

# 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.**

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

## CHAPTER 172

S.P. 209 - L.D. 654

**An Act To Provide for Independent Testing of Unpasteurized Milk Products****Be it enacted by the People of the State of Maine as follows:****Sec. 1.** 7 MRSA §2902-B, sub-§4 is enacted to read:

**4. Testing of unpasteurized milk products.**  
The commissioner shall establish a process by rule for submitting samples of unpasteurized milk products to an independent laboratory for testing when:

A. The milk laboratory operated by the department has tested unpasteurized milk products and determined that they do not meet the standards for unpasteurized milk products established by rules adopted pursuant to section 2910; and

B. The person operating the milk plant that processed the milk products has requested independent testing.

The commissioner may require the person requesting the independent testing under paragraph B to pay for that testing. Any restrictions on the sale of unpasteurized milk products pending test results and after receipt of test results must be established by rule. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. For the purposes of this subsection, "independent laboratory" means a laboratory that is operated by a private entity or a public entity other than the department.

See title page for effective date.

## CHAPTER 173

S.P. 350 - L.D. 1010

**An Act To Modify the Transition Provision for Renewal of Social Worker Licenses**

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

Whereas, this legislation authorizes the Department of Professional and Financial Regulation, State Board of Social Worker Licensure to issue renewal licenses to social workers who held valid licenses on September 13, 2003 prior to the enactment

of new license requirements for licenses issued after January 1, 2004; and

Whereas, if the State Board of Social Worker Licensure is not granted additional authority, it will not be feasible for many social worker licensees to comply with new requirements for licensure within the balance of their current license cycle and they will therefore be denied an opportunity to continue providing a valuable service to the citizens of the State; 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.** 32 MRSA §7053, sub-§3-C, ¶B, as enacted by PL 2003, c. 429, §4 and affected by §7 and amended by c. 689, Pt. B, §6, is further amended to read:

B. A person who receives a conditional license as a licensed social worker on or after January 1, 2004 must complete the following requirements for consultation.

(1) A person who is not an employee of the Department of Health and Human Services must complete a minimum of 96 hours of consultation as determined by the board. This consultation must be concurrent with the first 3,200 hours of social work employment occurring in a period of not less than 2 years but not more than 4 years. For purposes of fulfilling the requirement of 96 hours of consultation during the first 3,200 hours of social work employment, a licensed social worker who practiced social work and obtained social work consultation hours in a long-term care setting and who held a valid license as of September 13, 2003 may count consultation hours that were obtained prior to August 3, 2004, whether the consultation hours were obtained in individual or group settings, if the consultation was provided by a licensed social worker, regardless of the group size and the eligibility requirements of the consulting licensed social worker.

(2) A person who is an employee of the Department of Health and Human Services must complete a minimum of 96 hours of consultation with a licensed social worker who has been licensed for at least 4 years or

a licensed master social worker. This consultation must be concurrent with the first 3,200 hours of social work employment occurring in a period of not less than 2 years but not more than 4 years.

**Sec. 2. 32 MRSA §7060, sub-§1**, as enacted by PL 2003, c. 429, §6 and affected by §7 and amended by c. 689, Pt. B, §6, is further amended to read:

**1. Not employee of Department of Health and Human Services.** If not employed by the Department of Health and Human Services, provide documentation of 96 hours of consultation as determined by the board during the first 3,200 hours of social work employment in a period of not less than 2 years but not more than 4 years. For purposes of fulfilling the requirement of 96 hours of consultation during the first 3,200 hours of social work employment, a licensed social worker who practiced social work and obtained social work consultation hours in a long-term care setting and who held a valid license as of September 13, 2003 may count consultation hours that were obtained prior to August 3, 2004, whether the consultation hours were obtained in individual or group settings, if the consultation was provided by a licensed social worker, regardless of the group size and the eligibility requirements of the consulting licensed social worker; or

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

Effective May 20, 2005.

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**CHAPTER 174**

**H.P. 410 - L.D. 555**

**An Act To Enhance Driver Education and Safety**

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

**Whereas**, advanced driver education provides instruction to improve drivers' knowledge and skills; and

**Whereas**, enhancing driver education increases public safety by reducing traffic accidents and fatalities; and

**Whereas**, it is necessary that this Act take effect immediately to ensure the safety of the State's drivers; 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 §1357** is enacted to read:

**§1357. Advanced driver education**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Advanced driver education" means any type of classroom instruction in the driving of an automobile, excluding a motorcycle, given for remuneration or course credit to an individual who possesses or who previously possessed a valid driver's license.

B. "Instructor" means a person engaged in teaching advanced driver education.

**2. Advanced driver education course authorized.** Notwithstanding sections 1351, 1352, 1353 and 1354, a person may provide advanced driver education in accordance with the following provisions.

A. A person may not provide advanced driver education unless licensed by the Secretary of State. An instructor license is valid for 3 years from the date of issuance. An applicant for an instructor license must meet the following requirements.

- (1) The person is at least 21 years of age and has a high school diploma or its equivalent.
- (2) The person has at least 4 years of driving experience as a licensed operator and possesses a valid driver's license.
- (3) The person has not been convicted for a moving criminal traffic offense within the last 3 years, except for operating without a driver's license if the license was expired less than 5 years and operating with an expired registration.
- (4) The person has not been designated as an accident-prone driver pursuant to section 1308 within the last year.
- (5) The person has not had a driver's license suspended or revoked within the last 6 years pursuant to sections 2411, 2453.