

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2007**

termination of past support must comply with chapter 63.

See title page for effective date.

**CHAPTER 143**  
**S.P. 155 - L.D. 468**

**An Act To Amend the Laws  
Governing Compulsory School  
Attendance**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 20-A MRSA §5052-A, sub-§3**, as enacted by PL 1989, c. 415, §21, is amended to read:

**3. Duties.** The duties of an attendance coordinator ~~shall~~ include, but are not ~~be~~ limited to, the following:

- A. When notified by a principal that a student's attendance is irregular, interviewing the student and the parent or parents or guardian or guardians to determine the cause of the irregular attendance and file a written report with the principal;
- B. Filing an annual report with the superintendent summarizing school year activities, findings and recommendations regarding truants; ~~and~~
- C. Serving as a member of the dropout prevention committee in accordance with section 5103-; and
- D. Serving as the liaison between the school and the local law enforcement agency in matters pertaining to student absenteeism under sections 5001-A and 5051-A.

See title page for effective date.

**CHAPTER 144**  
**S.P. 83 - L.D. 246**

**An Act To Protect the  
Solemnity and Dignity of a  
Funeral or Memorial Service in  
Maine**

**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 Legislature recognizes that the State has an immediate interest in balancing the rights of the bereaved to mourn peacefully at funerals with others' rights to free expression; 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. 17-A MRSA §16, sub-§2, ¶A**, as amended by PL 1979, c. 127, §125, is further amended to read:

A. Any of the Class D or Class E crimes described in sections 207; 209; 211; 254; 255; 501, subsection 2; 503; 501-A, subsection 1, paragraph B; 751; 806; or 1002.

**Sec. 2. 17-A MRSA §501**, as amended by PL 1995, c. 258, §1, is repealed.

**Sec. 3. 17-A MRSA §501-A** is enacted to read:

**§501-A. Disorderly conduct**

**1. A person is guilty of disorderly conduct if:**

A. In a public place, the person intentionally or recklessly causes annoyance to others by intentionally:

- (1) Making loud and unreasonable noises;
- (2) Activating a device, or exposing a substance, that releases noxious and offensive odors; or
- (3) Engaging in fighting, without being licensed or privileged to do so;

B. In a public or private place, the person knowingly accosts, insults, taunts or challenges any person with offensive, derisive or annoying words, or by gestures or other physical conduct, that would in fact have a direct tendency to cause a violent response by an ordinary person in the

situation of the person so accosted, insulted, taunted or challenged;

C. In a private place, the person makes loud and unreasonable noise that can be heard by another person, who may be a law enforcement officer, as unreasonable noise in a public place or in another private place, after having been ordered by a law enforcement officer to cease the noise; or

D. In a private or public place on or near property where a funeral, burial or memorial service is being held, the person knowingly accosts, insults, taunts or challenges any person in mourning and in attendance at the funeral, burial or memorial service with unwanted, obtrusive communications by way of offensive, derisive or annoying words, or by gestures or other physical conduct, that would in fact have a direct tendency to cause a violent response by an ordinary person in mourning and in attendance at a funeral, burial or memorial service.

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

A. "Public place" means a place to which the public at large or a substantial group has access, including but not limited to:

- (1) Public ways as defined in section 505;
- (2) Schools and government-owned custodial facilities; and
- (3) The lobbies, hallways, lavatories, toilets and basement portions of apartment houses, hotels, public buildings and transportation terminals.

B. "Private place" means any place that is not a public place.

3. Disorderly conduct is a Class E crime.

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

Effective May 18, 2007.

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**CHAPTER 145**

**H.P. 1323 - L.D. 1891**

**An Act To Designate Certain Rules of the Board of Pesticides Control as Major Substantive Rules**

**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 rule-making authority of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control is essential to ensuring the benefits derived from proper use of pesticides while safeguarding public health; and

**Whereas,** designation of certain rules as major substantive rules enhances that assurance; 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. 7 MRSA §610, sub-§6** is enacted to read:

**6. Major substantive rules.** Rules proposed for adoption by the board after July 1, 2007 that pertain to topics specified in paragraphs A to E are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Rules in effect on July 1, 2007 that pertain to topics specified in paragraphs A to E continue in effect, except that proposed amendments to those rules are major substantive rules and must be reviewed and approved prior to final adoption in accordance with Title 5, section 8072. Topics governed by this subsection are:

- A. Drift from outside spraying;
- B. Notification requirements for outside spraying;
- C. Pesticides applications in occupied buildings;
- D. A notification registry for indoor applications of pesticides; and
- E. Buffers from shorelines for broadcast applications of pesticides.

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

Effective May 21, 2007.

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