

# 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**

SECTION TOTALS	2007-08	2008-09
GENERAL FUND	\$0	\$0
FEDERAL EXPENDITURES FUND	\$0	\$19,481,588
OTHER SPECIAL REVENUE FUNDS	\$0	\$11,394,341
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SECTION TOTAL - ALL FUNDS	\$0	\$30,875,929

See title page for effective date.

**CHAPTER 546  
H.P. 390 - L.D. 507**

**An Act To Require the Accommodation of Religious Practices in Correctional Facilities**

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

**Sec. 1. 34-A MRSA §3048** is enacted to read:

**§3048. Religious services**

The commissioner shall adopt rules that provide for the accommodation of any prisoner who expresses a desire to practice a religion of the prisoner's choice as long as the practice does not present a threat to the safety, security or orderly management of the facility in which the prisoner is housed. The rules must be consistent with all federal requirements. Rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Rule-making process.** The Commissioner of Corrections shall use the February 28, 2008 draft of the Department of Corrections policy "Religious Services, General Guidelines" as a basis for the rules adopted under the Maine Revised Statutes, Title 34-A, section 3048.

See title page for effective date.

**CHAPTER 547  
H.P. 593 - L.D. 775**

**An Act To Create a Special License Plate To Support Breast Cancer Support Services**

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

**Sec. 1. 22 MRSA §1408** is enacted to read:

**§1408. Breast Cancer Services Special Program Fund**

The Breast Cancer Services Special Program Fund, referred to in this section as "the fund," is established in the Maine Center for Disease Control and Prevention, referred to in this section as "the center." Balances in the fund may not lapse but must be carried forward and used for the purposes of this section.

**1. Sources and uses of fund.** Revenues from breast cancer support services registration plate fees credited to the fund under Title 29-A, section 456-E, subsections 2 and 4 must be used for breast cancer support services. Upon receipt the center shall equally distribute the funds to a breast and cervical health program within the center, a statewide nonprofit organization established for the purpose of providing services to underserved people with breast health and breast cancer needs and an independent state-based foundation for the purpose of providing funding for cancer research, education and patient support programs.

**Sec. 2. 29-A MRSA §456-E** is enacted to read:

**§456-E. Breast cancer support services registration plate**

**1. Breast cancer support services plates.** The Secretary of State, upon receiving an application and evidence of payment of the excise tax required by Title 36, section 1482, the annual motor vehicle registration fee required by section 501 and the contribution provided for in subsection 2, shall issue a registration certificate and a set of breast cancer support services special registration plates to be used in lieu of regular registration plates. These plates must bear identification numbers and letters.

**2. Contribution; credit to Breast Cancer Services Special Program Fund.** In addition to the regular motor vehicle registration fee prescribed by law for the particular class of vehicle registered, the initial contribution for the breast cancer support services special registration plates is \$20, which must be deposited with the Treasurer of State and credited as follows:

A. Nine dollars to the Breast Cancer Services Special Program Fund, as established in Title 22, section 1408;

B. Ten dollars to the Highway Fund; and

C. One dollar to the Specialty License Plate Fund, established under section 469, for administrative and production costs.

**3. Design; review; vanity plates.** The Secretary of State, in consultation with the plate sponsor, shall

determine a design for the breast cancer support services special registration plates. The joint standing committee of the Legislature having jurisdiction over transportation matters shall review the final design prior to manufacture of the plates. The Secretary of State shall issue upon request breast cancer support services special registration plates that are also vanity plates. Breast cancer support services special registration plates are issued in accordance with the provisions of this section and section 453.

**4. Renewal fee.** In addition to the regular motor vehicle registration fee prescribed by law, the annual renewal contribution for breast cancer support services special registration plates is \$15, which must be deposited with the Treasurer of State and credited as follows:

A. Nine dollars to the Breast Cancer Services Special Program Fund, as established in Title 22, section 1408;

B. Five dollars to the Highway Fund; and

C. One dollar to the Specialty License Plate Fund, established under section 469, for administrative and production costs.

**5. Payment for costs associated with the production and issuance of the first 2,000 plates.** The sponsor of the breast cancer support services special registration plates shall provide \$40,000 to the Secretary of State for costs associated with the production and issuance of plates. The Secretary of State shall deposit these funds in the Specialty License Plate Fund, established under section 469. In accordance with section 468, subsection 3-A, the Secretary of State shall provide 2,000 credit receipts to the sponsor to provide to each supporter that contributed \$20. A credit receipt may be used only to obtain one set of breast cancer support services special registration plates.

