

# 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**

Initiative: Allocates funds for one Attorney position and operating costs necessary to staff the Maine Motor Vehicle Franchise Board.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(1,000)	(1,000)
Personal Services	\$51,188	\$74,057
All Other	\$13,788	\$10,488
Capital Expenditures	\$15,297	\$0
Other Special Revenue		
Funds Total	\$80,273	\$84,545

See title page for effective date.

## CHAPTER 357

### H.P. 1044 - L.D. 1425

#### An Act Relating to the Protection of Whistleblowers

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

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

D. The employee acting in good faith, has refused to carry out a directive to engage in activity that would be a violation of a law or rule adopted under the laws of this State, a political subdivision of this State or the United States or 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 illegal activity or dangerous condition from the employer.

**Sec. 2. Printing of poster.** 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.

## CHAPTER 358

### H.P. 1028 - L.D. 1401

#### An Act To Provide the Office of the State Fire Marshal with Adequate Funding for Construction Plans Review

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

**Sec. 1. 25 MRSA §2450**, as amended by PL 1997, c. 728, §24, is further amended to read:

#### §2450. Examinations by Department of Public Safety

The Commissioner of Public Safety shall adopt, in accordance with requirements of the Maine Administrative Procedure Act, a schedule of fees for the examination of all plans for construction, reconstruction or repairs submitted to the Department of Public Safety. ~~A fee charged pursuant to this section~~ The fee schedule for new construction or new use is 5¢ per square foot for occupied spaces and 2¢ per square foot for bulk storage occupancies, except that a fee for review of a plan for new construction by a public school may not exceed \$450. The fee schedule for reconstruction, repairs or renovations is based on the cost of the project and may not exceed \$450. The fees must be credited to a special revenue account to defray expenses in carrying out this section. Any balance of the fees may not lapse, but must be carried forward as a continuing account to be expended for the same purpose in the following fiscal years.

See title page for effective date.

## CHAPTER 359

### H.P. 1042 - L.D. 1423

#### An Act To Facilitate the Implementation, Maintenance and Operation of the E-9-1-1 Emergency System

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

**Sec. 1. 25 MRSA §2921, sub-§2-A**, as enacted by PL 1993, c. 566, §2, is amended to read:

**2-A. Bureau.** "Bureau" means the Emergency Services Communication Bureau ~~in~~ within the ~~Department of Public Safety~~ Public Utilities Commission, which is responsible for the statewide implementation and management of E-9-1-1.

**Sec. 2. 25 MRSA §2926, sub-§1**, as enacted by PL 1993, c. 566, §9, is amended to read:

**1. Bureau established.** The Emergency Services Communication Bureau is established within the ~~department~~ Public Utilities Commission to implement and manage E-9-1-1.

**Sec. 3. 25 MRSA §2926, sub-§2-A** is enacted to read:

**2-A. Goal.** To the extent possible, the bureau shall establish a total of between 16 and 24 public service answering points. The bureau shall seek to coordinate any reduction in the number of public service answering points to achieve this goal with any contractual obligations it may have or may enter into that are or could be affected by that reduction.

**Sec. 4. 25 MRSA §2927, sub-§1-B**, as amended by PL 2001, c. 584, §1 and affected by §10, is further amended to read:

**1-B. Statewide E-9-1-1 surcharge.** The activities authorized under this chapter are funded through a special statewide E-9-1-1 surcharge levied on each residential and business telephone exchange line, including private branch exchange lines and Centrex lines, cellular or wireless telecommunications service subscribers and semipublic coin and public access lines. The statewide E-9-1-1 surcharge may not be imposed on more than 25 lines or numbers per customer billing account. In the case of cellular or wireless telecommunications service subscribers, the place of residence of those subscribers must be determined according to the sourcing rules for mobile telecommunications services set forth in Title 36, section 1816. The statewide E-9-1-1 surcharge is 50¢ per month per line or number ~~until 90 days after adjournment of the First Regular Session of the 121st Legislature, after which time the statewide E-9-1-1 surcharge is 32¢ per month per line or number.~~ The statewide E-9-1-1 surcharge must be billed on a monthly basis by each local exchange telephone utility or cellular or wireless telecommunications service provider and be shown separately as a statewide E-9-1-1 surcharge on the customer's bill.

**Sec. 5. 35-A MRSA §103, sub-§2, ¶D** is enacted to read:

D. The commission shall oversee and manage the Emergency Services Communication Bureau established under Title 25, chapter 352.

**Sec. 6. Transition.**

1. The provisions of this Act that move the Emergency Services Communication Bureau from within the Department of Public Safety to within the Public Utilities Commission are intended to change

the oversight and management of the bureau but are not intended and may not be interpreted to affect in any manner the purposes, powers, duties or functions or any contracts, agreements, obligations or other legal arrangements of the bureau, and all existing contracts, agreements, obligations or other legal arrangements of the bureau currently in effect continue in effect until rescinded, revised or amended.

2. All existing rules, regulations and procedures in effect, in operation or adopted in or by the Emergency Services Communication Bureau remain in effect until rescinded, revised or amended.

3. All positions authorized and allocated to the Emergency Services Communication Bureau within the Department of Public Safety are authorized and allocated to the Emergency Services Communication Bureau within the Public Utilities Commission.

