

# 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**

**CHAPTER 502**  
**S.P. 811 - L.D. 2128**

**An Act To Correct the  
Uniform Limited Partnership  
Act of 2007**

**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 Uniform Limited Partnership Act of 2007 should be corrected as soon as possible to remove potential ambiguity; 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.** 31 MRSA §1453, sub-§5 is enacted to read:

**5. Effect of nonelection by limited partnership formed before July 1, 2007.** A limited partnership formed before July 1, 2007 that does not elect pursuant to subsection 1, paragraph B to be subject to this chapter continues to be governed by the provisions of former chapter 11 until July 1, 2008.

**Sec. 2. Retroactivity.** This Act applies retroactively to July 1, 2007.

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

Effective March 19, 2008.

**CHAPTER 503**  
**H.P. 1499 - L.D. 2113**

**An Act To Implement the  
Recommendations of the  
Committee To Study the Prison  
Industries Program**

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

**Whereas,** this Act needs to take effect before the expiration of the 90-day period in order for the Prison Industries Advisory Council to be established and begin its work as soon as possible in aiding the Depart-

ment of Corrections in its effort to improve efficiencies and accountability in the prison industries program; 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.** 5 MRSA §12004-I, sub-§4-B is enacted to read:

**4-B.**

<u>Corrections</u>	<u>Prison</u>	<u>Not</u>	<u>34-A</u>
	<u>Industries</u>	<u>Authorized</u>	<u>MRSA</u>
	<u>Advisory</u>		<u>§3002-B</u>
	<u>Council</u>		

**Sec. 2.** 34-A MRSA §3002-B is enacted to read:

**§3002-B. Prison Industries Advisory Council**

**1. Appointments.** The commissioner shall appoint the 6-member Prison Industries Advisory Council, referred to in this section as "the council," as established by Title 5, section 12004-I, subsection 4-B. The term of office for members is 3 years. The initial appointments are:

**A. Three members for 3 years;**

**B. Two members for 2 years; and**

**C. One member for one year.**

A replacement for a council member who does not complete the council member's term of office serves for the remainder of the unexpired term.

**2. Council members.** The council members must include at least 3 private sector representatives, each of whom is a business professional in the area of marketing, financial management, manufacturing or retail sales. In addition, council members must include 2 State Government representatives who work in the areas of prison security, labor or economic development. The commissioner shall also appoint one department employee to serve as a nonvoting member.

**3. Duties.** The council shall work in cooperation with managers of prison industries programs, prison security staff and the business community to identify methods to enhance programs and improve efficiency of operations, including at a minimum:

**A. Developing a business and marketing plan for prison industries;**

B. Developing recommendations to improve advertising and retail sales and exploring more diversified product lines;

C. Reviewing the financial reporting and accounting systems and recommending a consistent and uniform format for all prison industries reporting;

D. Making recommendations related to creating prison industries under the federal Prison Industry Enhancement Certification Program authorized by 18 United States Code, Section 1761(2006); and

E. Reviewing the cost-benefit ratio of the prison industries programs.

**4. Meetings; reports.** The council shall meet at least quarterly, shall make interim recommendations and at least an annual report to the commissioner and shall send copies of all interim recommendations and reports to the members of the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters.

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

Effective March 19, 2008.

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## CHAPTER 504

**H.P. 1599 - L.D. 2238**

### **An Act Regarding Tort Liability in the Provision of E-9-1-1 Access-only Service**

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

**Sec. 1. 25 MRSA §2930, sub-§2,** as amended by PL 2007, c. 68, §10, is further amended to read:

**2. Telecommunications providers.** A telecommunications provider assisting in the implementation and operation of the statewide E-9-1-1 system, including, but not limited to, the development, establishment and maintenance of the network, ~~the development and maintenance of any databases and the processing of calls~~ E-9-1-1 system, is subject to tort liability:

A. For property damages, bodily injury or death resulting from any defect in the E-9-1-1 system or inadequacy in the provision of E-9-1-1 service caused by the telecommunications provider's negligent acts or omissions in developing, establishing, implementing, maintaining or operating the E-9-1-1 system, up to a maximum amount for any and all claims arising out of a single occurrence not to exceed \$300,000 or the dollar amount that

appears in Title 14, section 8105, subsection 1, whichever is greater; and

B. For property damages, bodily injury or death resulting from any defect in the E-9-1-1 system or inadequacy in the provision of E-9-1-1 service caused by the telecommunications provider's intentional, willful or reckless acts or omissions in developing, establishing, implementing, maintaining or operating the E-9-1-1 system, without limitation on the amount.

For purposes of this subsection, the term "telecommunications provider" means a local exchange carrier, a commercial mobile service provider, as defined in 47 United States Code, Section 332(d), or an interconnected voice over Internet protocol service provider; an employee of a local exchange carrier, commercial mobile service provider or interconnected voice over Internet protocol service provider acting within the scope of the employee's employment; or an agent of a local exchange carrier, commercial mobile service provider or interconnected voice over Internet protocol service provider acting within the scope of the agent's agency.

For purposes of this subsection, the term "E-9-1-1 system" includes, but is not limited to, the networks, databases and call processing services necessary to provide enhanced 9-1-1 services or enhanced 9-1-1 access-only services in accordance with this chapter and rules adopted under this chapter.

See title page for effective date.

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## CHAPTER 505

**H.P. 1406 - L.D. 2022**

### **An Act To Designate Certain Rules of the Bureau of State Police as Major Substantive Rules**

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

**Sec. 1. 29-A MRSA §555, sub-§2,** as amended by PL 2005, c. 679, §1, is further amended to read:

**2. Adoption of federal regulations.** The bureau may adopt rules to incorporate by reference federal regulations in 49 Code of Federal Regulations, Parts 40, 382, 383, ~~385~~, 390, 391, 392, 393, 395 and 396, as amended, and may adopt amendments to those federal regulations. The following provisions apply to the adoption of federal regulations under this section.

A. ~~The~~ Except as provided in paragraph A-1, the Maine Administrative Procedure Act does not ap-