

# 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**

contracted under this subsection unless the commission determines that the capacity resource is recognized as a capacity resource for purposes of any regional or federal capacity requirements.

**Sec. 3. 35-A MRSA §3210-C, sub-§4, ¶A,** as enacted by PL 2005, c. 677, Pt. C, §1, is amended to read:

A. The commission shall select capacity resources that are competitive and the lowest price when compared to other available offers for capacity resources of the same or similar contract duration or terms. ~~The commission shall consider the cost of the capacity and the cost of related energy. The commission shall, by rules adopted pursuant to subsection 10, establish a methodology for calculating and considering the cost of related energy for capacity only offers.~~

**Sec. 4. 35-A MRSA §3210-C, sub-§7,** as enacted by PL 2005, c. 677, Pt. C, §1, is amended to read:

**7. Disposition of resources.** A large investor-owned transmission and distribution utility shall sell capacity resources and energy purchased pursuant to subsection 3 or take other action relative to such capacity resources and energy as directed by the commission.

See title page for effective date.

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**CHAPTER 294**

**H.P. 334 - L.D. 418**

**An Act To Require the Collection of DNA from Persons Who Committed Felonies Prior to 1996 Who Then Reoffend by Committing Offenses for Which They Would Not Otherwise Have To Submit to a DNA Test**

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

**Sec. 1. 25 MRSA §1574-A** is enacted to read:  
**§1574-A. Collection from person convicted prior to January 1, 1996 who reoffends**

**1. Collection.** A person who is convicted of a Class D or E crime for which the person is not otherwise required to submit to having a DNA sample taken shall submit to having a DNA sample taken if that person has a conviction for an offense committed prior to January 1, 1996 that if committed on January 1, 1996 or after would require that the person submit to having a DNA sample taken.

**2. Penalty.** A person who fails to submit to having a DNA sample taken as required in subsection 1 after receiving notice from the State Bureau of Identification to do so commits a Class E crime. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

See title page for effective date.

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**CHAPTER 295**

**H.P. 1284 - L.D. 1844**

**An Act Concerning Maine's Highway Safety Laws**

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

**Sec. 1. 23 MRSA §4208, first ¶,** as amended by PL 1989, c. 616, §1, is further amended to read:

The Department of Public Safety is authorized to conduct defensive driving courses for the purpose of promoting highway safety and to charge a registration fee of ~~\$20~~ \$35 to participants in the defensive driving courses conducted under the auspices of the department. The fee ~~shall~~ must be used to cover the cost of conducting the courses. Any balances remaining at the end of the fiscal year ~~shall~~ may not lapse but ~~shall~~ must be carried forward to be used for the purposes stated in this section.

**Sec. 2. 29-A MRSA §2081, sub-§3, ¶B,** as amended by PL 2003, c. 380, §3 and affected by §5, is further amended to read:

B. The operator shall ensure that a child who is less than 18 years of age and at least 8 years of age or who is less than 18 years of age and more than 4 feet, ~~7~~ 9 inches in height is properly secured in a seat belt.

See title page for effective date.

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**CHAPTER 296**

**H.P. 1167 - L.D. 1658**

**An Act To Protect Pregnant Women and Children from Toxic Chemicals Released into the Home**

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

**Sec. 1. 38 MRSA §1609,** as reallocated by RR 2003, c. 2, §119, is amended to read: