

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.

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tive Dispute Resolution Service created in Title 4, section 18-B or by the American Arbitration Association or its successor organization.

A. Both the office and the host community will be bound by the decision of the arbitrator.

B. Unless otherwise provided for in this subsection, the arbitration must be conducted in accordance with the rules of the American Arbitration Association or its successor organization for the conduct of commercial arbitration proceedings.

C. Costs associated with the arbitration must be shared equally between the parties.

D. The arbitrator shall submit the decision to the commissioner.

E. Either party may appeal the decision of the arbitrator to the Superior Court.

Sec. 5. 38 MRSA §2176, sub-§2, as enacted by PL 1989, c. 585, Pt. A, §7, is amended to read:

2. Emergency response. Development and maintenance of adequate local emergency response capacity; and

Sec. 6. 38 MRSA §2176, sub-§3, as enacted by PL 1989, c. 585, Pt. A, §7, is amended to read:

3. Monitoring. Financial support for on-site, municipally employed personnel or for other means determined necessary to enable the municipality to monitor the facility's compliance with state and local requirements; and

Sec. 7. 38 MRSA §2176, sub-§4 is enacted to read:

4. Other issues. Other issues determined on a case-specific basis by the applicant and office to be appropriate given the nature of the proposed facility.

See title page for effective date.

CHAPTER 407

S.P. 455 - L.D. 1307

An Act To Reduce Duplication of Paperwork for Fuel Distributors

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

Sec. 1. 36 MRSA §2903, sub-§3, as enacted by PL 1997, c. 738, §4, is amended to read:

3. Legal incidence of tax. Internal combustion engine fuel may be taxed only once under this section. The tax imposed by this section is declared to be a levy and assessment on the ultimate consumer, and other persons levied and assessed pursuant to this

chapter are agents of the State for the collection of the tax. The distributor that first receives the fuel in this State is primarily responsible for paying the tax except when the fuel is sold and delivered to a licensed exporter wholly for exportation from the State or to another licensed distributor in the State, in which case the purchasing distributor is primarily responsible for paying the tax.

Sec. 2. 36 MRSA §2904, as amended by PL 1987, c. 772, §29, is further amended to read:

§2904. Distributors' certificates

Every distributor of internal combustion engine fuel in the State, except distributors described in section 2904-A or 2907, shall file an application for a certificate with the State Tax Assessor on forms prescribed and furnished by him, which shall contain the State Tax Assessor that contains the name under which the distributor is transacting business within the State, the place or places of business, and location of distributing stations, and agencies of the distributor, the names and addresses of the several persons constituting the firm or partnership, and, if a corporation, its corporate name and the names and addresses of its principal officers and agents within the State. No such distributor may not sell or distribute any such internal combustion engine fuel until the certificate is furnished by the State Tax Assessor and displayed as required by this section. One copy of each certificate, certified by the State Tax Assessor, shall must be displayed in each place of business of the distributor. The State Tax Assessor, having reasonable cause to believe that the distributor has ceased to do business or that he the distributor has violated any of the provisions of this chapter or of the rules made under this chapter, may on reasonable notice to the distributor suspend the distributor's certificate until satisfied to the contrary. In such a case, the distributor shall may not act as a distributor until his the distributor's certificate is restored by the State Tax Assessor either of his the State Tax Assessor's own initiative or at the request of the distributor and upon the State Tax Assessor's being satisfied that cause for suspension no longer exists or upon order of court. In case of such a suspension, all certificates shall must at once be surrendered to the State Tax Assessor upon his request. Notices shall be are sufficient if sent by mail, and addressed to the distributor at the address designated in the certificate, and appeals may be taken in the same manner as provided in section 151. This section shall apply applies to importers and to exporters.

Sec. 3. 36 MRSA §2904-A is enacted to read:

§2904-A. Registered distributor

A distributor that makes sales of taxable internal combustion engine fuel only to retail dealers or directly into the fuel tanks of motor vehicles shall regis-

ter with the State Tax Assessor on forms prescribed and supplied by the assessor. A copy of the registration certificate must be displayed in each place of business of that distributor.

See title page for effective date.

CHAPTER 408

H.P. 193 - L.D. 222

An Act To Ensure the Integrity of School Crisis Response Plans

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

Sec. 1. 20-A MRSA §1001, sub-§16, as amended by PL 2001, c. 588, §10, is repealed and the following enacted in its place:

16. Comprehensive emergency management plan. Each school board shall annually approve a comprehensive emergency management plan developed by the school unit administration working with school teachers and staff and local, county and state public safety officials, fire-fighting personnel, emergency management officials, mental health officials and law enforcement officials to identify and deal with all hazards and potential hazards that could reasonably be expected to affect a facility or unit under the authority of the school administrative unit. The approval of a comprehensive emergency management plan under this subsection is public information. The following information pertaining to a comprehensive emergency management plan is public information:

A. A description of the scope and purpose of the comprehensive emergency management plan and the process used for developing and updating the plan;

B. General information on auditing for safety and preparedness;

C. Roles and responsibilities of school administrators, teachers and staff and the designated chain of command during an emergency; and

D. Strategies for conveying information to parents and the general public during an emergency.

Except as provided in paragraphs A to D, release of the contents of a comprehensive emergency management plan approved under this subsection is subject to the limitations set forth in Title 1, section 402, subsection 3, paragraph L.

See title page for effective date.

CHAPTER 409

H.P. 802 - L.D. 1084

An Act To Provide Adult Adoptees Access to Their Original Birth Certificates

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

Sec. 1. 18-A MRSA §9-310, first ¶, as enacted by PL 1995, c. 694, Pt. C, §7 and affected by Pt. E, §2, is amended to read:

Notwithstanding any other provision of law and except as provided in Title 22, section 2768, all Probate Court records relating to any adoption decreed on or after August 8, 1953 are confidential. The Probate Court shall keep records of those adoptions segregated from all other court records. If a judge of probate court determines that examination of records pertaining to a particular adoption is proper, the judge may authorize that examination by specified persons, authorize the register of probate to disclose to specified persons any information contained in the records by letter, certificate or copy of the record or authorize a combination of both examination and disclosure.

Sec. 2. 22 MRSA §2765, sub-§2-A, ¶C, as amended by PL 2001, c. 574, §24, is further amended to read:

C. When a new certificate of birth is established following adoption or legitimation, it must be substituted for the original certificate of birth. After that substitution, the original certificate of birth and the evidence of adoption are not subject to inspection except upon order of the Probate Court or the Superior Court or pursuant to section 2768. The application for legitimation may be released to persons listed on the original birth certificate upon completion of written application to the State Registrar of Vital Statistics or the registrar's designee.

Sec. 3. 22 MRSA §2765, sub-§5, as amended by PL 1979, c. 168, §2, is further amended to read:

5. Copies of original certificate. When the new certificate of birth is established, the state registrar shall provide each municipal clerk who is required by law to have a copy of the certificate of birth on file with a copy of the new certificate of birth. In the case of a Maine certificate of birth established for a person born in a foreign country, a copy of the certificate shall must be provided to and shall must be maintained on file by the clerk of the municipality where the adoptive parents resided on the date of the adoption. All copies of the original certificate in the custody of any municipal clerk shall must be sealed from inspection, except as provided in section 2768, or surren-