

# 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**

**2. Process for further dissemination.** Any information received by a superintendent or principal pursuant to subsection 1 may only be further distributed through a notification team as described in Title 20-A, section 1055, subsection 11.

**3. Information prohibited from inclusion in student's education record.** The superintendent or principal shall ensure that information provided pursuant to this section may not become part of the student's education record.

**Sec. 2. 20-A MRSA §1055, sub-§11**, as enacted by PL 1999, c. 345, §2, is amended to read:

**11. Notification teams.** Within 10 days after receiving notice from a district attorney of an alleged juvenile offense or juvenile offense, pursuant to Title 15, section 3308, subsection 7, paragraph E or after receiving notice from a law enforcement officer of credible information that indicates an imminent danger to the safety of students or school personnel pursuant to Title 15, section 3301-A, the superintendent shall convene a notification team. The notification team must consist of the administrator of the school building or the administrator's designee, at least one classroom teacher to whom the student is assigned, a parent or guardian of the student and a guidance counselor. The notification team is entitled to receive the information described in Title 15, section 3308, subsection 7, paragraph E, subparagraphs (1) to (6) and in Title 15, section 3301-A. The notification team shall also determine on the basis of need which school employees are entitled to receive that information.

Confidentiality of this criminal justice information regarding juveniles must be ensured at all times, and the information may be released only under the conditions of this subsection. The superintendent shall ensure that confidentiality training is provided to all school employees who have access to the information.

See title page for effective date.

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## CHAPTER 191

S.P. 70 - L.D. 147

### An Act to Allow Members of the Maine Public Drinking Water Commission to Serve More than 2 Consecutive Terms

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

**Sec. 1. 22 MRSA §2660-C, sub-§1, ¶D**, as enacted by PL 1993, c. 410, Pt. DD, §4, is amended to read:

D. The term of office for members appointed by the Governor is 4 years except that, of the original members appointed, 4 must be appointed for 2 years and 4 must be appointed for 4 years. The Governor shall make all original appointments within 60 days of the effective date of this section. Members may remain in office until their successors are appointed. ~~A member may not serve more than 2 consecutive terms.~~ If a vacancy occurs, the Governor shall appoint a replacement to fill the remaining portion of the unexpired term created by the vacancy.

See title page for effective date.

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## CHAPTER 192

H.P. 301 - L.D. 381

### An Act To Clarify How Consumers Acquire Information about In-pack Sweepstakes, Contests and Games

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

**Sec. 1. 28-A MRSA §708-A**, as enacted by PL 1995, c. 582, §2, is amended to read:

**§708-A. In-pack sweepstakes, contests and games**

Notwithstanding any provision of law to the contrary, a certificate of approval holder, wholesale licensee or retail licensee may offer sweepstakes, games and contests inside packages of alcoholic beverages, if that offer is not contingent on the purchase of an alcoholic beverage. A certificate of approval holder, wholesale licensee or retail licensee shall provide information about access to participate in a sweepstakes, game or contest by providing either a sign in the retail outlet or a notice on the primary or secondary packaging of the brand offering the sweepstakes, game or contest.

See title page for effective date.

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## CHAPTER 193

H.P. 518 - L.D. 701

### An Act Regarding the Suspension of Licenses for Failure To Pay a Fine

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

**Sec. 1. 10 MRSA §8005-A** is enacted to read:

**§8005-A. Licensees not in compliance with court-ordered fine, fee or restitution; license qualifications and conditions**

In addition to other qualifications for licensure or registration and conditions for continuing eligibility to hold a license as required by bureaus, boards and commissions within or affiliated with the department, applicants for licensure or registration, licensees renewing their licenses and existing licensees may not hold any such license when there has been a court-ordered suspension of that license as provided by Title 14, sections 3141 and 3142.

**Sec. 2. 10 MRSA §8006**, as amended by PL 1995, c. 694, Pt. D, §8 and affected by Pt. E, §2, is further amended to read:

**§8006. Licensees not in compliance with court order of support and other court orders; enforcement of parental support obligations and suspensions**

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

A. "Board" means any bureau, board or commission listed in section 8001 or 8001-A, other licensees that are affiliated with or are a part of the department and the Board of Overseers of the Bar.

B. "Compliance with a court order of support" means that the support obligor is no more than 90 days in arrears in making payments in full for current support, in making periodic payments on a support arrearage pursuant to a written agreement with the Department of Human Services or in making periodic payments as set forth in a court order of support and has obtained or maintained health insurance coverage if required by a court order of support.

C. "Court order of support" means any judgment or order for the support of dependent children issued by any court of the State or another state, including an order in a final decree of divorce or any judgment or order issued in accordance with an administrative procedure established by state law that affords substantial due process and is subject to judicial review.

D. "Court-ordered suspension" means a suspension by a court of the right of a licensee to hold a professional license based on the contempt procedures pursuant to Title 14, sections 3141 and 3142.

