

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

§6304. Automated external defibrillators and cardiopulmonary resuscitation

School boards may place automated external defibrillators in occupied school buildings and at school athletic events. School personnel and members of the public may receive training on how to perform cardiopulmonary resuscitation and use automated external defibrillators in order to acquire the skills and confidence to respond to emergencies.

Sec. 2. 22 MRSA §2150-C, as enacted by PL 2001, c. 364, §1, is repealed and the following enacted in its place:

§2150-C. Automated external defibrillators; immunity from civil liability

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

A. "Automated external defibrillator" or "AED" means a medical device that combines a heart monitor and a defibrillator approved by the United States Food and Drug Administration that:

(1) Is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia;

(2) Is capable of determining, without intervention by an operator, whether defibrillation should be performed on an individual; and

(3) Upon determination that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart.

6. Immunity. The following persons and entities are immune from civil liability for damages relating to the use, possession or purchase of an AED and arising out of acts or omissions relating to preparing for and responding to suspected sudden cardiac arrest emergencies absent gross negligence or willful or wanton misconduct:

A. Any person or entity that acquires an AED;

B. Any person or entity that owns, manages or is otherwise responsible for the premises on which an AED is located;

C. Any person who retrieves an AED in response to a perceived sudden cardiac arrest emergency;

D. Any person who uses, attempts to use or fails to use an AED in response to a perceived sudden cardiac arrest emergency;

E. Any physician or other authorized person who issues a prescription for the purchase of an AED;

F. Any person or entity that is involved with the design, management or operation of an AED program; and

G. Any person or entity that provides instruction in the use of an AED.

See title page for effective date.

CHAPTER 268**S.P. 474 - L.D. 1360**

**An Act To Permit the
University of Maine System To
Install Lines on Utility
Facilities in Public
Rights-of-way**

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

Whereas, it is imperative that this Act take effect immediately so that the University of Maine System may transmit data and communications to its facilities and partnering entities 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. 35-A MRSA §2301-A is enacted to read:

§2301-A. University of Maine System may install lines on existing facilities

The University of Maine System may install wires or lines on existing utility facilities located within or along a public right-of-way for the purpose of transmitting data and communications between and among University of Maine System facilities and partnering entities, wherever located, subject to the conditions and restrictions provided in this chapter and chapter 25. For purposes of this section, "lines" does not include utility poles and "partnering entities" means organizations, wherever located, authorized to use the university's regional optical network for education and research institutions or other university data and communications systems.

Sec. 2. 35-A MRSA §2501, sub-§2, as amended by PL 1995, c. 225, §9, is further amended to read:

2. Applicability of section 2503. Except as otherwise provided, a person may not construct facilities upon and along highways and public roads, without applying for and obtaining a written location permit

from the applicable licensing authority under section 2503. Included within this requirement is every person operating telephones or transmitting television signals by wire; every person that owns, controls, operates or manages any pipeline within or through this State for the transportation as a common carrier for hire of oil, gas, gasoline, petroleum or any other liquids or gases; every water utility and every person making, generating, selling, distributing and supplying gas or electricity; every water utility or sewer company, district or system privately or municipally owned; every municipally owned or operated fire alarm, police alarm or street lighting circuit or system; every cooperative organized under chapter 35; the University of Maine System, for purposes described in section 2301-A; and any other person engaged in telecommunications or the transmission of heat, or electricity.

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

Effective June 8, 2007.

CHAPTER 269

H.P. 1030 - L.D. 1468

An Act To Adjust the Milk Handling Fee

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 basic price of milk fluctuates and revised price projections are now available; and

Whereas, adjustment of the rates is needed to better reflect a wide range in potential prices; 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. 36 MRSA §4902, sub-§1, as enacted by PL 2005, c. 396, §8, is amended to read:

1. Fee. Upon notification by the Maine Milk Commission in accordance with Title 7, section 2954, subsection 16, the assessor shall levy and impose a fee at the rate established in subsection ~~2~~ 2-A on the handling in this State of packaged milk for sale in this State. With respect to the handling in this State of a particular container of packaged milk for sale in this

State, the fee must be paid by the handler. There is no fee on the handling in this State of packaged milk for sale in containers of less than one quart or 20 or more quarts in volume, or packaged milk that is sold to an institution that is owned and operated by the State or the Federal Government.

Sec. 2. 36 MRSA §4902, sub-§2, as enacted by PL 2005, c. 396, §8, is repealed.

Sec. 3. 36 MRSA §4902, sub-§2-A is enacted to read:

2-A. Rate. The rate of the fee levied under this chapter is established for each fee period on the basis of the basic price of milk in effect on the Sunday following the first Sunday of the fee period in accordance with this subsection:

A. If the basic price is \$24.00 per hundredweight and above, the rate of the milk handling fee is 0¢ per gallon;

B. If the basic price is \$23.00 to \$23.99 per hundredweight, the rate of the milk handling fee is 2¢ per gallon;

C. If the basic price is \$22.00 to \$22.99 per hundredweight, the rate of the milk handling fee is 4¢ per gallon;

D. If the basic price is \$21.00 to \$21.99 per hundredweight, the rate of the milk handling fee is 6¢ per gallon;

E. If the basic price is \$20.00 to \$20.99 per hundredweight, the rate of the milk handling fee is 8¢ per gallon;

F. If the basic price is \$19.00 to \$19.99 per hundredweight, the rate of the milk handling fee is 10¢ per gallon;

G. If the basic price is \$18.00 to \$18.99 per hundredweight, the rate of the milk handling fee is 12¢ per gallon;

H. If the basic price is \$17.50 to \$17.99 per hundredweight, the rate of the milk handling fee is 16¢ per gallon;

I. If the basic price is \$17.00 to \$17.49 per hundredweight, the rate of the milk handling fee is 20¢ per gallon;

J. If the basic price is \$16.50 to \$16.99 per hundredweight, the rate of the milk handling fee is 24¢ per gallon;

K. If the basic price is \$16.00 to \$16.49 per hundredweight, the rate of the milk handling fee is 28¢ per gallon;

L. If the basic price is \$15.50 to \$15.99 per hundredweight, the rate of the milk handling fee is 32¢ per gallon; and