

# 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**

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

**Sec. 1. 1 MRSA §224** is enacted to read:

**§224. State soft drink**

Moxie, a registered trademarked soft drink invented by Maine-born Dr. Augustin Thompson of Union that symbolizes spirit and courage, is the official state soft drink.

See title page for effective date.

---

---

**CHAPTER 137**

**H.P. 290 - L.D. 388**

**An Act To Ensure Continued Federal Funding of the Maine Developmental Disabilities Council**

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

**Whereas,** enactment of the designation of the Maine Developmental Disabilities Council as the designated state agency before July 1, 2005 will assist in making the transition of the newly aligned responsibilities in the new Department of Health and Human Services for the next fiscal year; 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. 34-B MRSA §17001, sub-§5,** as enacted by PL 2003, c. 417, §3 and affected by §4, is amended to read:

**5. Designated state agency.** ~~In accordance with Notwithstanding subsection 2, the council is the designated state agency for the purposes of the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, the State shall identify an agency to act as the designated state agency to provide support for the council Public Law 106-402. The As the designated state agency must, the council shall meet all requirements specified in 42 United States Code, Section 15025.~~

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

Effective May 20, 2005.

---

---

**CHAPTER 138**

**H.P. 907 - L.D. 1309**

**An Act To Exempt Agricultural Guard Dogs and Herding Dogs from the Barking Dog Ordinances**

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

**Sec. 1. 7 MRSA §3950,** as amended by PL 1991, c. 779, §40, is further amended to read:

**§3950. Local regulations**

Each municipality is empowered to adopt or retain more stringent ordinances, laws or regulations dealing with the subject matter of this chapter, except that municipalities may not adopt breed-specific ordinances, laws or regulations. Any less restrictive municipal ordinances, laws or regulations are invalid and of no force and effect.

**1. Certain agricultural working dogs exempt from barking dog ordinances.** A municipal ordinance, law or regulation that prohibits or limits barking dogs does not apply to dogs engaged in herding livestock or to agricultural guard dogs engaged in protecting livestock or warning the owners of danger to the livestock. For the purposes of this subsection, the term "livestock" has the same meaning as in section 3907, subsection 18-A.

See title page for effective date.

---

---

**CHAPTER 139**

**H.P. 453 - L.D. 620**

**An Act To Clarify the Liquor Enforcement Laws**

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

**Sec. 1. 25 MRSA §2801-B, sub-§1, ¶H,** as amended by PL 2003, c. 688, Pt. A, §25, is further amended to read:

H. The State Fire Marshal; ~~or~~

**Sec. 2. 25 MRSA §2801-B, sub-§1, ¶J,** as enacted by PL 2003, c. 400, §4, is amended to read:

J. A court security officer; or

**Sec. 3. 25 MRSA §2801-B, sub-§1, ¶K** is enacted to read:

K. A contract officer appointed by the Commissioner of Public Safety pursuant to Title 28-A, section 82-A.

**Sec. 4. 28-A MRSA §82-A** is enacted to read:

**§82-A. Enforcement of licensing**

**1. Authority.** In addition to any authority a law enforcement officer has to enforce the laws, a law enforcement officer may, subject to subsections 2 and 4, enforce this Title or the rules adopted pursuant to this Title against violations that may result in an administrative sanction against a licensee or the licensee's agents or employees.

**2. Commissioner.** The commissioner may by agreement, with the consent and approval of the affected law enforcement agency, designate the law enforcement agency's officers to exercise the enforcement authority identified in subsection 1.

**3. Contract officers.** The commissioner may appoint contract officers for the purpose of enforcing this Title and the rules adopted pursuant to this Title against specific violations that may result in an administrative sanction against a licensee, or the licensee's agents or employees.

**4. Limitation.** The commissioner may limit the authority granted by this section to specific sections of this Title and rules adopted pursuant to those sections.

See title page for effective date.

---

---

**CHAPTER 140**

**H.P. 48 - L.D. 52**

**An Act To Authorize Certain  
Campers To Self-administer  
Emergency Medication**

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

**Whereas**, there are 225 children's camps in Maine serving more than 65,000 children; and

**Whereas**, ready access to certain emergency medications can save the lives of children with asthma, severe allergies and other medical conditions; and

**Whereas**, immediate enactment of this law is necessary to ensure that policies are in place for the summer camp season beginning June 2005; 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. 22 MRSA §2496**, as amended by PL 1999, c. 727, §1, is repealed and the following enacted in its place:

**§2496. Rules and policies**

**1. Department rulemaking.** The department is authorized and empowered to make and enforce all necessary rules and regulations for the administration of this chapter, and may rescind or modify such rules and regulations from time to time as may be in the public interest, insofar as such action is not in conflict with any of the provisions of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**2. Recreational camps for children; emergency medication.** A recreational camp for boys or girls must have a written policy authorizing campers to self-administer emergency medication, including, but not limited to, an asthma inhaler or an epinephrine pen. The written policy must include the following requirements:

A. A camper who self-administers emergency medication must have the prior written approval of the camper's primary health care provider and the camper's parent or guardian;

B. The camper's parent or guardian must submit written verification to the camp from the camper's primary health care provider confirming that the camper has the knowledge and the skills to safely self-administer the emergency medication in camp;

C. The camp health staff must evaluate the camper's technique to ensure proper and effective use of the emergency medication in camp; and

D. The emergency medication must be readily available to the camper.