

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

SECOND SPECIAL SESSION

July 29, 2005

SECOND REGULAR SESSION

January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR

SECOND SPECIAL SESSION

NON-EMERGENCY LAWS IS

OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR

SECOND REGULAR SESSION

NON-EMERGENCY LAWS IS

AUGUST 23, 2006

**PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.**

Penmor Lithographers

Lewiston, Maine

2006

CHAPTER 465

S.P. 649 - L.D. 1695

**An Act To Authorize the
Commissioner of Inland Fisheries
and Wildlife To Allow the Operation
of Snowmobiles Registered outside
the State at Special Events Occurring
in the State**

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

Whereas, the law must be corrected so that it will be effective for this snowmobile season; 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Sec. 1. 12 MRSA §13104, sub-§7, as repealed and replaced by PL 2005, c. 456, §1, is amended to read:

7. Snowmobiles of nonresidents; Maine-New Hampshire Cooperative Trails; special events. Except as specifically provided in this subsection and notwithstanding any other provision of law, a snowmobile belonging to a nonresident may be possessed or operated by any person in this State as long as the snowmobile is properly registered in this State in the name of a nonresident owner of the snowmobile. Nothing in this subsection authorizes the operation of a snowmobile in a manner contrary to this chapter.

A. A nonresident is ineligible to obtain a resident registration for a snowmobile owned by that nonresident. Snowmobiles and grooming equipment registered to federal or state entities, snowmobile clubs, municipalities or counties from bordering states or provinces and engaged in trail grooming may be operated without being registered under this subsection. Snowmobiles registered in either New Hampshire or Canada may be operated on any lake or pond that is partly in both the State and New Hampshire or Canada without being registered in the State.

B. A snowmobile registered in this State or in New Hampshire may be operated without further registration requirements on those portions of the Maine-New Hampshire Cooperative Trails lo-

cated in Maine. For purposes of this paragraph, "Maine-New Hampshire Cooperative Trails" means:

- (1) New Hampshire Trail 18 as identified in the Success Pond - Grafton Notch area; and
- (2) Maine Trail ITS-80 as identified in the Evans Notch area of the White Mountain National Forest.

C. Snowmobiles registered in another state or in a Canadian province may be operated without a Maine registration at a special event or festival organized to occur in this State if such operation is approved by the commissioner. An event or festival organizer must submit a request in writing to the commissioner at least 60 days prior to the event or festival and shall include a map of trails where operation will be allowed.

The commissioner shall adopt rules regarding the grooming and maintenance of the Maine-New Hampshire Cooperative Trails and reimbursement or payment for those services. The rules must allow reimbursement for grooming and maintenance services to be through direct cash payments by users of the Maine-New Hampshire Cooperative Trails or through in-kind services. The costs of grooming and maintenance must be based on the average per mile costs to Maine and New Hampshire of providing these services. Rules adopted pursuant to this ~~paragraph~~ subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

Effective February 1, 2006.

CHAPTER 466

S.P. 703 - L.D. 1786

**An Act to Allow Dragging in Lower
Taunton Bay**

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

Whereas, family livelihoods are and will continue to be severely impacted if this area is closed to dragging; and

Whereas, it is necessary to reopen the area 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. 12 MRSA §6959-A, as enacted by PL 2005, c. 160, §1, is repealed and the following enacted in its place:

§6959-A. Dragging in Taunton River area

1. Dragging prohibited. A person may not fish with any drag or combination of drags in the territorial waters westerly and northerly of Sullivan Falls in the towns of Hancock and Sullivan in Hancock County, including Egypt Bay, Taunton Bay and Hog Bay. This section does not apply to research activities in Taunton Bay that are authorized by the commissioner. Research activities may include, but are not limited to, scientific studies and experimental commercial mussel harvesting.

2. Exception. Notwithstanding subsection 1, a person may fish with any drag or combination of drags in the territorial waters of Taunton Bay north of Sullivan Falls and south of the Route 1 bridge in the towns of Hancock and Sullivan in Hancock County.

3. Repeal. This section is repealed July 1, 2008.

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

Effective February 2, 2006.

CHAPTER 467

H.P. 984 - L.D. 1420

An Act To Establish a Maternal and Infant Death Review Panel

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

Sec. 1. 22 MRSA §261 is enacted to read:

§261. Maternal and infant death review panel

The department shall establish the maternal and infant death review panel in accordance with this section.

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

A. "Center" means the Maine Center for Disease Control and Prevention.

B. "Deceased person" means a woman who died during pregnancy or within 42 days of giving birth or a child who died within 1 year of birth.

C. "Director" means the director of the center.

D. "Panel" means the maternal and infant death review panel established under this section.

E. "Panel coordinator" means an employee of the center who is appointed by the director or a person designated by the panel coordinator. The panel coordinator must be a licensed physician or registered nurse or other health care professional licensed or registered in this State.

2. Membership. The panel consists of health care and social service providers, public health officials, law enforcement officers and other persons with professional expertise on maternal and infant health and mortality. The director shall appoint the members of the panel, who serve at the pleasure of the director. The director shall appoint an employee of the center to serve as panel coordinator.

3. Contact with authorized representatives. The first contact pursuant to this section with a parent or parents or other authorized representative of a deceased person may not occur prior to 4 months after the death and must:

A. Be by letter from the State Health Officer on letterhead of the center; and

B. Include a separate invitation to participate in a review of the death of the deceased person from a statewide organization dedicated to improving the health of babies by preventing birth defects, premature birth and infant mortality.

4. Duties and powers of panel coordinator. The panel coordinator has the following duties and powers.

A. The panel coordinator shall review the deaths of all women during pregnancy or within 42 days of giving birth and the majority of deaths of infants under 1 year of age, with selection of cases of infant death based on the need to review particular causes of death or obtaining a representative sample of all deaths.

B. Prior to accessing medical records, the panel coordinator shall obtain permission in all cases for access to those records from the parent or