

# 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**

2454, 2456, 2457, 2472, 2521, 2525, 2554, 2555 or 2557.

(6) The person has not been convicted within the last 10 years for any crimes for which more than one year of incarceration may be ordered.

(7) The person must have at least one year of training, education or experience in driver education, driver evaluation, assessment or testing or teaching defensive driving.

B. An advanced driver education course must include instruction that imparts the understanding and skills necessary to operate a motor vehicle safely. An instructor is responsible for the facilities, operation and curriculum of an advanced driver education course. The curriculum must be filed with the Secretary of State annually.

C. A student record sheet must be kept for each student and maintained for a period of at least 3 years from the date advanced driver education was provided. The student record sheet must contain the following information:

(1) The name and address of the student; and

(2) The name of the instructor who provided the instruction and the location where the instruction was provided.

D. An instructor must, prior to the start of the course, advise students in writing of the following:

(1) The refund policy of the instructor;

(2) That completion of the course will not entitle students to an insurance discount; and

(3) That completion of the course will not provide point credits on driver's licenses.

E. An instructor shall allow the Secretary of State access to records to ensure compliance with statutory requirements.

F. An instructor may not make any false, misleading or deceitful claims, statements or representations in any advertisement or solicitation.

G. The fee for issuance and renewal of an instructor license under subsection 2, paragraph A is \$40.

**3. Penalties.** A person who conducts advanced driver education without a valid instructor license commits a Class E crime.

**4. Suspension or revocation of license; hearings.** The Secretary of State may suspend, revoke or refuse to issue or renew an instructor license for noncompliance with statutory requirements. A person refused a license or whose license is suspended or revoked may request a hearing with the Secretary of State. A requested hearing must be conducted pursuant to chapter 23, subchapter 2, article 3.

**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 175

H.P. 117 - L.D. 166

### An Act To Prohibit Firearms in a Courthouse

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

**Whereas,** current law does not proscribe possession of firearms in courthouses; and

**Whereas,** potentially inflammatory and controversial matters are resolved in courthouses; and

**Whereas,** it is necessary to provide for the safety of citizens who come to Maine's courthouses seeking justice and those who work therein; 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. 17-A MRSA §1058** is enacted to read:

**§1058. Possession of firearm in courthouse**

**1.** A person may not possess a firearm in a courthouse.

**2.** This section does not apply to:

A. A person who is a law enforcement officer or a corrections officer acting within the course and scope of the officer's employment; or

B. A person possessing a firearm for the purpose of offering the firearm as evidence in a proceeding if the presiding judge or justice has provided prior written approval to the person and the person possesses a copy of the written approval.

3. A person who violates subsection 1 commits a Class D crime.

**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 176

### H.P. 378 - L.D. 503

#### An Act To Make Changes to the Laws Governing the Maine Potato Board

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

**Whereas,** this legislation makes changes to the laws governing the Maine Potato Board; and

**Whereas,** it is critical to the proper functioning of the Maine Potato Board that these changes be implemented immediately; 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. 36 MRSA §4602, sub-§4,** as enacted by PL 1985, c. 753, §§14 and 15, is amended to read:

**4. Potatoes.** "Potatoes" means and includes all potatoes, whether graded or ungraded, including all potatoes sold for processing into food, ~~but does not include potatoes sold for processing into starch, unless the potatoes are sold under a federal diversion program and paid for as grade potatoes or animal feed.~~

**Sec. 2. 36 MRSA §4603, sub-§5,** as enacted by PL 1985, c. 753, §§14 and 15, is amended to read:

**5. Meetings of executive councils and assemblies.** Executive councils shall annually elect officers, including a ~~chairman chair, vice-chairman vice-chair~~ and secretary. Each executive council shall hold meetings from time to time, no less than ~~4~~ 2 times a year, upon call of the executive council ~~chairman chair~~, a majority of the executive council or upon call of the board. Each assembly shall hold meetings from time to time, no less than once a year, upon call of a majority of its executive council or upon call of the board, provided that district assemblies of growers may hold these meetings jointly in statewide sessions or in concert with other assemblies or groups of assemblies. All meetings of assemblies and executive councils ~~shall~~ must be open to the public and otherwise in compliance with Title 1, chapter 13.

**Sec. 3. 36 MRSA §4604, sub-§2,** as amended by PL 1987, c. 99, §20, is further amended to read:

**2. Programs.** The board may make studies; undertake research, development and investment in infrastructure, marketing and promotional programs; publish and disseminate information; and implement other programs ~~as are~~ in furtherance of its legislative purposes, provided that programs undertaken by the board ~~shall~~ must be designed to benefit the Maine potato industry at large or segments of the industry, but ~~shall~~ may not be designed to benefit exclusively any one person or entity involved in the industry. The board shall carry out the duties, as set out in Title 7, article 4 and known as the "Maine Bag Program," and shall use any funds granted by the department to the board or obtained by the board from any other source for the Maine Bag Program to promote the sale of tablestock potatoes, except that revenues from the potato tax under section 4605 may not be used to undertake promotional activities of the board. The board may use funds derived from sources other than the potato tax to carry out advertising and promotional programs in support of the industry.

**Sec. 4. 36 MRSA §4604, sub-§5,** as enacted by PL 1985, c. 753, §§14 and 15, is amended to read:

**5. Books and records; confidentiality.** The board shall keep books, records and accounts of all its activities, which ~~shall~~ must be open to inspection and audit by the State at all times. The State Auditor ~~shall~~ may conduct an annual audit of the financial records of the board and shall report the results of the audit to the board, the Commissioner of Agriculture, Food and Rural Resources, the Treasurer of State and the Legislature.

All books and records of the board ~~shall~~ must be open to public inspection in accordance with Title 1, chapter 13, ~~provided~~ except that records and meetings of the board may by vote be closed to the public ~~where~~ when