

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
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TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2007

**CHAPTER 334
H.P. 455 - L.D. 588**

**An Act To Allow Civil
Penalties for Trespass while
Engaging in Activities
Regulated by Inland Fisheries
and Wildlife**

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

Sec. 1. 12 MRSA §10657 is enacted to read:

§10657. Civil trespass

1. Prohibition. While engaging in any activity regulated under this Part, a person, knowing that the person is not licensed or privileged to do so, may not:

A. Enter or cause a projectile to enter any place from which that person may lawfully be excluded and that is posted in accordance with Title 17-A, section 402, subsection 4 or in a manner reasonably likely to come to the attention of intruders or that is fenced or otherwise enclosed in a manner designed to exclude intruders; or

B. Enter or remain in or cause a projectile to enter or remain in any place in defiance of a lawful order not to enter or an order to vacate that was personally communicated to that person by the owner of the place or another authorized person.

2. Civil penalties. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than \$100 and not more than \$500 may be adjudged.

B. A person who violates this section after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

3. Definition. For the purposes of this section, "projectile" means a bullet, pellet, shot, shell, ball, arrow, bolt or other object propelled or launched from a firearm or a bow, crossbow or similar tensile device.

See title page for effective date.

**CHAPTER 335
S.P. 194 - L.D. 602**

**An Act To Clarify
Confidentiality in Child
Protective Proceedings**

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

Sec. 1. 22 MRSA §4008, sub-§1, as amended by PL 2005, c. 300, §2, is further amended to read:

1. Confidentiality of records and information. All department records that contain personally identifying information and are created or obtained in connection with the department's child protective activities and activities related to a child while in the care or custody of the department, and all information contained in those records, are confidential and subject to release only under the conditions of subsections 2 and 3.

Within the department, the records are available only to and may be used only by appropriate departmental personnel and legal counsel for the department in carrying out their functions.

Any person who receives department records or information from the department may use the records or information only for the purposes for which that release was intended and may not further disseminate that information. A person, including, but not limited to, a child, parent, custodian or subject of a record, may not further disseminate any record or information that person receives from the department unless the dissemination is otherwise allowed by law intended to contribute to that person's understanding of the action being taken or request for advocacy and support in the current child protective action. This prohibition of dissemination is limited to information gained through the department.

Sec. 2. 22 MRSA §4008, sub-§3, ¶A-2 is enacted to read:

A-2. Upon request, a parent or legal guardian of a child who is the subject of the records or information, with protection for identity of reporters and other persons when appropriate;

Sec. 3. 22 MRSA §4008, sub-§7 is enacted to read:

7. Release of information by parent or legal guardian. Notwithstanding any provision of law to the contrary, a parent or legal guardian of a child may release to any person information that is intended to contribute to that person's understanding of the action being taken or request for advocacy and support in the current child protection action. The recipient of any information in the record may not further disseminate or disclose the information. This prohibition of dissemination is limited to information gained through the department.

Sec. 4. Submission of Maine State Plan. The Commissioner of Health and Human Services shall submit for approval the amended Maine State Plan, containing the provisions of this Act, as required by 42 United States Code, Section 671 and Section 5106a and 45 Code of Federal Regulations, Section 1340.14, to the United States Department of Health

and Human Services, Administration for Children and Families, Office of Regional Operations, pursuant to 45 Code of Federal Regulations, Section 1356.20. The commissioner shall report by January 1, 2008 to the Joint Standing Committee on Judiciary whether the United States Department of Health and Human Services, Administration for Children and Families, Office of Regional Operations has approved the plan pursuant to 45 Code of Federal Regulations, Section 1356.20.

Sec. 5. Effective date. This Act takes effect February 1, 2008, except that section 4 of this Act, relating to the Maine State Plan, takes effect 90 days after adjournment of the First Regular Session of the 123rd Legislature.

Effective February 1, 2008, unless otherwise indicated.

**CHAPTER 336
H.P. 579 - L.D. 758**

**An Act To Protect Household
Pets and Other Animals from
Poisoning**

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

Sec. 1. 10 MRSA §2630 is enacted to read:

§2630. Sale of engine coolants and antifreeze

1. Aversive agent required. A person may not sell or offer to sell in this State any engine coolant or antifreeze that contains more than 10% ethylene glycol unless it includes denatonium benzoate at a minimum of 30 parts per million as a bittering agent within the product so as to render it unpalatable.

2. Substitute aversive agent authorized. Notwithstanding subsection 1, an aversive agent other than denatonium benzoate may be used in engine coolant or antifreeze if it meets or exceeds the degree of aversion in test subjects obtained by using the formulation of 30 parts per million of denatonium benzoate in antifreeze.

3. Records of manufacturer and packager. Any manufacturer or packager of engine coolant or antifreeze subject to this section shall maintain a record of the trade name, scientific name and active ingredients of the bittering agent used pursuant to this section. Information and documentation maintained pursuant to this subsection must be furnished to any member of the public upon request.

4. Limitation of liability. A manufacturer, distributor, recycler or seller of any engine coolant or antifreeze that contains more than 10% ethylene glycol and is required to contain an aversive agent under this

section is not liable to any person for any personal injury, death, property damage, damage to the environment or natural resources or economic loss that results from the inclusion of denatonium benzoate or a substitute aversive agent if the aversive agent is included in ethylene glycol engine coolant or antifreeze in concentrations mandated by this section. This subsection does not provide immunity to any person for liability to the extent that the cause of the liability is not related to the inclusion of an aversive agent.

5. Misconduct negates limitation of liability. The limitation of liability under subsection 4 does not apply if the personal injury, death, property damage, damage to the environment or natural resources or economic loss described under subsection 4 results from willful or reckless misconduct by the manufacturer, distributor, recycler or seller of the ethylene glycol engine coolant or antifreeze.

6. Exceptions. This section does not apply to the sale of a motor vehicle that contains engine coolant or antifreeze.

7. Effective date. This section does not take effect until one year after 3 other northeastern states in addition to this State have enacted laws that prohibit the sale of engine coolant or antifreeze that contains more than 10% ethylene glycol unless it contains a bittering agent. For purposes of this section, "northeastern states" means the 6 New England states plus New York, New Jersey and Pennsylvania. The Commissioner of Agriculture, Food and Rural Resources shall notify the Revisor of Statutes when 3 other northeastern states in addition to this State have adopted laws that prohibit the sale of engine coolant or antifreeze that contains more than 10% ethylene glycol unless it contains a bittering agent.

See title page for effective date.

**CHAPTER 337
S.P. 275 - L.D. 882**

**An Act To Create a 10-year
Statute of Limitations for
Certain Environmental
Violations**

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

Sec. 1. 38 MRSA §347-A, sub-§8 is enacted to read:

8. Limitations on air and wastewater discharge enforcement actions. The following limitations apply to air and wastewater discharge enforcement actions.