

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

Sec. 19. 34-A MRSA §1001, sub-§11-A, as amended by PL 2003, c. 410, §12, is further amended to read:

11-A. Juvenile detainee. "Juvenile detainee" means a juvenile detained at a departmental juvenile facility pending a court proceeding or pursuant to ~~Title 15, section 3314, subsection 1, paragraph H~~ or Title 15, section 3312, subsection 3, paragraph D.

Sec. 20. 34-A MRSA §3802, sub-§1, ¶E, as amended by PL 2005, c. 328, §17, is further amended to read:

E. To confine juveniles ordered ~~detained~~ con-fined pursuant to Title 15, section 3314, subsection 1, paragraph H;

Sec. 21. 34-A MRSA §3802, sub-§1, ¶G, as enacted by PL 2005, c. 328, §19, is amended to read:

G. To confine juveniles ordered ~~detained~~ con-fined pursuant to Title 12, sections 6004, 8004 and 10608 and Title 29-A, section 115.

Sec. 22. 34-A MRSA §3805, sub-§2, as amended by PL 2003, c. 689, Pt. B, §§6 and 7 and c. 706, Pt. A, §10, is further amended to read:

2. Limitations. A person may not be detained ~~at~~ or confined in or committed to the facility if that person is more appropriately a subject for intensive temporary out-of-home treatment services or for in-home treatment services provided by or through the Department of Health and Human Services as agreed upon by the commissioner and the Commissioner of Health and Human Services or their designees.

Sec. 23. 34-A MRSA §3805, sub-§3, as amended by PL 1999, c. 583, §31, is further amended to read:

3. Certification. When a person is detained ~~at~~ or confined in or committed to the facility, the court making the detention, confinement or commitment shall certify on the mittimus the person's birthplace, parentage and legal residence.

Sec. 24. 34-A MRSA §4102-A, sub-§1, ¶E, as enacted by PL 2005, c. 328, §22, is amended to read:

E. To confine juveniles ordered ~~detained~~ con-fined pursuant to Title 15, section 3314, subsection 1, paragraph H;

Sec. 25. 34-A MRSA §4102-A, sub-§1, ¶G, as enacted by PL 2005, c. 328, §22, is amended to read:

G. To confine juveniles ordered ~~detained~~ con-fined pursuant to Title 12, sections 6004, 8004 and 10608 and Title 29-A, section 115.

Sec. 26. 34-A MRSA §4104, sub-§2, as amended by PL 2003, c. 689, Pt. B, §§6 and 7 and c. 706, Pt. A, §12, is further amended to read:

2. Limitations. A person may not be detained ~~at~~ or confined in or committed to the facility if that person is more appropriately a subject for intensive temporary out-of-home treatment services or for in-home treatment services provided by or through the Department of Health and Human Services as agreed upon by the commissioner and the Commissioner of Health and Human Services or their designees.

Sec. 27. 34-A MRSA §4104, sub-§3, as amended by PL 1999, c. 583, §42 and PL 2001, c. 439, Pt. G, §8, is further amended to read:

3. Certification. When a person is detained ~~at~~ or confined in or committed to the Mountain View Youth Development Center, the court ordering the detention or commitment shall certify on the mittimus the person's birthplace, parentage and legal residence.

See title page for effective date.

CHAPTER 508

H.P. 1373 - L.D. 1961

An Act To Create a Tiered Wholesale Seafood Dealer's License

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

Whereas, the 90-day period will end after the period during which shellfish dealer licenses are valid; and

Whereas, unless enacted as an emergency measure, the new category of license authorized in this legislation will be unavailable to holders of commercial shellfish licenses until 2007; 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 §6851-A is enacted to read:

§6851-A. Limited wholesale shellfish harvester's license

1. License required. A person may not engage in the activities authorized under this section without a current commercial shellfish license issued under section 6601.

2. Licensed activity. A holder of a limited wholesale shellfish harvester's license may, within or beyond the state limits, sell, ship or transport in the wholesale trade only shellfish the holder has taken.

3. License limited. A limited wholesale shellfish harvester's license authorizes activities under this section at only one establishment and with only one vehicle.

4. Fee. The fee for a limited wholesale shellfish harvester's license is \$100.

Sec. 2. 12 MRSA §6856, sub-§1, as amended by PL 2003, c. 248, §11, is further amended to read:

1. Shellfish sanitation certificate. A person may not undertake the processing, buying, selling, shipping, transporting or shucking of shellfish or whole scallops without a shellfish sanitation certificate unless authorized under section 6701 or 6702. The commissioner may issue a shellfish sanitation certificate to a wholesale seafood license holder, a limited wholesale shellfish harvester's license holder or a shellfish transportation license holder that authorizes the holder to undertake the activities expressly authorized therein, which may include buying and selling, shipping, transporting, shucking or other processing of shellfish or whole scallops. A wholesale seafood license, limited wholesale shellfish harvester's license or shellfish transportation license is also necessary to undertake the activities authorized under those licenses.

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

Effective March 24, 2006.

CHAPTER 509

S.P. 375 - L.D. 1058

**An Act To Regulate the Use of
Batteries Containing Mercury**

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

Sec. 1. 38 MRSA §1661, sub-§2-A is enacted to read:

2-A. Mercury-added button cell battery. "Mercury-added button cell battery" means a button cell battery to which the manufacturer intentionally introduces mercury.

Sec. 2. 38 MRSA §1661-C, sub-§9 is enacted to read:

9. Button cell batteries. After June 30, 2011, a person may not sell or offer to sell or distribute for promotional purposes a mercury-added button cell battery for consumer use or a product for consumer use that contains a mercury-added button cell battery.

Sec. 3. Report. By January 15, 2009, the Department of Environmental Protection shall submit a report, including recommendations, on the state of the technology of mercury-free button cell batteries to the joint standing committee of the Legislature having jurisdiction over natural resources matters. As part of its study, the department shall review and report on the following matters concerning all uses of button cell batteries and specifically their use in watches, precision instruments, hearing aids and medical devices:

1. The availability of mercury-free button cell batteries in retail outlets in the State;
2. The reliability and safety of mercury-free button cell batteries being sold in the State;
3. Whether reasonable substitutes exist for mercury-added button cell batteries in all applications;
4. The status of any testing and analysis of mercury-free button cell batteries;
5. The disparity, if any, between the cost of mercury-free button cell batteries and button cell batteries containing mercury; and
6. Whether prohibiting the sale of mercury-added button cell batteries after June 30, 2011 is practical.

The department shall confer with and solicit information from representatives of the battery, watch, precision instrument, hearing aid and medical device industries regarding the industries' experience with testing, reliability of use, cost and availability of mercury-free button cell batteries.