**2. Noncompliance with court order of support.** An applicant for the issuance or renewal of a

license or an existing licensee regulated by a board who is not in compliance with a court order of support is subject to the requirements of Title 19-A, section 2201.

**3. Court-ordered suspension.** An applicant for the issuance or renewal of a license or an existing licensee regulated by a board who has not paid a court-ordered fine, court-appointed attorney's fees or court-ordered restitution is subject to court suspension of all licenses as provided in Title 14, sections 3141 and 3142.

**Sec. 3. 14 MRSA §3142**, as amended by PL 2001, c. 471, Pt. A, §20, is further amended to read:

**§3142. Contempt hearing and punishment**

**1. Punishment.** Unless the defendant shows that failure to pay a fine was not attributable to a willful refusal to obey the order or to a failure on the defendant's part to make a good faith effort to obtain the funds required for the payment, the court may find the defendant in civil contempt and may impose punishment, as the case requires, of:

A. A reasonable fine not to exceed \$500; or

~~B. Imprisonment; or~~

C. The suspension of any license, certification, registration, permit, approval or other similar document evidencing the granting of authority to hunt, fish or trap or to engage in a profession, occupation, business or industry, not including a registration, permit, approval or similar document evidencing the granting of authority to engage in the business of banking pursuant to Title 9-B. Licenses and registration subject to suspension include, but are not limited to:

(1) Licenses issued by the Commissioner of Marine Resources, as provided in Title 12, section 6409;

(2) Licenses issued by the Commissioner of Inland Fisheries and Wildlife, as provided in Title 12, section 7077, subsection 1-C;

(3) Watercraft, snowmobile and all-terrain vehicle registrations, as provided in Title 12, section 7077, subsection 1-C; and

(4) Motor vehicle licenses or permits issued by the Secretary of State, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit, as provided in Title 29-A, section 2605.

**2. Notification of issuing entity and person.**

Upon suspension of the person's license, certification, registration, permit, approval or other similar document evidencing the granting of authority to hunt, fish or trap or to engage in a profession, occupation, business or industry, the court shall notify the person and the issuing agency that the court has ordered the suspension. The issuing agency shall immediately record the suspension. The court shall immediately notify that person by regular mail or personal service. Written notice is sufficient if sent to the person's last known address.

**3. Purge of contempt.** The court shall provide an opportunity for the defendant to purge the contempt by complying with the court's order to pay or to an amended order to pay. The provisions of the Maine Rules of Civil Procedure, Rule 66 and the Maine Rules of Criminal Procedure, Rule 42 do not apply to proceedings initiated under this section.

See title page for effective date.

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**CHAPTER 194**

**H.P. 570 - L.D. 771**

**An Act To Provide Parity in Funding  
for Enhanced 9-1-1 Services**

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

**Sec. 1. 25 MRSA §2927, sub-§3,** as amended by PL 1999, c. 651, §2, is further amended to read:

**3. Expenditure of funds.** The bureau may use the revenues in the E-9-1-1 fund to fund staff and to defray costs associated with the implementation, operation and management of E-9-1-1. The bureau, to the extent it determines sufficient funds are available in the E-9-1-1 fund, shall use revenues in the E-9-1-1 fund to reimburse local exchange carriers and cellular and wireless telecommunications service providers for eligible expenses incurred by the carriers and service providers. For purposes of this subsection, the term "eligible expenses" means expenses:

A. Incurred in preparing, correcting, verifying or updating subscriber information for use in databases necessary to implement the E-9-1-1 system; ~~and~~

B. Determined by the Public Utilities Commission to meet the requirements of paragraph A and to be reasonable expenses for the services provided; and

C. When incurred by a cellular or wireless telecommunications service provider:

(1) That are approved by the bureau to be properly incurred for the implementation of E-9-1-1 technologies and procedures;

(2) That are not separately billed to customers; and

(3) For which the provider is not reimbursed from any other source.

The Public Utilities Commission, in consultation with the bureau, shall establish procedures for reviewing and approving expenses pursuant to paragraph B.

See title page for effective date.

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**CHAPTER 195**

**H.P. 914 - L.D. 1240**

**An Act To Amend the Regional  
Economic Development Revolving  
Loan Program**

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

**Whereas,** the Regional Economic Development Revolving Loan Program provides much-needed loans to eligible borrowers for the purpose of creating or retaining jobs in this State; and

**Whereas,** this legislation increases the availability of such loans to small businesses by reducing the required match of funds for loans of \$50,000 or less; and

**Whereas,** in order to stimulate economic development in the State as quickly as possible, it is necessary to expedite the ability to provide such loans; 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. 10 MRSA §1026-M, sub-§6, ¶B,** as amended by PL 1999, c. 401, Pt. OOO, §2, is further amended to read: