

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2008

Initiative: Transfers funds from "All Other" to "Personal Services" to fund a pay range increase for one Assistant Administrative Director position.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$0	\$13,418
All Other	\$0	(\$13,418)
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OTHER SPECIAL	\$0	\$0
REVENUE FUNDS TOTAL		

See title page for effective date.

CHAPTER 483

H.P. 1561 - L.D. 2191

**An Act To Designate Certain
Application and Licensing
Information Provided to the
State Harness Racing
Commission as Confidential**

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

Whereas, materials included in an application for a commercial race track are of a proprietary nature; and

Whereas, a designation of confidentiality expedites the submission of records and the application review process; and

Whereas, timely decisions by the State Harness Racing Commission on applications for licensing commercial race tracks are beneficial to all sectors of the harness racing industry; 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. 8 MRSA §270-A is enacted to read:

§270-A. Confidentiality of records and information

For the purposes of Title 1, section 402, subsection 3, the types of records and information listed in section 1006, subsection 1 when collected by or provided to the commission are designated as confidential and may not be disclosed except as provided in section 1006, subsection 2. This section applies to information or records included in an application or materials re-

quired by the commission for issuance of a commercial track license, including records obtained or developed by the commission related to an applicant or licensee.

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

Effective February 28, 2008.

CHAPTER 484

H.P. 1560 - L.D. 2190

**An Act To Designate Certain
Rules Proposed by the Board
of Pesticides Control as Major
Substantive Rules**

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 rule-making authority of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control is essential to ensuring the benefits derived from proper use of pesticides while safeguarding public health; and

Whereas, designation of certain rules as major substantive rules enhances that assurance; 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. 7 MRSA §604, sub-§25-A is enacted to read:

25-A. Plant-incorporated protectant. "Plant-incorporated protectant" means a pesticidal substance that is produced and used in a living plant through genetic engineering and the genetic material necessary for the production of the pesticidal substance.

Sec. 2. 7 MRSA §610, sub-§6, as enacted by PL 2007, c. 145, §1, is amended to read:

6. Major substantive rules. Rules proposed for adoption by the board after July 1, 2007 that pertain to topics specified in paragraphs A to E are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Rules in effect on July 1, 2007 that pertain to topics specified in paragraphs A to E continue in effect, except that proposed amendments to those rules are major substantive rules and must be reviewed

and approved prior to final adoption in accordance with Title 5, section 8072. Rules proposed for adoption by the board after March 1, 2008 that pertain to topics specified in paragraphs F and G are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Rules in effect on March 1, 2008 that pertain to topics specified in paragraph G continue in effect, except that proposed amendments to those rules are major substantive rules and must be reviewed and approved prior to final adoption in accordance with Title 5, section 8072. Topics governed by this subsection are:

- A. Drift from outside spraying;
- B. Notification requirements for outside spraying;
- C. Pesticides applications in occupied buildings;
- D. A notification registry for indoor applications of pesticides; ~~and~~
- E. Buffers from shorelines for broadcast applications of pesticides; ~~;~~
- F. Use of organophosphate pesticides adjacent to occupied areas; and
- G. Distribution and use of plant-incorporated protectants.

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

Effective February 28, 2008.

CHAPTER 485
S.P. 863 - L.D. 2233

An Act To Repeal Certain Confidentiality Provisions in the Child Protective Laws

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

Whereas, legislation that was enacted by Public Law 2007, chapter 335 and amended by Public Law 2007, chapter 473 will take effect March 1, 2008; and

Whereas, if the legislation takes effect, the State will be in violation of federal requirements pertaining to confidentiality provisions in the child protective laws; 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. 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. ~~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.~~

Sec. 2. PL 2007, c. 335, §§1, 2 and 3, as affected by PL 2007, c. 473, §1, are repealed.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect March 1, 2008.

Effective March 1, 2008.

CHAPTER 486
H.P. 1384 - L.D. 1948

An Act To Establish a Minimum Suspension for Negligent Operation When a Fatality Results from a Motor Vehicle Accident

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

Sec. 1. 29-A MRSA §2458, sub-§2-A is enacted to read:

2-A. Minimum suspension for negligent operation. The Secretary of State without preliminary hearing shall suspend for a period of at least 3 years a person's license if the Secretary of State, based on the Secretary of State's records or other sufficient evidence, finds that person to have recklessly or negligently operated a motor vehicle in a manner so as to cause the death of another person. Prior to the deter-