

MAINE STATE LEGISLATURE

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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

4. Exceptions. A person that complies with the security breach notification requirements of rules, regulations, procedures or guidelines established pursuant to federal law or the law of this State is deemed to be in compliance with the requirements of this chapter as long as the law, rules, regulations or guidelines provide for notification procedures at least as protective as the notification requirements of this chapter.

Sec. 13. 10 MRSA §1350-A is enacted to read:

§1350-A. Rules; education and compliance

The following provisions govern rules and education and compliance.

1. Rules. With respect to persons under the jurisdiction of the regulatory agencies of the Department of Professional and Financial Regulation, the appropriate state regulators within that department may adopt rules as necessary for the administration and implementation of this chapter. With respect to all other persons, the Attorney General may adopt rules as necessary for the administration and implementation of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

2. Education and compliance. The appropriate state regulators within the Department of Professional and Financial Regulation shall undertake reasonable efforts to inform persons under the department's jurisdiction of their responsibilities under this chapter. With respect to all other persons, the Attorney General shall undertake reasonable efforts to inform such persons of their responsibilities under this chapter.

Sec. 14. Effective date. This Act takes effect January 31, 2007.

Effective January 31, 2007.

CHAPTER 584

S.P. 804 - L.D. 2063

**An Act To Clarify the Use of
Dedicated Funds for the Preservation
of Deeds Records**

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

Sec. 1. 33 MRSA §752, sub-§3, as amended by PL 2003, c. 294, §1, is further amended to read:

3. Expenditures from account. The money in the account established in subsection 2 must be used

for the restoration, re-creation and preservation of the records recorded in the office of the register of deeds, including preservation by creation of a digital image stored on magnetic or optical media. The money may not be used for initial recording of documents.

Sec. 2. 33 MRSA §752, sub-§6 is enacted to read:

6. Misappropriation of funds; penalty. Any county that uses funds from the records preservation surcharge account established in subsection 2 for any purpose that is not in accordance with the standards established in subsection 3 commits a civil violation for which a fine of \$100 per day from the date of the withdrawal to the date the money is restored to the account must be adjudged. Fines must be paid out of the county budget and be deposited in the account established in subsection 2.

See title page for effective date.

CHAPTER 585

H.P. 1460 - L.D. 2065

**An Act To Implement
Recommendations of the Joint
Standing Committee on Agriculture,
Conservation and Forestry
Regarding Pesticide Registration**

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

Sec. 1. 7 MRSA §607, sub-§6, as amended by PL 2003, c. 282, §1, is further amended to read:

6. Registration fee; validity. The applicant desiring to register a pesticide ~~shall~~ must pay an annual registration fee of \$105 ~~beginning in calendar year 1994, \$115 beginning in calendar year 2003 and \$125 beginning in calendar year 2004 and thereafter \$150~~ for each pesticide registered for that applicant. Annual registration periods expire on December 31st ~~of any one year~~ or in a manner consistent with Title 5, section 10002, ~~as to license expiration~~, whichever is later.

Sec. 2. Collection of obsolete pesticides. The Board of Pesticides Control within the Department of Agriculture, Food and Rural Resources shall organize and conduct events in May and October of 2007 to collect and dispose of obsolete and illegal pesticides in accordance with the Maine Revised Statutes, Title 22, section 1471-P. The board shall advertise locations and dates for the collection of pesticides. Public notifications and advertising must

inform the public that household and agricultural pesticides will be collected.

See title page for effective date.

CHAPTER 586

S.P. 843 - L.D. 2102

An Act To Change the Date for Agency Submission of Provisionally Adopted Major Substantive Rules

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

Sec. 1. 5 MRSA §8072, sub-§7, as amended by PL 1997, c. 196, §2, is further amended to read:

7. Consideration by the Legislature. No later than 30 days before statutory adjournment of the Legislature as provided in Title 3, section 2 each joint standing committee of the Legislature shall submit to the Secretary of the Senate and the Clerk of the House of Representatives the committee's report on agency rules the committee has reviewed as provided in this section. The report must include a copy of the rule or rules reviewed, the committee's recommendation concerning final adoption of the rule or rules, a statement of the reasons for a recommendation to withdraw or modify the rule or rules and draft legislation for introduction in that session that is necessary to implement the committee's recommendation. A committee may decline to include in its report recommendations covering any rules submitted to it later than ~~45 days before statutory adjournment~~ 5:00 p.m. on the 2nd Friday in January of the year in which the rules are to be considered by the committee. ~~If an adjournment date earlier than required by statute is anticipated, the Legislative Council may establish an earlier deadline for agencies to submit provisionally adopted rules for review, except that any earlier date established by the council may not be more than 75 days before statutory adjournment.~~ If, before adjournment of the session at which a rule is reviewed, the Legislature fails to act on all or part of any rule submitted to it for review in accordance with this section, an agency may proceed with final adoption and implementation of the rule or part of the rule that was not acted on.

See title page for effective date.

CHAPTER 587

H.P. 1282 - L.D. 1842

An Act To Allow Certain End-of-life-care Decision-makers To Consent to Organ and Tissue Donation

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

Sec. 1. 22 MRSA §2902, sub-§2, as enacted by PL 1969, c. 193, is amended to read:

2. Others. Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual notice of contrary indications by the decedent, or actual notice of opposition by a member of the same or a prior class, may give all or any part of the decedent's body for any purposes specified in section 2903:

A. The spouse;

A-1. An agent designated by a durable health care power of attorney or an advance health-care directive under Title 18-A, Article 5, Part 8;

A-2. A registered domestic partner, as defined in Title 22, section 2710;

B. An adult son or daughter;

C. Either parent;

D. An adult brother or sister;

E. A guardian of the person of the decedent at the time of his death; or

F. Any other person authorized or under obligation to dispose of the body.

See title page for effective date.

CHAPTER 588

H.P. 1368 - L.D. 1951

An Act To Establish Guidelines and Criteria for Audits Conducted by the Department of Health and Human Services

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