4. All buildings, real property, equipment, records or other property belonging to or allocated for the use of the Emergency Services Communication Bureau within the Department of Public Safety are the property of and allocated to the bureau within the Public Utilities Commission.

5. All existing forms, letterheads or other supplies of the Emergency Services Communication Bureau may continue to be utilized by the bureau.

**Sec. 7. Appropriations and allocations.**

The following appropriations and allocations are made.

**PUBLIC SAFETY, DEPARTMENT OF**

**Emergency Services Communication Bureau 0790**

Initiative: Deallocates funds to reflect the transfer of the Emergency Services Communication Bureau to the Public Utilities Commission.

<b>Other Special Revenue Funds</b>	<b>2003-04</b>	<b>2004-05</b>
Positions - Legislative Count	(-5,000)	(-5,000)
Personal Services	(\$294,298)	(\$395,048)
All Other	(5,469,689)	(7,304,161)
<hr/>		
Other Special		
Revenue Funds Total	(\$5,763,987)	(\$7,699,209)

**PUBLIC SAFETY, DEPARTMENT OF**

**DEPARTMENT TOTALS**

	<b>2003-04</b>	<b>2004-05</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>(\$5,763,987)</b>	<b>(\$7,699,209)</b>
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<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>(\$5,763,987)</b>	<b>(\$7,699,209)</b>

**PUBLIC UTILITIES COMMISSION**

**Emergency Services Communication Bureau 0790**

Initiative: Allocates funds to relect the transfer of the Emergency Services Communication Bureau from the Department of Public Safety.

<b>Other Special Revenue Funds</b>	<b>2003-04</b>	<b>2004-05</b>
Positions - Legislative Count	(5,000)	(5,000)
Personal Services	\$294,298	\$395,048
All Other	5,469,689	7,304,161
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Other Special Revenue Funds Total	\$5,763,987	\$7,699,209

**PUBLIC UTILITIES COMMISSION  
DEPARTMENT TOTALS**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2003-04</b>	<b>2004-05</b>
	<b>\$5,763,987</b>	<b>\$7,699,209</b>
<hr/>		
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$5,763,987</b>	<b>\$7,699,209</b>

<b>SECTION TOTALS</b>	<b>2003-04</b>	<b>2004-05</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$0</b>
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<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$0</b>

See title page for effective date.

**CHAPTER 360**

**S.P. 481 - L.D. 1449**

**An Act Regarding the State Police Command Staff**

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

**Sec. 1. 25 MRSA §1501**, as amended by PL 1997, c. 657, §1, is further amended to read:

**§1501. Chief; deputy; members of force; rules and regulations**

The Commissioner of Public Safety, with the advice and consent of the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over criminal justice matters and to confirmation by the Legislature, shall appoint a Chief of the State Police, as heretofore appointed, to serve for a term of 4 years unless removed for cause. The appointment must be made from the commissioned officer ranks of the State Police. The Chief of the State Police may be removed by impeachment or by the Governor on the address of both branches of the Legislature.

The Chief of the State Police ~~shall be~~ is the executive head of the Bureau of State Police, as heretofore established, and shall execute the duties of ~~his~~ the

office under the direction and subject to the approval of the Commissioner of Public Safety. In the absence of the Commissioner of Public Safety, the Chief of the State Police shall assume the duties and ~~shall have~~ has the authority of the commissioner, except that ~~he shall have~~ the Chief of the State Police has no authority to change any general rules and regulations unless ~~he~~ the Chief of the State Police is serving in the capacity of acting commissioner as a result of the death, removal, extended leave of absence or resignation of the commissioner.

Subject to the approval of the Commissioner of Public Safety, the chief may appoint ~~2~~ one commissioned ~~officers~~ officer of the State Police to act as the chief's ~~deputies~~ deputy and 2 commissioned officers of the State Police to act as the chief's majors, all of whom serve at the pleasure of the chief. Subject to the Civil Service Law, the Chief of the State Police may enlist suitable persons as members of the State Police to enforce the law and employ such other employees as may be necessary. The Chief of the State Police shall make rules, subject to the approval of the State Civil Service Appeals Board, for the discipline and control of the State Police. If a deputy chief or major is removed or fails to be reappointed for any reason other than malfeasance of office and, at that time, does not have at least ~~20 years~~ the number of years of creditable service with the State Police necessary for a service retirement benefit pursuant to Title 5, section 17851, subsection 4, the deputy chief or major must be reinstated at the commissioned rank held at the time of the appointment with all the rights and privileges as provided by law and personnel rules.

It is the intent of the Legislature that the Governor may in ~~his~~ the Governor's discretion appoint the same person to serve as Commissioner of Public Safety and Chief of the Maine State Police. In this event, the ~~Governor shall appoint the~~ Chief of the State Police ~~shall be appointed by the Governor,~~ subject to review by the ~~Joint Standing Committee on State Government~~ joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and to confirmation by the Legislature, to serve at the pleasure of the Governor. Such appointment may be made from the commissioned officer membership of the State Police. In the event that the Commissioner of Public Safety and the Chief of the State Police are the same person, the commissioner ~~shall~~ may receive only the salary designated for the Commissioner of Public Safety.

See title page for effective date.