

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 TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

CHAPTER 62**S.P. 23 - L.D. 37****An Act to Rename the Town of Westport**

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

Whereas, the Town of Westport requires approval from the Legislature in order to hold an election on March 29, 2003 to change the name of the town to "Town of Westport Island"; 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. 21-A MRSA §1203, sub-§16, ¶B, as enacted by PL 1993, c. 628, §2, is amended to read:

B. In Lincoln County, the municipalities and unorganized territories of Alna, Boothbay, Boothbay Harbor, Bremen, Bristol, Damariscotta, Dresden, Edgecomb, Hibberts Gore unorganized territory, Jefferson, Monhegan Plantation, Newcastle, Nobleboro, Somerville, South Bristol, Southport, Waldoboro, Westport Island, Whitefield and Wiscasset.

Sec. 2. 21-A MRSA §1204, sub-§55, ¶A, as enacted by PL 1993, c. 628, §2, is amended to read:

A. In Lincoln County, the municipalities of Dresden and Westport Island; and

Sec. 3. 30-A MRSA §66, sub-§8, ¶A, as amended by PL 1993, c. 554, §1, is further amended to read:

A. Commissioner District Number 1 consists of the municipalities of Alna, Boothbay, Boothbay Harbor, Southport, Westport Island and Wiscasset. The term of office of the commissioner from this district expires in 1988 and every 4 years thereafter.

Sec. 4. P&SL 1828, c. 511, §7 is enacted to read:

Sect. 7. Be it further enacted, That whenever the word "Westport" appears or reference is made to the town of Westport it means "Westport Island."

Sec. 5. Referendum; effective date. This Act takes effect when approved only for the purpose of permitting its submission to the legal voters within the Town of Westport at a special or regular town meeting or election held prior to January 1, 2004. The election must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters is not required to prepare or the town clerk to post a new list of voters. The registrar of voters must be in session on the secular day next preceding the election. The town clerk shall prepare the required ballots, on which the town clerk shall reduce the subject matter of this Act to the following question:

"Do you favor changing the name of the Town of Westport to 'Town of Westport Island?' "

The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion on the question.

The results must be declared by the municipal officers of the Town of Westport and due certificate of the results filed by the town clerk with the Secretary of State.

This Act takes effect immediately upon its acceptance by a majority of the legal voters in the Town of Westport at the election.

Sec. 6. Retroactivity. This Act applies retroactively to March 24, 2003.

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

Effective April 18, 2003, unless otherwise indicated.

CHAPTER 63**H.P. 90 - L.D. 81****An Act To Set the Minimum Legal Shell Size for Scallops**

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

Sec. 1. 12 MRSA §6728, sub-§2, as enacted by PL 2001, c. 192, §1, is repealed.

Sec. 2. 12 MRSA §6729 is enacted to read:

§6729. Shell size minimum

1. Minimum shell size. Except as provided in subsection 4, this subsection governs the shell size limits of scallops.

A. From December 1, 2003 to November 30, 2004, a person may not possess, ship, transport, buy or sell scallops that are less than 3 3/4 inches in the longest diameter.

B. On December 1, 2004 and thereafter, a person may not possess, ship, transport, buy or sell scallops that are less than 4 inches in the longest diameter.

2. Prima facie evidence. It is prima facie evidence of possession of illegal scallops if a vessel contains scallops less than the minimum shell size set by this section or the minimum shell size set by rules adopted pursuant to this section while a scallop boat license holder or crew member is shucking scallops.

3. Release of undersize scallops. Those scallops that are less than the minimum shell size established by this section or by rules adopted pursuant to this section must be immediately liberated into the waters from which they were taken.

4. Rules. After December 1, 2004, the commissioner may adopt rules to increase the minimum shell size set by this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

5. Violation. A person who violates this section commits a civil violation. The following penalties apply.

A. For the first offense, a fine of \$250 is imposed and all scallops on board may be seized.

B. For the 2nd and each subsequent offense, a fine of \$250 is imposed, all scallops on board may be seized and the scallop boat license may be suspended for one year.

See title page for effective date.

CHAPTER 64

S.P. 22 - L.D. 36

An Act to Protect the Privacy of Maine Nurses

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

Sec. 1. 32 MRSA §2109 is enacted to read:

§2109. Confidentiality of personal information of applicant or licensee

For applications for licensure and for renewal of licensure submitted on or after July 1, 2004, an applicant or licensee shall provide the board with a

current professional address and telephone number, which is the public contact address, and a personal residence address and telephone number. An applicant's or licensee's personal residence address and telephone number, and e-mail address if provided by the applicant, are confidential information and may not be disclosed except as permitted by this section or as required by law unless the personal residence address, telephone number and e-mail address have been provided as the public contact address. Personal health information submitted as part of any application is confidential information and may not be disclosed except as permitted or required by law.

See title page for effective date.

CHAPTER 65

H.P. 426 - L.D. 563

An Act To Require That Mental Health Workers with LCPC Licenses Are Recognized as Licensed Professionals for Purposes of Insurance Reimbursement

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

Sec. 1. 24-A MRSA §2744, as amended by PL 1995, c. 561, §2, is further amended to read:

§2744. Mental health services

1. Notwithstanding any provision of a health insurance policy subject to this chapter, whenever the policy provides for payment or reimbursement for services ~~which that~~ are within the lawful scope of practice of a psychologist licensed to practice in this State; a certified social worker licensed for the independent practice of social work in this State who has at least a masters degree in social work from an accredited educational institution, has been employed in social work for at least 2 years, and who, after January 1, 1985, must be licensed as a clinical social worker in this State; a licensed clinical professional counselor licensed for the independent practice of counseling who has at least a masters degree in counseling from an accredited educational institution, has been employed in counseling for at least 2 years and, after January 1, 2002, must be licensed as a clinical professional counselor in this State, or a licensed nurse who is certified by the American Nurses' Association as a clinical specialist in adult psychiatric and mental health nursing or as a clinical specialist in child and adolescent psychiatric and mental health nursing, any person covered by the policy ~~shall be~~ is entitled to reimbursement for these services if the services are performed by a physician;