

# 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**

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.

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**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

dentistry may not enter into arrangements with a person who is not licensed to practice dentistry, with the exception of licensed denturists, or the legal guardian or personal representative of a deceased or incapacitated dentist, pursuant to the provisions of Title 13, section 732.

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

Effective June 4, 2007.

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**CHAPTER 211**  
**H.P. 991 - L.D. 1408**

**An Act Concerning Harness  
Racing Association Funding**

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

**Whereas**, a statewide association of horsemen is vital to the health of the harness racing industry; and

**Whereas**, the timely distribution of funds to the association is important for the coming racing season; 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. 8 MRSA §272-B**, as enacted by PL 2003, c. 401, §9, is repealed and the following enacted in its place:

**§272-B. Association funding**

Notwithstanding any other provision of this chapter, up to 3% of funds designated to supplement purses may be paid to a statewide association of horsemen in accordance with this section. A statewide association of horsemen, referred to in this section as "the association," means an association of horsemen whose officers are authorized by the membership to negotiate with a person licensed to conduct racing under section 271 on behalf of the association's membership.

**1. Payment from licensee to association.** A licensee described in section 271 shall pay to an association determined eligible under subsection 2 an amount not to exceed 3% of each of the following:

A. Disbursements from the Sire Stakes Fund under section 281 for the purpose of supplementing purses;

B. The purse supplement share calculated under section 286 for distribution under section 290;

C. The funds designated from the commercial meet account to supplement purses under section 287, subsection 2;

D. The funds designated from the extended meet account to supplement purses under section 289, subsection 2, paragraph B;

E. The fund to supplement harness racing purses established under section 298 and receiving payment pursuant to section 1036, subsection 2, paragraph B; and

F. Disbursements from the Agricultural Fair Support Fund under Title 7, section 91, subsection 2, paragraph A.

**2. Eligibility for disbursement.** To be eligible to receive funding under subsection 1, an association must submit to the commission the following:

A. A copy of the annual budget approved by a majority of the association's members present and voting at the annual business meeting of the association;

B. A letter signed by the officers of the association stating that a majority of association members present and voting in a separate vote at the annual meeting approved seeking funds under this section; and

C. A letter signed by the officers of the association indicating the date on which the votes referenced in paragraphs A and B were taken and attesting that the votes were taken in accordance with the association's bylaws.

**3. Limitations.** An association receiving payments under this section may not expend any portion of the payments for an item that did not appear in the association's budget approved by its members and submitted under subsection 2.

**4. Payment.** Each year, upon receipt and verification of the information required under subsection 2, the commission shall advise licensees of the maximum amount payable to the association under subsection 1. Total payments made each year to the association under this section may not exceed the association's budget for that year.

**5. Rulemaking.** The commission may adopt rules necessary to establish a process for calculating and disbursing funds under this section. The rules may include a process for recovery of funds received or expended in noncompliance with this section. Rules adopted under this subsection are routine tech-