

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2008**

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-