

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

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-

mination and issuance of the suspension, the Secretary of State shall notify any family of the victim and shall consider written or oral statements received from the family in response to the notice. Upon suspending the person's license, the Secretary of State shall notify that person of an opportunity for hearing as provided in section 2483.

See title page for effective date.

CHAPTER 487

S.P. 755 - L.D. 1961

An Act To Repeal the Ban on the Sale and Furnishing of Hard Snuff

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

Whereas, Public Law 2007, chapter 467 banned the sale of hard snuff effective September 20, 2007; and

Whereas, the Legislature did not have the benefit of important information on this product; and

Whereas, the ban on hard snuff eliminates from the market a type of tobacco product that may be determined to be a less toxic tobacco product than smoking tobacco and other types of smokeless tobacco; 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 §1560-A, as enacted by PL 2007, c. 467, §2, is repealed.

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

Effective March 6, 2008.

CHAPTER 488

H.P. 1497 - L.D. 2111

An Act To Secure the Sites Necessary for the Statewide Radio and Network System

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

Sec. 1. 5 MRSA §1742, sub-§19-B is enacted to read:

19-B. Real property interests acquired by State. To acquire, in the name of the State, by lease, purchase, interagency transfer, financial order or otherwise all real property or real property interests necessary for the purpose of siting communications structures and equipment required by the Department of Administrative and Financial Services, Office of Information Technology pursuant to section 1520. This subsection is repealed 5 years after the effective date of this subsection;

See title page for effective date.

CHAPTER 489

S.P. 783 - L.D. 1989

An Act To Clarify Maine's "Do Not Call" 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, Maine has adopted legislation to harmonize the state and federal do-not-call lists; and

Whereas, current Maine law does not fully conform to federal regulations regarding telephone solicitations and the do-not-call registry; and

Whereas, significant numbers of Maine employers and their employees depend upon a clear and workable application of the do-not-call 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. 10 MRSA §1499-B, sub-§1, ¶D-1 is enacted to read: