

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

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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

4. Any law enforcement officer, department or agency having custody of an illegal gambling machine ~~or~~ any monetary contents of an illegal gambling machine or any associated proceeds or having disposed of the illegal gambling machine ~~or the~~ any monetary contents or any associated proceeds shall keep and maintain during the pendency of the action full and complete records in accordance with this subsection. Upon issuance by the court of a final order ordering the disposition, destruction or return of the illegal gambling machine ~~or the~~ any monetary contents or any associated proceeds, the officer, department or agency must transmit a copy of those records to the Department of Public Safety for inclusion into a centralized record.

A. The records must show:

- (1) From whom the illegal gambling machine ~~and~~ any monetary contents and any associated proceeds were received;
- (2) Under what authority the illegal gambling machine ~~and~~ any monetary contents and any associated proceeds are held, received or disposed of;
- (3) To whom the illegal gambling machine ~~and~~ any monetary contents and any associated proceeds are delivered;
- (4) The date and manner of destruction or disposition of the illegal gambling machine; and
- (5) The exact kinds, quantities and forms of illegal gambling machines ~~and~~ the exact amount of any monetary contents of any machine and the exact amount of any associated proceeds held in custody or disposed of.

B. The records must be open to inspections by all federal and state officers authorized by the laws of the United States, a state or territory of the United States or a foreign nation to investigate or prosecute gambling laws.

C. The Department of Public Safety is responsible for maintaining a centralized record of illegal gambling machines seized. At least quarterly, the department shall provide a report of the disposition of property previously held by the department to the Commissioner of Administrative and Financial Services and the legislative Office of Fiscal and Program Review for review. These records must include an estimate of the fair market value of items seized.

5. Persons making final disposition or destruction of an illegal gambling machine ~~or~~ its monetary

contents or any associated proceeds under court order shall report, under oath, to the court the exact circumstances of the destruction or disposition.

6. An illegal gambling machine together with any monetary contents and any associated proceeds is contraband and may be seized by any law enforcement officer pursuant to subsection 7 or 8.

Sec. 3. 17-A MRSA §1233, as enacted by PL 1999, c. 788, §7, is amended to read:

§1233. Revocation procedures

The procedures, rights and responsibilities that apply to probation revocation under sections 1205 to 1208, including bail under section ~~1205, subsection 8~~ 1205-C, subsections 5 and 6 and appellate review of revocation under section 1207, apply to revocation of supervised release.

Sec. 4. 17-A MRSA §1253, sub-§12, as enacted by PL 2003, c. 711, Pt. A, §18, is amended to read:

12. Subsections 9 and 10 supersede subsections 3, 3-B, 4, 5, 6 and 8 for a person who commits a crime other than murder and for a person who commits a crime other than under chapter 11 or 12; under section 556; under section 854, excluding subsection 1, paragraph A, subparagraph (1); or against a family or household member under chapter 9 or 13, section 506-B, 554, 555 or 758, on or after August 1, 2004.

See title page for effective date.

CHAPTER 208

H.P. 83 - L.D. 107

**An Act Guaranteeing Freedom of
Choice Regarding the Disposition of
One's Own Organs**

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

Sec. 1. 22 MRSA §2904, sub-§2, as amended by PL 1981, c. 639, §1, is further amended to read:

2. **Other documents.** A gift of any part of the body under section 2902, subsection 1, may be made by document other than a will. The gift becomes effective upon the death of the donor and upon acceptance by the donee. The document, ~~which may be a card designed to be carried on the person, must be~~ may be a donor card signed by the donor, in the presence of 2 witnesses who must sign the document in his presence an electronic donor registry in which

the donor is included on a driver's license on which a designation is made by organ donor decal, code or notation as provided in Title 29-A, section 1402-A. If the donor cannot sign, the document may be signed for ~~him the donor~~ at ~~his the donor's~~ direction and in ~~his the donor's~~ presence, ~~and in the presence of 2 witnesses who must sign the document in his presence.~~ Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid.

Sec. 2. 22 MRSA §2911, as enacted by PL 2003, c. 394, §1 and affected by §6, is amended to read:

§2911. Honor intent of organ donors

1. General rule. The intention of a person to make a donation of that person's own body organ or tissue after death must be honored. In the absence of a ~~written statement overriding donor intent in accordance with subsection 2, or~~ revocation or amendment of the donor's execution of the intent to donate under section 2906, Title 18-A, Article 5, Part 8 or Title 29-A, section 1402-A, health care providers licensed in this State and federally designated organ procurement organizations shall act in accordance with the donor's intention and may take appropriate actions to effect the gift.

~~**2. Overriding donor intent.** Next of kin to a person who has expressed intent to donate that person's own body organ or tissue after death may override the intention of the donor in accordance with this subsection by executing a written statement, witnessed by a person who is not a relative of the donor. The written statement must indicate that the signer has discussed honoring the intent of the organ donor with a representative of an organ procurement organization and must include:~~

~~A. An indication that the donor revoked or altered the statement of intent to donate, as provided in section 2906 or Title 18-A, Article 5, Part 8. Next of kin acting under this paragraph shall provide evidence of revocation or alteration by the donor after the date of the donor's expressing a willingness or intention to donate; or~~

~~B. An indication of the decision of the signer to override the expressed intention of the donor.~~

~~If more than one person qualifies as next of kin and also qualifies to execute an anatomical gift of all or part of the decedent's body under this chapter or any other provision of law, the document used to override donor intent must show the agreement of a majority of those persons at the level of priority of the signer under Title 18-A, section 5 805 or Title 22, section 2902, subsection 2.~~

Sec. 3. 29-A MRSA §1402-A, sub-§4, ¶E, as enacted by PL 2003, c. 394, §4 and affected by §6, is amended to read:

E. Notwithstanding Title 22, section 1711-C and any other provision of law to the contrary, a health care provider licensed in this State to provide primary health care shall provide information to a federally designated organ procurement organization regarding a patient who has indicated a willingness to become an organ donor under this section, Title 18-A, Article 5, Part 8 or Title 22, chapter 710 if such information is provided in accordance with professional standards applicable to organ donation ~~and if donor intent has not been overridden pursuant to Title 22, section 2911, subsection 2.~~

See title page for effective date.

CHAPTER 209

H.P. 805 - L.D. 1162

An Act To Permit the Establishment of Regional Water Councils

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

Whereas, certain grants may be immediately available to regional water councils that will facilitate the purposes of this Act, and the Legislature believes it is important that these funds be accessed and used as soon as possible; 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. 35-A MRSA c. 68 is enacted to read:

CHAPTER 68

REGIONAL WATER COUNCILS

§6801. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.