

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

D. Whether the consumer was represented by an attorney;

E. The dates the provider received the request for consumer arbitration, the arbitrator was appointed and the disposition of the consumer arbitration was rendered;

F. The type of disposition of the consumer arbitration, including withdrawal, abandonment, settlement, award after hearing, award without hearing, default and dismissal without hearing;

G. The amount of the claim and the amount of any award or relief granted unless a settlement agreement prohibits the disclosure of this information; and

H. The percentage of the arbitrator's fee allocated to each party.

2. Confidentiality. Except for the name of the provider and of individual arbitrators, the information reported to the administrator by a provider pursuant to subsection 1 related to each consumer arbitration is confidential and may not be disclosed by the administrator unless the information is disclosed in aggregate form.

3. Liability in providing information. A provider has no liability related to providing the information required to be provided under this section.

4. Violation. If a provider violates this section, the administrator may compel compliance pursuant to the provisions of Title 9-A, section 6-108 or, if the provider is an attorney, refer the violation to the Board of Overseers of the Bar.

Sec. 2. Report to the Legislature. On or before April 1, 2009, the Director of the Office of Consumer Credit Regulation within the Department of Professional and Financial Regulation shall compile the information reported by arbitration providers pursuant to the Maine Revised Statutes, Title 10, chapter 212-B and submit a report to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters. The joint standing committee may submit legislation based on the report to the First Regular Session of the 124th Legislature.

See title page for effective date.

**CHAPTER 251
H.P. 831 - L.D. 1138**

**An Act To Prohibit Maine
from Participating in the
Federal REAL ID Act of 2005**

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

Sec. 1. 29-A MRSA §1411 is enacted to read:

§1411. Prohibition against participation in the federal REAL ID Act of 2005

The State may not participate in the federal REAL ID Act of 2005, enacted as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Public Law 109-13. The Secretary of State may not amend the procedures for applying for a driver's license or nondriver identification card under this chapter in a manner designed to conform to the federal REAL ID Act of 2005.

See title page for effective date.

**CHAPTER 252
H.P. 829 - L.D. 1136**

**An Act To Amend the
Commission on Governmental
Ethics and Election Practices'
Appointment Process**

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

Sec. 1. 1 MRSA §1002, sub-§1-A, ¶F, as amended by PL 2005, c. 295, §1, is further amended to read:

F. Upon a vacancy during an unexpired term, the term must be filled as provided in this paragraph for the unexpired portion of the term only. The nominee must be appointed by the Governor from a list of 3 qualified candidates provided by the leader of the party from the body of the Legislature that suggested the appointee who created the vacancy. If the vacancy during an unexpired term was created by the commission member who was appointed from the list of candidates presented to the Governor by the leaders of each party of each body of the Legislature jointly, the nominee must be appointed from a list of 3 qualified candidates provided jointly by the leaders of each party of each body of the Legislature. If the list of 3 qualified candidates required by this paragraph to be presented to the Governor by the leaders of each party from each body of the Leg-

islature is not produced within 60 days after the vacancy is created, then the leaders of each party from both bodies of the Legislature shall present within the subsequent 15 days a separate list of 3 qualified candidates to the Governor, who shall appoint a candidate from these lists within 30 days of receiving the lists. Nominees appointed pursuant to this paragraph are subject to review by the joint standing committee of the Legislature having jurisdiction over election practices and legislative ethics and to confirmation by the Legislature.

Sec. 2. 1 MRSA §1002, sub-§1-A, ¶G, as amended by PL 2005, c. 295, §1, is further amended to read:

G. Upon a vacancy created by an expired term, the vacancy must be filled as provided in this paragraph. The nominee must be appointed by the Governor from a list of 3 qualified candidates provided by the leader of the party from the body of the Legislature that suggested the appointee whose term expired. When a vacancy is created by an expired term of the commission member who was appointed from the list of candidates presented to the Governor by the leaders of each party of each body of the Legislature jointly, the nominee must be appointed from a list of 3 qualified candidates provided jointly by the leaders of each party of each body of the Legislature. If the list of 3 qualified candidates required by this paragraph to be presented to the Governor by the leaders of each party from each body of the Legislature is not produced within 60 days after the vacancy is created, then the leaders of each party from both bodies of the Legislature shall present within the subsequent 15 days a separate list of 3 qualified candidates to the Governor, who shall appoint a candidate from these lists within 30 days of receiving the lists. Nominees appointed pursuant to this paragraph are subject to review by the joint standing committee of the Legislature having jurisdiction over election practices and legislative ethics and to confirmation by the Legislature.

See title page for effective date.

CHAPTER 253
H.P. 68 - L.D. 70

**An Act Concerning Reduced
Ignition Propensity Cigarettes**

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

Sec. 1. 22 MRSA §1555-E is enacted to read:

§1555-E. Reduced ignition propensity cigarettes

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

A. "Agent" means any person licensed by the State Tax Assessor to purchase and affix stamps on packages of cigarettes.

B. "ASTM" means the American Society of Testing and Materials or a successor organization.

C. "Cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use and consists of or contains any roll of tobacco wrapped in paper or in any substance not containing tobacco or in any substance other than tobacco and, because of its appearance, the type of tobacco used or its packaging or labeling, is offered to or purchased by consumers as a cigarette.

D. "Distributor" has the same meaning as in Title 36, section 4401, subsection 2.

E. "Manufacturer" means:

(1) An entity that manufactures or otherwise produces cigarettes, or causes cigarettes to be manufactured or produced anywhere, that the entity intends to be sold in this State, including cigarettes intended to be sold in the United States through an importer;

(2) The first purchaser anywhere that intends to resell in the United States cigarettes manufactured anywhere that the original manufacturer or maker does not intend to be sold in the United States; or

(3) An entity that becomes a successor of an entity described in subparagraph (1) or (2).

F. "Quality control and quality assurance program" means the laboratory procedures implemented to ensure that operator bias, systematic and nonsystematic methodological errors and equipment-related problems do not affect the results of testing under subsection 2. A quality control and quality assurance program ensures that the testing repeatability remains within the required repeatability values stated in subsection 2, paragraph A, subparagraph (6) for all test trials used to certify cigarettes in accordance with this section.

G. "Repeatability" means the range of values within which the results of repeated cigarette test trials from a single laboratory will fall 95% of the time.

H. "Sale" means any transfer of possession or exchange or barter, conditional or otherwise, of cigarettes in any manner or by any means or any