

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

ply to the adoption by reference of federal regulations under this subsection.

A-1. A rule adopted by the bureau under this subsection is a major substantive rule as defined in Title 5, chapter 375, subchapter 2-A if it:

(1) Adopts by reference any provision of the federal regulations described under this subsection that would result in a modification of the substance or effect of any amendment to the federal regulations adopted by the bureau and in effect on the effective date of this paragraph; or

(2) Adopts an amendment to any federal regulation described under this subsection.

C. For every rule adopted under this subsection:

(1) The bureau shall file with the Secretary of State:

- (a) A certified copy of the rule;
- (b) A published copy of the federal regulation or amendment as printed in the Federal Register; and
- (c) Annually, a published copy of the updated volume of the Code of Federal Regulations containing the federal regulation.

The bureau shall make available for inspection at no charge, and for copying at actual cost, a current published copy of the referenced federal regulations.

D. The Secretary of State shall publish, pursuant to Title 5, section 8053, subsection 5, a notice containing the following information:

- (1) A statement that the rule has been adopted and its effective date;
- (2) A brief description of the substance of the rule and the referenced federal regulation or amendment; and
- (3) The addresses at which copies of the rule and the federal regulation or amendment may be obtained.

E. The Secretary of State shall maintain and make available at the Secretary of State's office for inspection at no charge, and for copying or purchase at actual cost, current copies of these rules and include them within the compilations subject to Title 5, section 8056, subsection 3, paragraphs A-1 and B. The Secretary of State shall also make available for inspection at no charge and for copying at actual cost a current published copy of the referenced federal regulations and amendments.

F. A rule adopted under this section may not take effect until at least 5 days after filing with the Secretary of State, except that, if the bureau finds that immediate adoption of the rule is necessary to avoid an immediate threat to public health, safety or general welfare, the bureau may adopt the rule as an emergency rule in accordance with Title 5, section 8054, and that rule takes effect immediately.

Sec. 2. 29-A MRSA §555, sub-§4, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

B. Notwithstanding Title 5, section 10051, the Secretary of State may suspend a license for lack of sufficient insurance.

A suspension continues until the Secretary of State is satisfied that the carrier has obtained adequate insurance.

Notice and an opportunity for hearing are as provided by the Maine Administrative Procedure Act.

See title page for effective date.

CHAPTER 506

S.P. 801 - L.D. 2007

An Act To Make Technical Corrections to the Employment Security Law

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 Competitive Skills Scholarship Fund was created in the First Regular Session of the 123rd Legislature; and

Whereas, the legislation creating the Competitive Skills Scholarship Fund requires the Department of Labor to bring in approximately \$3,000,000 to the fund over the calendar year beginning January 1, 2008; and

Whereas, the Competitive Skills Scholarship Fund planned yield is a variable in the calculation of the fund contributions; and

Whereas, a technical correction has been identified as needed in the definition of the Competitive Skills Scholarship Fund planned yield; 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. 26 MRSA §1166, sub-§1, ¶B, as enacted by PL 2007, c. 352, Pt. A, §1, is amended to read:

B. "Competitive Skills Scholarship Fund planned yield" means the percentage of wages, as defined in section 1043, subsection 19, equal to .02% of the ~~contributions of total wages~~ for each contributing employer subject to this chapter.

Sec. 2. 26 MRSA §2033, sub-§4, ¶A, as enacted by PL 2007, c. 352, Pt. A, §3, is amended to read:

A. The education or training provided through the program must be for employment in industries with significant demand for skilled labor that have been:

- (1) Identified by the ~~Division of Labor Market Information Services~~ Center for Workforce Research and Information as providing opportunity for employment in jobs with high compensation;
- (2) Recommended by the Maine Jobs Council; and
- (3) Approved by the Governor or the Governor's designee.

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

Effective March 20, 2008.

CHAPTER 507

S.P. 859 - L.D. 2227

An Act To Minimize the Potential for Slope Failure in Gravel Pits

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

Sec. 1. 38 MRSA §490-D, sub-§9, ¶C is enacted to read:

C. If a reclaimed slope or working pit is adjacent to steep slopes and a protected natural resource, measures must be taken to prevent storm water from ponding at the base of the reclaimed slope or working pit.

See title page for effective date.

CHAPTER 508

H.P. 1492 - L.D. 2106

An Act To Enhance the Newborn Hearing Program

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

Sec. 1. 22 MRSA §42, sub-§5, as amended by PL 2001, c. 407, §1, is further amended to read:

5. Confidentiality of records containing certain medical information. Department records that contain personally identifying medical information that are created or obtained in connection with the department's public health activities or programs are confidential. These records include, but are not limited to, information on genetic, communicable, occupational or environmental disease entities, and information gathered from public health nurse activities, or any program for which the department collects personally identifying medical information.

The department's confidential records may not be open to public inspection, are not public records for purposes of Title 1, chapter 13, subchapter 1 and may not be examined in any judicial, executive, legislative or other proceeding as to the existence or content of any individual's records obtained by the department.

Exceptions to this subsection include release of medical and epidemiologic information in such a manner that an individual can not be identified; disclosures that are necessary to carry out the provisions of chapter 250; disclosures made upon written authorization by the subject of the record, except as otherwise provided in this section; and disclosures that are specifically provided for by statute or by departmental rule. The department may participate in a regional or national tracking system as provided in section 8824 or both.

Nothing in this subsection precludes the department, during the data collection phase of an epidemiologic investigation, from refusing to allow the inspection or copying of any record or survey instrument, including any redacted record or survey instrument, containing information pertaining to an identifiable individual that has been collected in the course of that investigation. The department's refusal is not reviewable.

Sec. 2. 22 MRSA §8824, first ¶, as amended by PL 2007, c. 236, §1, is further amended to read:

The department is authorized to implement a tracking system that provides the information necessary to effectively plan, establish and evaluate a comprehensive system of developmentally appropriate services for newborn infants and children up to 3 years of age who are deaf or hard-of-hearing and to ensure that all families are given information regarding the availability of hearing screening for their infants. The