

MAINE STATE LEGISLATURE

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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

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.

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

Effective May 20, 2005.

CHAPTER 141

H.P. 735 - L.D. 1082

An Act To Prohibit Passing in Designated No-passing Zones

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

Sec. 1. 29-A MRSA §2070, sub-§5, ¶¶B and C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

B. When approaching within 100 feet of or traversing an intersection or railroad grade crossing, except when turning to the left to enter an intersecting way; ~~or~~

C. When the view is obstructed within 100 feet of a bridge, viaduct or tunnel;

Sec. 2. 29-A MRSA §2070, sub-§5, ¶¶D and E are enacted to read:

D. When the single center line highway marking method is used and an unbroken painted line is marked on the way, except in an emergency; or

E. When the double center line highway marking method is used and an unbroken painted line is marked on the way in the operator's lane, except in an emergency.

Sec. 3. 29-A MRSA §2070, sub-§7 is enacted to read:

7. Evidence. The placing on a roadway of highway markings conforming to this chapter is prima facie evidence that the markings have been placed by the official act or direction of lawful authority.

See title page for effective date.

CHAPTER 142

H.P. 536 - L.D. 759

An Act To Provide For Special Antlerless Deer Permits to Certain Disabled Hunters

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

Sec. 1. 12 MRSA §11152, sub-§2, as affected by PL 2003, c. 614, §9 and repealed and replaced by c. 655, Pt. B, §120 and affected by §422, is amended to read:

2. Authority to regulate taking of antlerless deer. The commissioner may regulate the taking of antlerless deer within an area of the State as necessary to maintain deer populations in balance with available habitat if the demarcation of each area follows recognizable physical boundaries such as rivers, roads and railroad rights-of-way. This subsection does not apply to a person with a special antlerless deer permit under subsection 7.

Sec. 2. 12 MRSA §11152, sub-§7 is enacted to read:

7. Special antlerless deer permit. The commissioner shall issue a special antlerless deer permit to an eligible person who is a resident and is suffering from the loss of or the permanent loss of use of both lower extremities. The commissioner shall issue a permit upon application and after the applicant verifies that person's ambulatory disability with a letter signed by a physician licensed in the State confirming the person's condition. A person who is issued a special antlerless deer permit under this subsection may take an antlerless deer in any part of the State open to the taking of antlerless deer pursuant to subsection 3.

See title page for effective date.

CHAPTER 143

H.P. 623 - L.D. 873

An Act To Give 2 Moose Hunting Permits to Hunt of a Lifetime

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

Sec. 1. 12 MRSA §11154, sub-§13 is enacted to read:

13. Hunting adventure permits for children. Notwithstanding subsection 6 and section 11102, the commissioner may issue 2 moose permits to a nonprofit organization dedicated to providing hunting and fishing adventures to children under 21 years of age with life-threatening, critical or terminal illnesses. The commissioner may issue these permits upon written request by an eligible nonprofit organization but may not issue more than 2 permits in total for a calendar year. These permits are in addition to the