

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
NON-EMERGENCY LAWS IS
JULY 25, 2002

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

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Augusta, Maine
2002

to a political subdivision, educational institution, fire department or qualifying nonprofit organization if it is determined that the political subdivision, educational institution, fire department or qualifying nonprofit organization has not retained the equipment for the required period of 6 months;

Sec. 2. 5 MRSA §1813-A, as amended by PL 1991, c. 716, §6, is further amended to read:

§1813-A. Sale of surplus property

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

A. "Educational institution" means any public elementary or secondary school, any elementary or secondary private school approved for tuition whose school enrollment is at least 60% publicly funded students as determined by the previous school year's October to April average enrollment, any nonpublic post-secondary school or any applied technology region.

C. "Qualifying nonprofit organization" means a public or private nonprofit entity that owns or operates a project or facility for the homeless or a nonprofit organization that has been determined to be exempt from taxation under the United States Internal Revenue Code, Section 501 (c) and that provides services to persons with physical or mental handicaps as defined in section 4553, subsection 7-A.

D. "Fire department" means a department required to report to the State Fire Marshal pursuant to Title 25, section 2395.

2. Surplus property. Pursuant to this chapter and rules ~~promulgated~~ adopted under section 1813, the Department of Administration and Financial Services through the Bureau of ~~Purchases~~ General Services shall allow private sales of surplus property to homeless shelter sponsors and to educational institutions.

3. Computers to fire departments. Notwithstanding any requirement of this chapter or rules adopted pursuant to this chapter, a fire department may purchase one personal computer from the Bureau of General Services to be used for reporting to the State Fire Marshal as required under Title 25, section 2395. The Bureau of General Services may charge a fire department only the reasonable administrative and handling costs of no more than \$35 for the purchase of a personal computer under this subsection.

See title page for effective date.

CHAPTER 530

H.P. 1442 - L.D. 1939

An Act to Allow Landowner Permits to be Issued for Turkey Hunting

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

Whereas, the 90-day period may not terminate until after the beginning of the wild turkey hunting season; 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. 12 MRSA §7468, sub-§13 is enacted to read:

13. Landowner; wild turkey permit. A wild turkey permit system adopted by the commissioner pursuant to this section may include a provision giving special consideration to landowners who keep their lands open to hunting by the public. Any 2 or more areas of land owned by the same person that are open for hunting and that would be contiguous except for being divided by one or more roads are considered contiguous for the purposes of determining landowner eligibility for special consideration under this subsection.

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

Effective March 14, 2002.

CHAPTER 531

H.P. 1494 - L.D. 1997

An Act Regarding Fire Safety Laws for Residential Care Facilities

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

Sec. 1. 22 MRSA §7904-A, sub-§1, as amended by PL 1997, c. 728, §9, is further amended to read:

1. Inspection required. A license may not be issued by the department to a residential care facility until the department has received from the Commissioner of Public Safety a written statement signed by one of the officials designated under Title 25, section 2360, 2391 or 2392, to make fire safety inspections. This statement, ~~which~~ must indicate that the residential care facility has complied with applicable fire safety provisions referred to in Title 25, section 2452; ~~must be furnished annually to the department.~~

Sec. 2. 22 MRSA §7904-A, sub-§§3, 4 and 5, as amended by PL 1997, c. 728, §9, are repealed.

Sec. 3. 22 MRSA §7904-A, sub-§§8, 9, 10 and 11 are enacted to read:

8. Requirements for residential care facilities. Residential care facilities must comply with the following provisions of the National Fire Protection Association Life Safety Code adopted by the Department of Public Safety, Office of the State Fire Marshal.

A. A residential care facility that has one to 3 beds must comply with the one-family and 2-family dwelling chapter of the Life Safety Code.

B. A residential care facility with 4 to 16 beds must comply with the sections of the Life Safety Code that apply to small facilities and with the new residential board and care occupancy chapter if that facility is a new facility or with the existing residential board and care occupancy chapter if that facility is an existing facility.

C. A residential care facility with more than 16 beds must comply with the sections of the Life Safety Code that apply to large facilities and with the new residential board and care occupancy chapter if that facility is a new facility or with the existing residential board and care occupancy chapter if that facility is an existing facility.

9. Fire safety inspection and certificate of compliance required for licensure. A fire safety inspection must be performed and a certificate of compliance must be provided to the department before a license to a residential care facility is issued. Inspections must be scheduled to coincide with the term of the license.

10. Timed drills. Timed drills, as described in the applicable chapters of the National Fire Protection Association Life Safety Code, must be used to determine a residential care facility's capability to evacuate its residents, unless the facility has elected to complete evacuation scores in lieu of timed drills in accordance with the standards described in the National Fire Protection Association Life Safety Code

101A or when timed drills are not required pursuant to the Life Safety Code. When a new resident has participated in a timed drill in another residential care facility within the previous 2 months, the results of that drill may be used to determine evacuation capability in the resident's new facility for a period of up to 4 months. A person who violates or fails to comply with this subsection commits a civil violation for which a forfeiture of not more than \$25 per bed for each occurrence of failure to comply may be adjudged.

11. Requirement for manual fire alarm activation may be waived. For a residential care facility with 4 to 8 beds, the requirement for manual fire alarm activation may be waived at the discretion of the Commissioner of Public Safety.

Sec. 4. 22 MRSA §7912-A, as amended by PL 1999, c. 384, §1, is repealed.

See title page for effective date.

CHAPTER 532

S.P. 697 - L.D. 1899

An Act Relating to the Dissemination of Intelligence and Investigative Information

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

Sec. 1. 16 MRSA §614, sub-§2, as amended by PL 1999, c. 305, §1, is repealed.

Sec. 2. 16 MRSA §614, sub-§3 is enacted to read:

3. Exceptions. Nothing in this section precludes dissemination of intelligence and investigative information to:

A. Another criminal justice agency;

B. A state agency responsible for investigating abuse, neglect or exploitation of children under Title 22, chapter 1071 or incapacitated or dependent adults under Title 22, chapter 958-A for use in the investigation of suspected abuse, neglect or exploitation; or

C. An accused person or that person's agent or attorney if authorized by:

(1) The district attorney for the district in which that accused person is to be tried;

(2) A rule or ruling of a court of this State or of the United States; or