**6. Transfer of fees.** On a quarterly basis, the Secretary of State shall transfer the revenue from the issuance and renewal of the breast cancer support services special registration plates to the Treasurer of State for deposit and crediting pursuant to subsections 2 and 4.

**7. Duplicate plates.** The Secretary of State shall issue breast cancer support services special registration plates in a 3-number and 3-letter combination sequence. Vanity plates may not duplicate vanity plates issued in another class of plate.

**8. Weight limit.** Breast cancer support services special registration plates may be issued for a motor vehicle that does not exceed 10,000 pounds. A motor vehicle that exceeds 6,000 pounds is subject to the fees in section 504.

**9. Date of first issue.** The Secretary of State shall issue breast cancer support services special registration plates on or after October 1, 2008.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF (FORMERLY DHS)**

**Breast Cancer Support Services Special Program Fund N038**

Initiative: Provides an allocation of funds for breast cancer support services from registration and renewal fees for breast cancer support services special registration plates to be deposited in the fund.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$0	\$10,800
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$10,800

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF (FORMERLY DHS)**

<b>DEPARTMENT TOTALS</b>	<b>2007-08</b>	<b>2008-09</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$10,800</b>
	<hr/>	<hr/>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$10,800</b>

**SECRETARY OF STATE, DEPARTMENT OF  
Administration - Motor Vehicles 0077**

Initiative: Allocates funds for the costs of manufacturing breast cancer support services special registration plates.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$0	\$41,640
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$41,640

**SECRETARY OF STATE,  
DEPARTMENT OF  
DEPARTMENT TOTALS**

<b>2007-08</b>	<b>2008-09</b>
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OTHER SPECIAL REVENUE FUNDS	\$0	\$41,640
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$41,640
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SECTION TOTALS	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS	\$0	\$52,440
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SECTION TOTAL - ALL FUNDS	\$0	\$52,440

See title page for effective date.

**CHAPTER 548  
H.P. 1515 - L.D. 2133**

**An Act To Amend the Cable Television Laws and Establish a Model Cable Franchise Agreement**

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

**Sec. 1. 30-A MRSA §3008**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

**§3008. Ordinances relating to cable television systems**

**1. State policy.** It is the policy of this State, with respect to cable television systems:

A. To affirm the importance of municipal control of franchising and regulation in order to ensure that the needs and interests of local citizens are adequately met;

B. That each municipality, when acting to displace competition with regulation ~~in the area of cable television systems~~, shall proceed according to the judgment of the municipal officers as to the type and degree of regulatory activity considered to be in the best interests of its citizens; ~~and~~

C. To provide adequate statutory authority to municipalities to make franchising and regulatory decisions to implement this policy and to avoid the costs and uncertainty of lawsuits challenging that authority; ~~and~~

D. To ensure that all cable television operators receive the same treatment with respect to franchising and regulatory processes and to encourage

new providers to provide competitive pressure on the pricing of such services.

**1-A. Definitions.** For purposes of this section, unless the context otherwise indicates, the following terms have the following meanings:

A. "Cable system operator" has the same meaning as "cable operator," as that term is defined in 47 United States Code, Section 522(5), as in effect on January 1, 2008;

B. "Cable television service" has the same meaning as "cable service," as that term is defined in 47 United States Code, Section 522(6), as in effect on January 1, 2008; and

C. "Cable television system" has the same meaning as "cable system," as that term is defined in 47 United States Code, Section 522(7), as in effect on January 1, 2008.

**2. Ordinances.** A municipality may enact any ordinances, not contrary to this chapter, governing franchising and regulation of cable television systems using public ways. Systems located in accordance with those ordinances, franchises and regulations are not defects in public ways.

The municipal officers of municipalities have the exclusive power to enact all ordinances authorized by this section. They shall give 7 days' notice of the meeting at which those ordinances are to be proposed in the manner provided for town meetings. Those ordinances take effect immediately.

**3. General requirements.** The following requirements apply generally to cable television systems governed by this section.

A. Any cable television system must be constructed and operated in accordance with Federal Communications Commission regulations.

B. Notwithstanding any provision in a franchise, ~~no a cable television company system operator~~ may not abandon service or a portion of that service without having given 6 months' prior written notice to the franchising municipality, if any, and to the municipalities affected by that abandonment. When abandonment of any service is prohibited by a municipal franchise, ~~no a cable television company system operator~~ may not abandon that service without written consent of the municipal officers. Any cable ~~television company~~ which system operator that violates this paragraph commits a civil violation for which a fine of \$50 a day for each day that the violation continues may be adjudged.

C. Neither the cable ~~television company~~ system operator whose facilities are used to transmit a program produced by a person other than ~~the cable television company~~ that operator, under Fed-