

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

---

---

**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

**CHAPTER 66**

**H.P. 303 - L.D. 418**

**An Act To Exempt Certain Tires from the Speed Rating Requirements**

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

**Whereas,** this Act corrects an unintended consequence of a current law that requires a vehicle to be equipped with tires that meet or exceed the load and speed rating of the original equipment tires; and

**Whereas,** it is necessary that this Act take effect before the spring season, when many Maine citizens change the tires on their motor vehicles from snow tires to regular tires; 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. 29-A MRSA §1917, sub-§2,** as amended by PL 2003, c. 146, §1, is further amended to read:

**2. Safe tires required.** A motor vehicle may not be operated on a public way unless it is equipped with tires in safe operating condition. A tire mounted on a motor vehicle is not considered to be in safe operating condition unless it meets the visual and tread depth requirements set forth in subsections 3 and 4 and the wheel size requirements in subsection 6. ~~A vehicle may be equipped only with tires that meet or exceed the load and speed rating of the original equipment tires.~~

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

Effective April 29, 2005.

---



---

**CHAPTER 67**

**H.P. 362 - L.D. 487**

**An Act Concerning Payment of Health Insurance Premiums for Surviving Spouses of Maine State Retirement System Members**

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

**Sec. 1. 5 MRSA §285, sub-§3-D** is enacted to read:

**3-D. Coverage under group health insurance plan for spouse and dependents after death of retiree.** If the spouse or other dependents of a retiree who is eligible pursuant to subsection 1, paragraph G and subsection 1-A are covered by the group health plan and the retiree dies while enrolled in the group health plan, the spouse or dependents must have the opportunity to continue coverage under the plan after the death of the retiree by making the premium payment for the cost of that coverage. In the case of underage dependent children, coverage must be available at least until the dependent children reach 19 years of age.

See title page for effective date.

---



---

**CHAPTER 68**

**H.P. 261 - L.D. 348**

**An Act To Expand the Home-release Monitoring Program for a Person with a Terminal Illness**

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

**Sec. 1. 30-A MRSA §1659, sub-§8** is enacted to read:

**8. Terminally ill inmate.** The sheriff may grant the privilege of participation in a home-release monitoring program to an inmate who does not meet the requirements of subsection 2, paragraph D if the jail's treating physician has determined that the inmate is terminally ill and that care outside the jail for the remainder of the inmate's illness is medically appropriate. Except as set out in this subsection, the inmate shall live in a hospital or other appropriate care facility, such as a nursing facility, residential care facility or facility that is a licensed hospice program pursuant to Title 22, section 8622, approved by the sheriff. As approved by the sheriff, the inmate may receive hospice services from an entity licensed pursuant to Title 22, chapter 1681, subchapter 1 and, subject to approval by the sheriff, may live at home while receiving these hospice services. The sheriff may exempt an inmate participating in home-release monitoring pursuant to this subsection from any requirements under subsection 3 that the sheriff determines to be inapplicable. The sheriff may terminate an inmate's participation in a home-release monitoring program under this subsection at any time and return the inmate to confinement for any reason in

the sheriff's discretion. Except as set out in this subsection, all other provisions of this section apply to home-release monitoring pursuant to this subsection.

**Sec. 2. 34-A MRSA §3036-A, sub-§10**, as amended by PL 2003, c. 205, §13, is further amended to read:

**10. Terminally ill prisoner.** With the consent of the prisoner, the commissioner may permit a prisoner committed to the department to be transferred from a correctional facility to supervised community confinement without meeting the requirements of subsection 2, paragraphs B and C if the facility's treating physician has determined that the prisoner is terminally ill and that care outside the correctional facility for the remainder of the prisoner's illness is medically appropriate. The Except as set out in this subsection, the prisoner shall live in a hospital or other appropriate care facility, such as a nursing facility or residential care facility or a facility that is a licensed hospice program pursuant to Title 22, section 8622, approved by the commissioner. As approved by the commissioner, the prisoner may receive hospice services from an entity licensed pursuant to Title 22, chapter 1681, subchapter 1 and, subject to approval by the commissioner, may live at home while receiving these hospice services. The commissioner may exempt a prisoner transferred to supervised community confinement pursuant to this subsection from any mandatory condition under subsection 3 that the commissioner determines to be inapplicable.

See title page for effective date.

---



---

## CHAPTER 69

H.P. 49 - L.D. 53

### An Act To Clarify the Law Regarding Unlawful Interference with Law Enforcement Dogs

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

**Sec. 1. 17-A MRSA §752-B, sub-§1**, as amended by PL 2001, c. 383, §82 and affected by §156, is further amended to read:

**1.** A person is guilty of unlawful interference with a law enforcement dog if the person intentionally or knowingly:

A. Kills, mutilates or permanently disables any dog that is in fact certified for law enforcement use and that the person knows or reasonably should have known is certified used for law enforcement use purposes. Violation of this paragraph is a Class C crime; or

B. Torments, beats, strikes, injures, temporarily disables or otherwise mistreats any dog that is in fact certified for law enforcement use and that the person knows or reasonably should have known is certified used for law enforcement use purposes. Violation of this paragraph is a Class D crime.

See title page for effective date.

---



---

## CHAPTER 70

S.P. 124 - L.D. 400

### An Act To Align Maine Special Education Complaint Management Provisions with the Federal Individuals with Disabilities Education Act

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

**Sec. 1. 20-A MRSA §7206, sub-§4**, as amended by PL 1999, c. 424, Pt. A, §6, is repealed.

See title page for effective date.

---



---

## CHAPTER 71

S.P. 16 - L.D. 36

### An Act To Promote Access to Transportation for Seniors

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

**Sec. 1. 29-A MRSA §951, sub-§4**, as amended by PL 1999, c. 631, §1, is further amended to read:

**4. Exemptions.** Financial institutions, as defined in Title 9-B, section 131, subsections 17 and 17-A, are exempt from the requirements of this section when selling vehicles repossessed and sold by full-time employees of the institution. Financial institutions that do not use full-time employees to repossess and sell vehicles must use dealers licensed pursuant to this chapter.

Any public or nonprofit organization that, for the purpose of making vehicles available to low-income persons, accepts donated vehicles and provides them to low-income persons at a cost that is no more than the cost of ensuring that the vehicle is in good operating condition is exempt from the requirements of this section. A public or nonprofit organization that transfers a vehicle under this subsection is subject to