

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

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
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board or officer or in connection with a prosecution or proceeding in court.

Sec. 11. 34-A MRSA §9888 is enacted to read:

§9888. Administrative preliminary hearing

Whenever it appears that a person accepted for supervision under this compact arrested for an alleged violation of a supervision condition is entitled under the compact to a determination of whether there is probable cause to believe the person has violated a condition of that person's supervision, the determination must be made at an administrative preliminary hearing meeting the requirements of the compact and held before an official designated by the Commissioner of Corrections within 5 days after the arrest, excluding Saturdays, Sundays and holidays.

See title page for effective date.

CHAPTER 345

S.P. 617 - L.D. 1750

An Act To Amend the Statute of Limitations for Actions against Professional Land Surveyors

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

Sec. 1. 14 MRSA §752-D, as enacted by PL 1993, c. 161, §1, is amended to read:

§752-D. Land surveyors

All civil actions for professional negligence against a professional land ~~surveyors~~ surveyor duly licensed or registered under Title 32 must be commenced within 4 years after the negligence is discovered, but an action may not be commenced more than ~~20~~ 10 years after the completion of the ~~plan contract for services~~ or the completion of the ~~professional services provided if a plan is not prepared~~ contract for services is not involved.

Sec. 2. Application. This Act applies to:

1. All actions for professional negligence for which a contract for services is completed on or after the effective date of this Act; and
2. All actions for professional negligence for which the services provided are completed on or after the effective date of this Act if a contract for services is not involved.

See title page for effective date.

CHAPTER 346

H.P. 1248 - L.D. 1786

An Act To Reduce the Spread of Infectious Disease through Shared Hypodermic Apparatuses

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

PART A

Sec. A-1. 22 MRSA §1341, as enacted by PL 1997, c. 340, §3, is amended to read:

§1341. Hypodermic apparatus exchange programs

1. Certification of programs. ~~The Bureau of Health~~ Maine Center for Disease Control and Prevention may certify hypodermic apparatus exchange programs that meet the requirements established by rule under subsection 2.

A. The Maine Center for Disease Control and Prevention may not limit the number of hypodermic apparatuses provided by the programs to participants.

B. The Maine Center for Disease Control and Prevention may not limit the number of hypodermic apparatuses that participants served by the programs may legally possess, transport or exchange.

2. Rules. ~~The Bureau of Health~~ Maine Center for Disease Control and Prevention shall adopt rules pursuant to the Maine Administrative Procedure Act establishing requirements for hypodermic apparatus exchange programs. The rules must include but are not limited to:

- A. Procedures for the safe disposal of hypodermic apparatuses;
- B. Tracking the number of hypodermic apparatuses distributed and collected; ~~and~~
- C. Drug abuse prevention and treatment education; ~~and~~
- D. Measures to discourage the utilization of used hypodermic apparatuses.

Rules adopted ~~or amended~~ pursuant to this section are ~~major substantive~~ routine technical rules as defined in Title 5, chapter 375, subchapter ~~II-A~~ 2-A.

3. Reports. ~~The Bureau of Health~~ Maine Center for Disease Control and Prevention shall report to the joint standing committees of the Legislature having jurisdiction over judiciary matters and health and human services matters by January 15, 1999 and annually thereafter on hypodermic apparatus exchange programs certified under this section. The report must

include but is not limited to: the number, location and operators of hypodermic apparatus exchange programs; data on hypodermic apparatuses distributed and collected; and the number of persons served by the programs.

PART B

Sec. B-1. 17-A MRSA §1106, sub-§6, as enacted by PL 2003, c. 61, §6, is repealed and the following enacted in its place:

6. It is an affirmative defense to prosecution under this section that the substance furnished is:

A. Industrial hemp; or

B. A residual amount of any scheduled drug that is contained in one or more hypodermic apparatuses if the person is enrolled in a hypodermic apparatus exchange program that is certified by the Department of Health and Human Services, Maine Center for Disease Control and Prevention and is furnishing the hypodermic apparatuses to an employee of such a program.

Sec. B-2. 17-A MRSA §1107-A, sub-§5, is enacted to read:

5. It is an affirmative defense to prosecution under this section that the substance furnished is:

A. Industrial hemp; or

B. A residual amount of any scheduled drug that is contained in one or more hypodermic apparatuses if the person is enrolled in a hypodermic apparatus exchange program that is certified by the Department of Health and Human Services, Maine Center for Disease Control and Prevention and is transporting the hypodermic apparatuses to the program.

Sec. B-3. 17-A MRSA §1110, sub-§1-C is enacted to read:

1-C. It is an affirmative defense to prosecution under section 1-A that the person furnishing the hypodermic apparatuses is enrolled in a hypodermic apparatus exchange program that is certified by the Department of Health and Human Services, Maine Center for Disease Control and Prevention and is furnishing the hypodermic apparatuses to an employee of such a program.

Sec. B-4. 17-A MRSA §1111, sub-§3 is enacted to read:

3. It is an affirmative defense to prosecution under this section that the person possessing the hypodermic apparatuses is enrolled in a hypodermic apparatus exchange program that is certified by the Department of Health and Human Services, Maine Center

for Disease Control and Prevention and is transporting the hypodermic apparatuses to the program.

See title page for effective date.

CHAPTER 347

H.P. 1262 - L.D. 1810

An Act To Enact the Informed Growth Act

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

Sec. 1. 30-A MRSA c. 187, sub-c. 3-A is enacted to read:

SUBCHAPTER 3-A

INFORMED GROWTH ACT

§4365. Short title

This subchapter may be known and cited as "the Informed Growth Act."

§4366. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Comprehensive economic impact area.

"Comprehensive economic impact area" means the geographic area affected by a proposed large-scale retail development. This area includes the municipality and abutting municipalities.

2. Comprehensive economic impact study.

"Comprehensive economic impact study" means a municipal study that estimates the effects of a large-scale retail development on the local economy, downtown and community pursuant to section 4367, subsection 4.

3. Downtown. "Downtown" means the central business district of a community that serves as the center for socioeconomic interaction in the community and is characterized by a cohesive core of commercial and mixed-use buildings, often interspersed with civic, religious and residential buildings and public spaces, typically arranged along a main street and intersecting side streets, walkable and served by public infrastructure.

4. Gross floor area. "Gross floor area" means the aggregate of the areas of each floor of a building or structure, including accessory structures, measured between the exterior faces of the exterior walls or limits of the building or structure at the level of each floor.

5. Land use permit. "Land use permit" means a municipal permit or approval required by a municipal