

# 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**

segregate the spoiled ballot with any other spoiled ballots in an envelope labeled "Spoiled ballots" and shall package and return the envelope of segregated ballots in accordance with section 698. The Secretary of State shall provide the clerk of each municipality with either a label and instructions on proper handling of spoiled ballots or a special envelope printed with this label and instructions.

**Sec. 2. 21-A MRSA §696, sub-§3, ¶B,** as amended by PL 2001, c. 310, §40, is further amended to read:

B. The warden, ward clerk or deputy warden shall write "Defective ballot" ~~on the ballot~~ and the reason that the ballot is defective ~~on the ballot~~ and shall sign it ~~and keep it segregated from the other ballots.~~ The election official shall then segregate the defective ballot with any other defective ballots in an envelope labeled "Defective ballots" and shall package and return the envelope of segregated ballots in accordance with section 698. The Secretary of State shall provide the clerk of each municipality with either a label and instructions on proper handling of defective ballots or a special envelope printed with this label and instructions.

**Sec. 3. 21-A MRSA §696, sub-§5, ¶B,** as enacted by PL 2001, c. 310, §42, is amended to read:

B. The warden, ward clerk or deputy warden shall write "Void ballot" ~~on the ballot~~ and the reason that the ballot is void ~~on the ballot~~ and shall ~~keep it segregated from the other ballots sign it.~~ The election official shall then segregate the void ballot with any other void ballots in an envelope labeled "Void ballots" and shall package and return the envelope of segregated ballots in accordance with section 698. The Secretary of State shall provide the clerk of each municipality with either a label and instructions on proper handling of void ballots or a special envelope printed with this label and instructions.

See title page for effective date.

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**CHAPTER 299**

**H.P. 854 - L.D. 1155**

**An Act To Include Alternates as Regular Jurors**

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

**Sec. 1. 14 MRSA §1204,** as amended by PL 1977, c. 102, is repealed and the following enacted in its place:

**§1204. Civil juries**

**1. Number of members.** The court shall seat a jury of either 8 or 9 members, and all jurors shall participate in the verdict unless excused for good cause by the court. Unless the parties otherwise stipulate, the verdict must be decided by the unanimous votes of at least 3/4 of the jurors participating in the verdict and no verdict may be taken from a jury reduced to fewer than 7 members.

**2. Procedures.** At the commencement of each term, the clerk shall prepare an alphabetical list of the names of those appearing for duty as traverse jurors. Before each trial, after the court has ruled on challenges for cause, the clerk shall randomly draw by lot from the names of all eligible jurors a sufficient number to comprise the jury panel plus enough to account for peremptory challenges. Peremptory challenges may then be exercised in accordance with court rules. When the panel is complete, the court shall appoint a foreperson to oversee deliberations and to speak for the jury.

**Sec. 2. 14 MRSA §1207** is repealed.

**Sec. 3. 15 MRSA §1317,** as amended by PL 1973, c. 567, §20, is further amended to read:

**§1317. List of witnesses**

The Attorney General, district attorney or ~~foreman~~ foreperson of the grand jury shall swear or affirm, in presence of the jury, all witnesses who are to testify before them, and a list thereof, stating the cases in which they testify, ~~shall~~ must be returned into the court by the ~~foreman~~ foreperson before the jury is discharged and filed and entered on record by the clerk. The clerk ~~shall~~ may not make such list public until the criminal cases at such terms have been tried or otherwise disposed of.

See title page for effective date.

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**CHAPTER 300**

**H.P. 93 - L.D. 84**

**An Act To Reimburse the State Poet Laureate and To Provide Access to the State Poet Laureate's Services**

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

**Sec. 1. 27 MRSA §424** is enacted to read:

**§424. State Poet Laureate Reimbursement Fund**

**1. Fund established.** The State Poet Laureate Reimbursement Fund, referred to in this section as

"the fund," is established as a nonlapsing Other Special Revenue Funds account administered by the Maine Arts Commission. The fund consists of gifts, grants or other sources of revenues deposited for the purposes described in subsection 2. The fund must be held separate from all other money, funds and accounts.

**2. Fund purpose.** The purpose of the fund is to provide funds to nonprofit public agencies and schools in the State to reimburse the State Poet Laureate for the cost of travel and related expenses associated with bringing the services of the State Poet Laureate to the community. The Maine Arts Commission shall administer the fund and develop guidelines and procedures to make the services of the State Poet Laureate available to any nonprofit public agency and school in the State.

**3. Application process.** The Maine Arts Commission shall establish an application process for fund requests for the purposes set forth in this section.

**4. Promotion.** The Maine Arts Commission shall promote the availability of the fund through its various avenues of communication, including its publicly accessible site on the Internet.

**Sec. 2. Review.** The Maine Arts Commission shall conduct a review of the process associated with a school's or a nonprofit public agency's applying for and obtaining funds from the State Poet Laureate Reimbursement Fund, established in the Maine Revised Statutes, Title 27, section 424, after the process has been in place for 3 years and make any necessary adjustments by September 30, 2006. The commission may submit to the Legislature any legislation necessary to implement recommendations resulting from the review.

See title page for effective date.

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## CHAPTER 301

H.P. 514 - L.D. 697

### An Act To Require the Installation of Dental Amalgam Separator Systems in Dental Offices

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

**Sec. 1. 38 MRSA §1661, sub-§§1-A and 1-B** are enacted to read:

**1-A. Amalgam separator system.** "Amalgam separator system" means a device that removes dental amalgam from the waste stream prior to its discharge into either the local public wastewater system or a

private septic system located at the dental facility and that meets a minimum removal efficiency of 95% if installed prior to March 20, 2003 or 98% if installed on or after March 20, 2003, as determined through testing in accordance with standards contained in "ISO 11143, Dental Equipment - Amalgam Separators," published by the International Organization for Standardization, in effect on the date the system is installed.

**1-B. Dental amalgam.** "Dental amalgam" means a mixture of silver and mercury used to restore dental integrity.

**Sec. 2. 38 MRSA §1667**, as enacted by PL 1999, c. 779, §2, is repealed and the following enacted in its place:

#### **§1667. Dental procedures**

**1. Prevention plan.** By July 15, 2002, the department shall work with dentists and other interested parties to develop a pollution prevention plan for mercury from dental procedures that provides for reasonable measures to reduce mercury pollution from dental procedures and related sources. The plan must include options and strategies for implementing source reduction.

**2. Dental office defined.** For purposes of this section, "dental office" means any dental clinic, dental office or dental practice, but does not include the practice of oral and maxillofacial surgery.

**3. Amalgam separator system required.** No later than December 31, 2004, a dental office that, in the course of treating its patients, adds, removes or modifies dental amalgam must install an amalgam separator system in the wastewater line in accordance with the following:

A. Wastewater containing dental amalgam particles must pass through the amalgam separator system prior to discharge to either a publicly owned treatment works or a private septic or waste disposal system, and waste containing dental amalgam must be collected from the amalgam separator system and disposed of in a manner satisfactory to the department;

B. Once the amalgam separator system has been installed, the dental office must notify the department in writing:

(1) Of the type of system installed;

(2) That the system is certified as meeting the standards required in accordance with section 1661, subsection 1-A;