

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
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Augusta, Maine
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PUBLIC LAWS OF THE STATE OF MAINE
AS PASSED AT
THE SECOND REGULAR SESSION OF THE
ONE HUNDRED AND TWENTIETH
LEGISLATURE
2001

CHAPTER 472

H.P. 1573 - L.D. 2079

**An Act to Clarify the Law
Enforcement Authority of Capital
Security Personnel**

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

Whereas, certain security officers whose authority has been expanded pursuant to the Maine Revised Statutes, Title 25, section 2908 to include law enforcement duties and powers do not meet the training requirements of Title 25, section 2804-C; 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. 25 MRSA §2801-B, sub-§1, ¶¶E and F, as enacted by PL 1999, c. 682, §4, are amended to read:

E. Harbor masters; ~~or~~

F. Municipal shellfish conservation wardens; ~~or~~

Sec. 2. 25 MRSA §2801-B, sub-§1, ¶G is enacted to read:

G. Security officers appointed by the Commissioner of Public Safety and whose duties and powers have been expanded pursuant to section 2908. This paragraph is repealed December 31, 2002.

Sec. 3. 25 MRSA §2904, sub-§2, as amended by PL 1993, c. 361, Pt. E, §1, is further amended to read:

2. Officials of governmental units. The officials of the governmental units listed in paragraphs A to E are authorized and empowered to adopt rules governing the access, use and occupancy of buildings

or parts of buildings and of other public property that are under their respective supervisions. Rules adopted by the Legislative Council may include provisions governing security at legislative offices. Prior to adopting any such rule, the official shall consult with the Commissioner of Public Safety; the commissioner must be given an opportunity to review the rule and to comment upon its content and enforcement. These rules become effective upon deposit of a copy with the Secretary of State, who shall forward a copy attested under the Great Seal of the State to the District Court for Southern Kennebec. These rules are suspended to the extent necessary at any time when the Commissioner of Public Safety determines that an emergency exists within the facilities to which they apply, except that the commissioner may not suspend the rules governing the legislative offices without the consent of the Legislative Council. The Commissioner of Public Safety shall enforce rules adopted pursuant to this subsection, consistent with available resources and funding.

The governmental officials authorized and empowered by this subsection are:

A. The Legislative Council, for all legislative offices, as established by Title 3, section 162;

B. The State Law Librarian, for the Law Library;

C. The State Librarian, for the State Library;

D. The Director of the State Museum, for the State Museum; and

E. The State Archivist, for the State Archives.

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

Effective January 22, 2002.

CHAPTER 473

H.P. 1402 - L.D. 1841

**An Act to Allow Sharing of
Information to Facilitate Interstate
Cooperation Between Toll Agencies**

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

Sec. 1. 23 MRSA §1980, sub-§2-B, ¶B, as amended by PL 1995, c. 339, §2, is further amended to read:

~~B. Notwithstanding any other provision of law, a~~
A photograph, micro-photograph, videotape or other recorded image prepared for enforcement of authority tolls is for the exclusive use of the authority in the discharge of its duties under this section. This material is confidential and is not available to the public. The authority shall make this information available to a law enforcement officer upon request and may share this information with other toll administrative agencies as provided in section 1982. Except as provided in this subsection or as may be necessary to prove a claim for indemnification under subsection 2-A, paragraph F or to prosecute a criminal offense, this material may not be used in a court in an action or proceeding.

Sec. 2. 23 MRSA §1982, as enacted by PL 1995, c. 339, §3, is amended to read:

§1982. Confidentiality of authority records

A log or record identifying the name, address or travel patterns of a patron of the turnpike, whether prepared for enforcement of authority tolls or other purposes of the authority, is for the exclusive use of the authority in the discharge of its duties under this chapter. This material is confidential and is not available to the public except that a law enforcement officer or a representative of an insurance company making a request for specific records in the course of conducting the officer's or representative's business may have access to this material to the extent and in the manner access to such material is afforded under Title 1, chapter 13, subchapter I. The authority may release accident and other incident reports to affected parties and may release information specific to a commuter pass account or commercial billing account to the holder of that account. The authority may disclose patron information, including information gathered by photo-monitoring devices, to other toll administrative agencies that are participating with the authority in multiple-facility, electronic, transportation-related collection systems.

See title page for effective date.

CHAPTER 474

H.P. 1216 - L.D. 1657

An Act to Improve Emergency Medical Services by Expanding the Pool of Qualified Emergency Medical Services Personnel

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

Sec. 1. 32 MRSA §85, sub-§3, ¶D, as amended by PL 1995, c. 161, §6, is repealed.

See title page for effective date.

CHAPTER 475

H.P. 1459 - L.D. 1956

An Act to Clarify Rule-making Authority for the Office of the State Fire Marshal

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

Sec. 1. 25 MRSA §2464, sub-§4-A is enacted to read:

4-A. Rules. The Commissioner of Public Safety or the commissioner's designee, in accordance with the Maine Administrative Procedure Act, shall adopt rules pertaining to smoke detectors. The rules adopted must include, but not be limited to, standards for approved smoke detectors and all requirements of use, maintenance and installation. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 476

S.P. 691 - L.D. 1893

An Act to Facilitate More Effective Consumer Representation at the Office of the Public Advocate

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

Sec. 1. 35-A MRSA §1701, sub-§3, as repealed and replaced by PL 1999, c. 259, §4, is amended to read: