

# 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**

provided by the department and a proposal describing the transportation improvements for which the incentive funding will be used. The department shall authorize incentive funding amounts, within available funds, based on a competitive rating system established by the department by rule. The department shall publicize available funding at least biennially. Incentive funding must be commensurate with the merits of a plan and related policies, programs and ordinances and for an amount that does not exceed the estimated cost of the specific investment proposal. The projected transportation-related avoided costs from implementation of the community transportation plan must exceed the amount of the incentive funding as determined by the department in its rating system. A municipality must pay back to the department any incentive funding provided by the department under this section if the municipality repeals or revises its community transportation plan or related ordinance provisions within 10 years of receipt of the incentive funding, unless the repeal or revision is approved by the department.

**3. Rules.** The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Funding.** The Department of Transportation shall solicit municipal incentive funding applications under the Maine Revised Statutes, Title 23, section 73-A beginning in fiscal year 2008-09 and shall identify suitable sources for providing incentive funding beginning in fiscal year 2010-11. Funding must be derived from funds available under the Department of Transportation's quality community initiative programs.

See title page for effective date.

## CHAPTER 209

### H.P. 864 - L.D. 1183

#### **An Act To Clarify Public Safety Laws Regarding the Disclosure of Information and the Storage of Evidence, To Reauthorize the United States Secret Service To Enforce Certain State Laws and To Allow Designees To Serve on the Maine Communications System Policy Board**

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

**Sec. 1. 25 MRSA §1502-A, sub-§1,** as amended by PL 2001, c. 602, §1, is further amended to read:

**1. Definition.** For purposes of this section, "federal officers" means the following persons who are authorized to carry firearms in the performance of their duties as federal law enforcement employees or officers:

~~A. Special Agents of the Immigration and Naturalization Service of the Department of Justice;~~

~~B. Immigration Inspectors, including Deportation Officers and Immigration Examiners when acting in the capacity of Immigration Inspectors of the Immigration and Naturalization Service of the Department of Justice;~~

~~C. Border Patrol Agents of the Immigration and Naturalization Service of the Department of Justice;~~

~~D. Officers of the United States Customs Service of the Department of the Treasury; and~~

E. Any of the officers listed in this subsection who are assigned to or are acting in concert with a task force, but only if that task force meets the following requirements:

(1) The task force is a task force of the Maine Drug Enforcement Agency authorized under this Title; or

(2) The task force is a joint federal-state task force operating primarily within the territorial boundaries of this State and:

(a) An arrest is part of or related to an investigation of that federal-state task force; or

(b) An arrest occurs in a prosecutorial district and either:

(i) The district attorney of that district or the district attorney's written designee actively participates in and oversees the activities of the task force; or

(ii) The arrest occurs anywhere within the State and the Attorney General or the Attorney General's written designee actively participates in and oversees the activities of the task force;

F. Special Agents of the United States Secret Service of the Department of Homeland Security; and

G. An officer of an agency of the United States Department of Homeland Security that has ad-

ministrative and enforcement jurisdiction over immigration, customs or border security matters.

Federal officers are law enforcement officers for the purposes of Title 17-A, section 2, subsection 17.

**Sec. 2. 25 MRSA §1502-A, sub-§5, ¶B-1**, as enacted by PL 2001, c. 602, §3 and affected by §4, is further amended to read:

B-1. The ~~Immigration and Naturalization Service of the Department of Justice and the United States Customs Service of the Department of the Treasury~~ federal agencies of the Department of Homeland Security shall develop policies governing their employees, including training policies.

**Sec. 3. 25 MRSA §1531, sub-§2, ¶A**, as enacted by PL 2003, c. 678, §2, is amended to read:

A. The Commissioner of Public Safety, ex officio, or the commissioner's designee;

**Sec. 4. 25 MRSA §1531, sub-§2, ¶B**, as enacted by PL 2003, c. 678, §2, is amended to read:

B. The Chief of the State Police, ex officio, or the chief's designee;

**Sec. 5. 25 MRSA §1531, sub-§2, ¶C**, as enacted by PL 2003, c. 678, §2, is amended to read:

C. The Chief Information Officer within the Department of Administrative and Financial Services, ex officio, or the Chief Information Officer's designee;

**Sec. 6. 25 MRSA §2929, sub-§6**, as enacted by PL 1997, c. 291, §3, is amended to read:

**6. Penalty for disseminating information.** ~~Disclosing~~ Knowingly disclosing confidential information in violation of subsection 2 or ~~knowingly~~ disclosing audio recordings of emergency calls to the E-9-1-1 system in violation of subsection 4 is a Class E crime.

**Sec. 7. 25 MRSA §3821, first ¶**, as enacted by PL 1999, c. 719, §4 and affected by §11, is amended to read:

If an alleged victim of gross sexual assault has a forensic examination and has not reported the alleged offense to a law enforcement agency when the examination is complete, the licensed hospital or licensed health care practitioner that completed the forensic examination shall notify the nearest law enforcement agency. That law enforcement agency shall transport the completed kit, identified only by a tracking number assigned by the hospital or health care practitioner, to its evidence storage facility. The law enforcement agency shall store the kit for at least 90 days from the time of receipt. If during that 90-day period the alleged victim reports the offense to a law enforcement agency, the investigating agency ~~storing the kit~~ shall

~~transport~~ take possession of the kit to the ~~Maine State Police Crime Laboratory~~.

See title page for effective date.

## CHAPTER 210

### S.P. 382 - L.D. 1194

#### An Act Concerning the Practice of a Deceased or Incapacitated Dentist

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

**Whereas**, in order to ensure a smooth transition for patients, staff and family members of a dentist practicing dentistry who becomes disabled or dies and to avoid the interruption of patient care and complete cessation of a dental practice, certain changes in law must be put into effect 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. 13 MRSA §732, sub-§5** is enacted to read:

**5. Legal guardian or personal representative of deceased or incapacitated dentist.** For the purposes of this chapter, the legal guardian or personal representative of a dentist licensed under Title 32, chapter 16 may contract with another dentist to continue the operations of the practice of the deceased or incapacitated dentist for a period of up to 24 months after the death or incapacitation of the dentist or until the practice is sold, whichever occurs first. For purposes of this subsection, "personal representative" has the same meaning as in Title 18-A, section 1-201, subsection 30.

**Sec. 2. 32 MRSA §1081, sub-§3, ¶C**, as corrected by RR 2001, c. 2, Pt. C, §6 and affected by §7, is amended to read:

C. Retains the ownership or control of dental equipment or material or a dental office and makes the same available in any manner for the use by dentists or dental hygienists or other agents, except that nothing in this subsection applies to bona fide sales of dental equipment or material secured by a chattel mortgage or retain title agreement. A person licensed to practice