused the serious bodily injury or death alleged. The State must prove only that the defendant's operation caused the serious bodily injury or death. The court shall apply the definition of causation in Title 17-A, section 33.

The sentence must include a period of incarceration of not less than 6 months, a fine of not less than \$2,000 and a court-ordered suspension of a driver's license for a period of 6 years. These penalties may not be suspended.

See title page for effective date.

CHAPTER 333

S.P. 256 - L.D. 886

An Act to Establish a Clean Government Initiative

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

Sec. 1. 5 MRSA §282, sub-§6, as amended by PL 1995, c. 37, §3, is further amended to read:

6. Supervise. To supervise and direct the administration of the State Claims Commission; ~~and~~

Sec. 2. 5 MRSA §282, sub-§7, as enacted by PL 1995, c. 37, §4, is amended to read:

7. Value of fringe benefits. To ensure that all publications that state the salary of an employee or of a position in State Government also include a statement of the dollar value of the fringe benefit package provided. For purposes of this subsection, "fringe benefits" includes an employer's cost of an employee's health insurance, dental insurance and retirement but does not include the amount paid to cover any unfunded liability; and

Sec. 3. 5 MRSA §282, sub-§8 is enacted to read:

8. Serve as director of Clean Government Initiative. To serve as a director, along with the Commissioner of Environmental Protection, of the Clean Government Initiative established in Title 38, section 343-H.

Sec. 4. 38 MRSA §342, sub-§17 is enacted to read:

17. Serve as a director of Clean Government Initiative. The commissioner shall serve as a director, along with the Commissioner of Administrative and Financial Services, of the Clean Government Initiative established in section 343-H.

Sec. 5. 38 MRSA §343-H is enacted to read:

§343-H. Clean Government Initiative

1. Initiative established; directors. The Clean Government Initiative, referred to in this section as the "initiative," is established to assist state agencies in meeting applicable environmental compliance requirements and to incorporate environmentally sustainable practices into all state government functions. The initiative is jointly directed by the commissioner and the Commissioner of Administrative and Financial Services, referred to in this section as the "directors."

2. Duties; responsibilities. The directors of the initiative shall:

A. Establish a coordinated state government environmental plan to ensure that:

(1) All agencies comply with state and federal environmental laws; and

(2) Environmentally sustainable practices are incorporated into state government planning, operations and regulatory functions;

B. Establish metrics to measure and assess the environmental compliance and performance of state agencies. In developing those metrics, the directors shall seek to achieve continuous improvement in environmental compliance and performance of all state agencies through:

(1) Pollution prevention;

(2) Improvements in energy efficiency, including facility siting, design, construction and management; and

(3) Procurement of environmentally friendly commodities and services, as assessed on a life cycle basis, including technically comparable, cost-effective and reasonably available alternatives to products that may release dioxin or mercury to the environment, recycling of waste products and enhanced fleet efficiency;

C. Advise and assist state agencies in developing environmental compliance audits and plans and in implementing those plans;

D. Advise the Governor and the Legislature in the formulation of policies for the effective achievement of initiative goals; and

E. Ensure that the capital master plan established under Title 5, section 299 is implemented in a manner consistent with the initiative.

3. Responsibilities of state agencies. State agencies shall cooperate with the directors in implementing the initiative and shall provide staff assistance and technical support upon request. In addition, each state agency shall:

A. Complete or demonstrate completion of an audit of its facilities to determine compliance with applicable state and federal environmental laws;

B. Develop a biennial plan that outlines the actions the agency will take to incorporate compliance efforts and environmentally sustainable

practices into its planning and operational functions. To facilitate incorporation into the biennial budget process, these plans must be submitted to the directors prior to June 1st of each even-numbered year, beginning in 2002;

C. Appoint an employee in the agency to be responsible for ensuring the development and implementation of agency activities under the initiative; and

D. Establish standards for leasing or building state facilities consistent with the initiative.

Each agency shall fund costs associated with implementing this initiative from within existing budgeted resources.

4. Reporting. Beginning on January 1, 2003, and biennially thereafter, the directors shall jointly report on the activities of all state agencies under the initiative to the joint standing committee of the Legislature having jurisdiction over natural resources matters and the joint standing committee of the Legislature having jurisdiction over state government matters. The report must identify the successes of and the obstacles to implementation of the initiative and may include recommendations for any statutory changes necessary to accomplish the initiative.

See title page for effective date.

CHAPTER 334

S.P. 569 - L.D. 1733

An Act to Prohibit the Misbranding of Genetically Engineered Food

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

Sec. 1. 7 MRSA c. 101, sub-c. VII is enacted to read:

SUBCHAPTER VII

LABELING FOODS FREE OF GENETIC ENGINEERING

§530-A. Voluntary labeling

1. Labeling permitted; rules. Beginning January 1, 2002, a label may be placed on any food, food product or food ingredient offered for sale in the State designating that food, food product or food ingredient as free of or made without recombinant deoxyribonucleic acid technology, genetic engineering or bioengineering. The department shall adopt rules implementing this subsection. The rules must allow