

# MAINE STATE LEGISLATURE

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**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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

<b>General Fund</b>	<b>2002-03</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	(\$698)	\$0	\$0
General Fund Total	(\$698)	\$0	\$0

**Division of Plant Industry 010 01A 0831 01**

Initiative: Deappropriates funds from a reduction in operations. The funds will be reappropriated to the Maine Milk Commission for transfer to the Maine Milk Pool to aid the dairy industry.

<b>General Fund</b>	<b>2002-03</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	(\$4,600)	\$0	\$0
General Fund Total	(\$4,600)	\$0	\$0

**Maine Milk Commission 014 01A 0188 01**

Initiative: Provides for a one-time appropriation of funds to be transferred to the Maine Milk Pool.

<b>General Fund</b>	<b>2002-03</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	\$463,087	\$0	\$0
General Fund Total	\$463,087	\$0	\$0

Initiative: Provides for the allocation of funds to the Maine Milk Commission's Milk Pool account to carry out the provisions of this Act. The funds must be distributed equitably no later than September 30, 2003 to all Maine dairy farmers in accordance with their production.

<b>Other Special Revenue Funds</b>	<b>2002-03</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	\$1,400,000	\$1,800,000	\$0
Other Special			
Revenue Funds Total	\$1,400,000	\$1,800,000	\$0

**Maine Milk Commission 014 01A 0188 01**

Initiative: Provides for the allocation of funds to the Maine Milk Commission's Milk Pool account, created in the Maine Revised Statutes, Title 7, section 3153, to be distributed to Maine dairy farmers pursuant to Title 7, section 3153-A.

<b>Other Special Revenue Funds</b>	<b>2002-03</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	\$0	\$3,000,000	\$0
Other Special			
Revenue Funds Total	\$0	\$3,000,000	\$0

**AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF 01A**

	<b>2002-03</b>	<b>2003-04</b>	<b>2004-05</b>
<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$1,400,000</b>	<b>\$4,800,000</b>	<b>\$0</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$1,400,000</b>	<b>\$4,800,000</b>	<b>\$0</b>

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

Effective May 9, 2003.

**CHAPTER 121**

**H.P. 380 - L.D. 491**

**An Act To Manage Water Resources**

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

**Sec. 1. 22 MRSA §2660-A, sub-§3,** as amended by PL 1997, c. 587, §2, is repealed and the following enacted in its place:

**3. Appeal.** The commissioner, after consultation with the Public Utilities Commission, the Department of Environmental Protection and the State Geologist, may authorize transport of water for commercial purposes if the commissioner finds that:

A. Transport of the water will not constitute a threat to public health, safety or welfare;

B. Water is not available naturally in the location to which it will be transported;

C. Failure to authorize transport of the water would create a substantial hardship to the potential recipient of the water; and

D. For a source not otherwise permitted by the Department of Environmental Protection, the water withdrawal will not adversely affect existing uses of groundwater or surface water resources, including private wells.

Any authorization under this subsection is for a period not to exceed 3 years but may be renewed subject to the same criteria. The department may adopt rules necessary for the implementation of this subsection. The rules may include imposition of a fee to cover the costs of providing permits, including any impact studies required by the department. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 122**

**S.P. 130 - L.D. 354**

**An Act Relating to the Operation of Snowmobiles**

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

**Sec. 1. 12 MRSA §7827, sub-§13-A** is enacted to read:

**13-A. Headgear required.** A person operating a snowmobile on a snowmobile trail identified by the Department of Conservation, Bureau of Parks and Lands as having been funded by the Snowmobile Trail Fund pursuant to section 7824, subsection 4, may not:

A. If the person is under 18 years of age, fail to wear protective headgear that conforms to the standards established under Title 29-A, section 2083, subsection 3; or

B. Carry a passenger under 18 years of age on the snowmobile unless the passenger is wearing protective headgear that conforms to the standards established under Title 29-A, section 2083, subsection 3.

A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

The Department of Conservation, Bureau of Parks and Lands shall develop an administratively simple means of identifying trails that have been funded by the Snowmobile Trail Fund so that snowmobile riders can readily determine to what trails this subsection applies.

See title page for effective date.

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**CHAPTER 123**

**H.P. 190 - L.D. 235**

**An Act Concerning the Treatment of Gross Income in Cases in Which Both Child Support and Spousal Support Are Considered**

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

**Sec. 1. 19-A MRSA §2001, sub-§5, ¶¶A and E,** as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, are amended to read:

A. Gross income includes income from an ongoing source, including, but not limited to, salaries, wages, commissions, royalties, bonuses, dividends, severance pay, pensions, interest, trust funds, annuities, capital gains, social security benefits, disability insurance benefits, prizes, workers' compensation benefits, spousal support actually received pursuant to a preexisting order from a spouse who is not the parent of the child

for whom support is being determined, and educational grants, fellowships or subsidies that are available for personal living expenses. Gross income does not include child support received by either party for children other than ~~children~~ the child for whom support is being determined.

E. Gross income of an obligor does not include the amount of preexisting spousal maintenance to a former spouse who is not the parent of the child for whom support is being determined or a child support obligation actually paid pursuant to court or administrative order, or an appropriate amount of child support being voluntarily paid by a party who has a legal obligation to support that child.

See title page for effective date.

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**CHAPTER 124**

**H.P. 530 - L.D. 724**

**An Act To Enhance Homeland Security**

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

**Sec. 1. 25 MRSA §2929, sub-§2,** as enacted by PL 1997, c. 291, §3, is amended to read:

**2. Confidentiality.** Confidential information may not be utilized for commercial purposes and may not be disclosed in any manner except as follows:

A. A public safety answering point may disclose confidential information to public or private safety agencies and emergency responders for purposes of processing emergency calls and providing emergency services;

B. A public safety answering point may disclose confidential information to a law enforcement officer or law enforcement agency for the purpose of criminal investigations related to an E-9-1-1 call;

C. A public safety answering point may disclose confidential information to designees of the bureau director for the purpose of system maintenance and quality control; and

D. The bureau director may disclose confidential information to public safety answering points, public or private safety agencies, emergency responders or others within the E-9-1-1 system to the extent necessary to implement and manage the E-9-1-1 system.