

# 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**

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

**Sec. 1. 30-A MRSA §4221, sub-§4**, as enacted by PL 1993, c. 404, Pt. B, §1, is amended to read:

**4. Inspections and permits not required.** Plumbing inspections and permits are not required for:

A. Minor plumbing work or minor installations that are performed in compliance with state laws and rules if that plumbing work or those installations are done inside the structure of a private residence by the owner of that residence; ~~and~~

B. Installation of domestic heating appliances by master oil burner technicians licensed pursuant to Title 32, chapter 33-; and

C. Installation of stand-alone water meters, water meters in combination with nontestable backflow prevention devices and related valves by water utility personnel or water utility contractors. The water utility shall include in any notice it provides to a customer regarding entry to install such a meter or related valves a statement that installation of a backflow preventor may necessitate installation by the customer of additional devices, such as an expansion tank, due to thermal expansion.

See title page for effective date.

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**CHAPTER 305**

**H.P. 661 - L.D. 884**

**An Act To Expand the Definition of "Juvenile Crime" To Include the Offenses of Possession and Use of Drug Paraphernalia, Illegal Transportation of Alcohol by a Minor and Transportation of Illegal Drugs by a Minor**

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

**Sec. 1. 15 MRSA §3103, sub-§1, ¶B**, as amended by IB 1999, c. 1, §1, is repealed and the following enacted in its place:

B. Offenses involving illegal drugs or drug paraphernalia as follows:

(1) The possession of a useable amount of marijuana, as provided in Title 22, section 2383, unless the juvenile is authorized to

possess marijuana for medical use pursuant to Title 22, section 2383-B, subsection 5;

(2) The use or possession of drug paraphernalia as provided in Title 17-A, section 1111-A, subsection 4, paragraphs A and B; and

(3) Illegal transportation of drugs by a minor as provided in Title 22, section 2389, subsection 2;

**Sec. 2. 15 MRSA §3103, sub-§1, ¶C**, as amended by PL 1999, c. 413, §1, is further amended to read:

C. Offenses involving intoxicating liquor, as provided in Title 28-A, ~~section~~ sections 2051 and 2052 and offenses involving refusal to provide proper identification as provided in Title 28-A, section 2087;

**Sec. 3. 15 MRSA §3103, sub-§1, ¶G**, as enacted by PL 1997, c. 462, §4, is amended to read:

G. A violation of section 393, subsection 1, paragraph C or section 393, subsection 1-A.

**Sec. 4. 15 MRSA §3201, sub-§1**, as amended by PL 1987, c. 277, §2, is further amended to read:

**1. Warrantless arrests.** Arrests without warrants of juveniles for juvenile crimes defined by section 3103, subsection 1, paragraphs A, D, E ~~and F~~ and G by law enforcement officers or private persons shall be made pursuant to the provisions of Title 17-A, sections 15 and 16. For purposes of this section, a juvenile crime defined under section 3103, subsection 1, paragraph D, shall be deemed a Class D or Class E crime.

**Sec. 5. 15 MRSA §3301, sub-§6**, as amended by PL 1999, c. 624, Pt. B, §11, is further amended to read:

**6. Review by attorney for the State.** If the juvenile community corrections officer decides not to request the attorney for the State to file a petition, the juvenile community corrections officer shall inform the complainant, the law enforcement officer and the victim of the decision and of the reasons for the decision as soon as practicable. The juvenile community corrections officer shall advise the complainant, the law enforcement officer and the victim that they may submit their complaint to the attorney for the State for review.

If the juvenile community corrections officer makes a determination pursuant to subsection 5, paragraph A or B and decides not to request the attorney for the

State to file a petition for a violation of Title 22, section 2389, subsection 2 or Title 28-A, section 2052, the juvenile community corrections officer shall inform the Secretary of State of the violation. The Secretary of State shall suspend for a period of 30 days that juvenile's license or permit to operate, right to operate a motor vehicle and right to apply for and obtain a license.

The attorney for the State on that attorney's own motion or upon receiving a request for review by the law enforcement officer, the complainant or the victim, shall consider the facts of the case, consult with the juvenile community corrections officer who made the initial decision and then make a final decision as to whether to file the petition. Notwithstanding any action or inaction by the juvenile community corrections officer, the attorney for the State may file a petition at any time more than 30 days after the juvenile community corrections officer has been given notice pursuant to section 3203-A.

**Sec. 6. 15 MRSA §3314, sub-§3-A,** as amended by PL 1995, c. 65, Pt. A, §49 and affected by §153 and Pt. C, §15, is further amended to read:

**3-A. Operator's license suspension for drug offenses.** The court may suspend for a period of up to 6 months the license or permit to operate, right to operate a motor vehicle and right to apply for and obtain a license of any person who violates Title 17-A, chapter 45, ~~or~~; Title 22, section 2383, unless the juvenile is authorized to possess marijuana for medical use pursuant to Title 22, section 2383-B, subsection 5; Title 22, section 2389, subsection 2; or Title 28-A, section 2052 and is adjudicated pursuant to this chapter to have committed a juvenile crime.

The court shall give notice of suspension and take physical custody of an operator's license or permit as provided in Title 29-A, section 2434. The court shall immediately forward the operator's license and a certified abstract of suspension to the Secretary of State.

See title page for effective date.

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**CHAPTER 306**

**H.P. 526 - L.D. 720**

**An Act To Protect Health Care Workers Who Report Medical Errors**

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

**Sec. 1. 26 MRSA §833, sub-§1, ¶¶C and D,** as enacted by PL 1987, c. 782, §4, are amended to read:

C. The employee is requested to participate in an investigation, hearing or inquiry held by that public body, or in a court action; ~~or~~

D. The employee acting in good faith, has refused to carry out a directive that would expose the employee or any individual to a condition that would result in serious injury or death, after having sought and been unable to obtain a correction of the dangerous condition from the employer; or

**Sec. 2. 26 MRSA §833, sub-§1, ¶E** is enacted to read:

E. The employee, acting in good faith and consistent with state and federal privacy laws, reports to the employer, to the patient involved or to the appropriate licensing, regulating or credentialing authority, orally or in writing, what the employee has reasonable cause to believe is an act or omission that constitutes a deviation from the applicable standard of care for a patient by an employer charged with the care of that patient. For purposes of this paragraph, "employer" means a health care provider, health care practitioner or health care entity as defined in Title 24, section 2502.

**Sec. 3. Printing of notice.** Notwithstanding the Maine Revised Statutes, Title 26, section 42-B, the Department of Labor, Bureau of Labor Standards is not required to modify and redistribute the printed notice required by that section to reflect the changes in the laws resulting from this Act. The Bureau of Labor Standards shall modify the printed notice to reflect the changes contained in this Act when it becomes necessary to print additional notices due to an insufficient supply of such notices or future changes in the laws.

See title page for effective date.

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**CHAPTER 307**

**S.P. 121 - L.D. 342**

**An Act to Amend the Law Relating to Annuities**

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

**Whereas,** national financial markets have been severely and adversely affected as the result of the