

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

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

Penmor Lithographers
Lewiston, Maine
2007

A. After an opportunity for a hearing conducted pursuant to Title 5, chapter 375, subchapter 4, the board shall determine annually not later than ~~April~~ August 1st the aggregate measurable cost savings, including any reduction or avoidance of bad debt and charity care costs to health care providers in this State as a result of the operation of Dirigo Health and any increased MaineCare enrollment due to an expansion in MaineCare eligibility occurring after June 30, 2004.

Sec. X-2. 24-A MRSA §6913, sub-§2, ¶A, as enacted by PL 2005, c. 400, Pt. A, §11, is amended to read:

A. Not later than ~~April~~ January 1st of each year, the board shall prospectively determine the savings offset amount to be applied during ~~each the~~ the 12-month ~~calendar-year~~ period beginning the im- mediately following July 1st;

Sec. X-3. Effective date. That section of this Part that amends the Maine Revised Statutes, Title 24-A, section 6913, subsection 1, paragraph A takes effect immediately and applies to the savings offset payment for plan years beginning on or after July 1, 2008. That section of this Part that amends Title 24-A, section 6913, subsection 2, paragraph A takes effect December 1, 2007 and applies to the savings offset payment for plan years beginning on or after July 1, 2008.

PART Y

Sec. Y-1. Rulemaking. By March 31, 2007 the Department of Health and Human Services shall adopt routine technical rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A to increase fees in the Office of Substance Abuse Driver Education and Evaluation Program to generate additional General Fund revenue during fiscal year 2006-07 of \$174,250 and in fiscal year 2007-08 and subsequent fiscal years of \$697,000 per year.

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

Effective February 13, 2007, unless otherwise indicated.

CHAPTER 2

H.P. 362 - L.D. 478

An Act Regarding the Certification of the Required Driving Time for a License for Certain Persons under 21 Years of Age

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

Whereas, current law authorizes the parent, stepparent, guardian, spouse or employer of a person under 21 years of age who is applying for a driver's license to certify the driving log of the applicant; and

Whereas, current law makes no provision for a person under 21 years of age who is without a parent, stepparent, guardian, spouse or employer to have a driving log certified; and

Whereas, the bill authorizes the Secretary of State to accept certification from the licensed driver who accompanied an applicant for a driver's license if the applicant is at least 18 years of age and is without a parent, stepparent, guardian, spouse or employer; 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. 29-A MRSA §1304, sub-§1, ¶H, as amended by PL 2003, c. 286, §1, is further amended to read:

H. A person under 21 years of age may not apply for a license unless:

(1) A period of 6 months has passed from the date the person was issued an instruction permit; and

(2) The person has completed a minimum of 35 hours of driving, including 5 hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age. The parent, stepparent or guardian, or a spouse or employer pursuant to section 1302, subsection 1, paragraphs B and C, must certify the person's driving time on a form prescribed by the Secretary of State. A parent, stepparent, guardian, spouse or employer who certifies a driving log pursuant to this subsection and was not the licensed driver ac-

companying the applicant must provide the name and address of the licensed driver who accompanied the applicant for the majority of the 35 hours of driving. The Secretary of State may complete the certification for an applicant at least 18 years of age and who has no parent, stepparent, guardian, spouse or employer if the applicant provides the name and address of the licensed driver who accompanied the applicant for the majority of the 35 hours of driving.

A person 21 years of age or older is not required to submit certification of driving time to the Secretary of State.

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

Effective February 13, 2007.

CHAPTER 3

S.P. 196 - L.D. 604

An Act To Clarify the Confirmation Process of the Director of the Maine Emergency Management Agency

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

Whereas, the 122nd Legislature had determined that the appointment of the Director of the Maine Emergency Management Agency should be confirmed by the Legislature; and

Whereas, the language regarding the confirmation requirement was inadvertently dropped from the final legislation approved by the 122nd Legislature; and

Whereas, presently, an appointee is awaiting confirmation as the Director of the Maine Emergency Management Agency and needs to undergo the confirmation process; and

Whereas, the confirmation process needs to be clarified to allow the appointee to be confirmed; 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. 37-B MRSA §704, first ¶, as amended by PL 2005, c. 634, §11, is further amended to read:

The Maine Emergency Management Agency, as previously established and in this chapter called the "agency," is under the supervision of the Director of the Maine Emergency Management Agency, who in this chapter is called the "director." The director must be qualified by education, training or experience in managing emergencies or in the emergency management profession and is appointed by the Governor upon recommendation of the commissioner, subject to review by the joint standing committee of the Legislature having jurisdiction over the Department of Public Safety and confirmation by the Legislature. The director serves at the pleasure of the Governor.

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

Effective February 14, 2007.

CHAPTER 4

H.P. 262 - L.D. 327

An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2007

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable 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,