

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

Sec. 14. 22 MRSA §4021, sub-§1, ¶A, as amended by PL 1993, c. 294, §5, is further amended to read:

A. Issue subpoenas requiring persons to disclose or provide to the department information or records in their possession that are necessary and relevant to an investigation of a report of suspected abuse or neglect or suspicious child death, to a subsequent child protection proceeding or to a panel appointed by the department to review child deaths and serious injuries.

(1) The department may apply to the District Court to enforce a subpoena.

(2) A person who complies with a subpoena is immune from civil or criminal liability that might otherwise result from the act of turning over or providing information or records to the department; and

Sec. 15. 22 MRSA §4021, sub-§1, ¶B, as enacted by PL 1979, c. 733, §18, is amended to read:

B. Obtain nonconviction data and other criminal history record information under Title 16, ~~section 611, et seq., which he deems~~ chapter 3, subchapter 8 that the commissioner, the commissioner's delegate or the legal counsel for the department considers relevant to an abuse or neglect case or the investigation of a suspicious child death.

See title page for effective date.

CHAPTER 587

S.P. 751 - L.D. 1957

An Act To Restore Diadromous Fish in the St. Croix River

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 legislation needs to take effect before the expiration of the 90-day period to allow for the spring migration of alewives in the St. Croix River; 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. 12 MRSA §6134, as enacted by PL 1995, c. 48, §1, is repealed and the following enacted in its place:

§6134. Alewives passage; fishways on the St. Croix River

This section governs the passage of alewives on the Woodland Dam and the Grand Falls Dam located on the St. Croix River.

1. Woodland Dam. By May 1, 2008, the commissioner and the Commissioner of Inland Fisheries and Wildlife shall ensure that the fishway on the Woodland Dam is configured or operated in a manner that allows the passage of alewives.

2. Grand Falls Dam. The commissioner and the Commissioner of Inland Fisheries and Wildlife shall ensure that the fishway on the Grand Falls Dam is configured or operated in a manner that prevents the passage of alewives.

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

Effective April 9, 2008.

CHAPTER 588

H.P. 1470 - L.D. 2084

An Act To Protect Vulnerable Children by Allowing the Use of Asthma Inhalers and Epinephrine Pens

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

Whereas, municipal employees and volunteers working in a municipality's summer recreational program need to be allowed and trained to administer asthma inhalers and epinephrine pens before the 2008 summer recreational program begins; 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. 30-A MRSA §3108 is enacted to read:

§3108. Asthma inhalers and epinephrine pens

Municipal employees and volunteers that operate or assist in any municipal recreational program or

camp may receive training on how to administer asthma inhalers and epinephrine pens. Municipal employees and volunteers may possess and administer prescribed asthma inhalers and epinephrine pens in order to provide emergency aid.

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

Effective April 9, 2008.

CHAPTER 589

H.P. 1582 - L.D. 2216

An Act To Streamline and Ensure Adequate Funding for the Bureau of Air Quality

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

Sec. 1. 38 MRSA §353-A, sub-§1-A, as enacted by PL 1993, c. 412, §2, is amended to read:

1-A. Annual fee surcharge. Beginning November 1, ~~1994~~ 2008, a licensee shall pay an annual fee surcharge of ~~\$10~~ \$2 per every 1,000 air quality units as defined in section 582, subsection 11-E. The minimum revenue threshold for the annual fee surcharge is established at \$1,250,000 per year. The commissioner may increase the annual fee surcharge to up to \$4 per every 1,000 air quality units if the annual revenue derived from this annual fee surcharge is less than \$1,250,000 per year. The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2010 and every 2 years thereafter on any fee adjustment and the justification for the fee adjustment and the adequacy of the minimum revenue threshold and its ability to support the long-term sustainability of state air quality protection and improvement activities.

Sec. 2. 38 MRSA §353-A, sub-§3, as amended by PL 1993, c. 412, §3, is further amended to read:

3. Schedule. ~~The fee for existing licenses must be paid on the anniversary date of the license. This date, once established, remains the scheduled date for paying the annual fee, regardless of future changes of the anniversary date. The effective date of a license is deemed to be the anniversary date. The license fee for a license with an anniversary date in January, February or March must be paid by the end of February. The license fee for a license with an anniversary date in April, May or June must be paid by the end of May. The license fee for a license with an anniversary date in July, August or September must be paid by the end of August. The license fee for a license with an anniversary date in October, November or December must~~

~~be paid by the end of November. The annual fee for new applications must be estimated and paid at the time of filing the application. When the processing of the application is complete, the final annual fee is determined. Any additional amount is due prior to the issuance of the license. Any overpayment must be refunded. If the application is denied, 50% of the initial annual fee must be refunded. The effective date of the license becomes the anniversary date.~~

Sec. 3. 38 MRSA §353-A, sub-§8, as enacted by PL 1991, c. 384, §8 and affected by §16, is amended to read:

8. Nonpayment of fee. Failure to pay the annual fee within ~~30~~ 60 days of the anniversary date of a license is sufficient grounds for revocation of the license under section 341-D, subsection 3.

Sec. 4. 38 MRSA §582, sub-§11-D, as enacted by PL 1993, c. 412, §7 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

11-D. Toxicity score. ~~"Air quality Toxicity score" means a score given to a hazardous air pollutant by the Department of Health and Human Services based on the sum of qualitative scores, plus the standard deviation, in 4 categories: carcinogenicity, mutagenicity, reproductive effects and acute effects, Maine Center for Disease Control and Prevention.~~

Sec. 5. 38 MRSA §582, sub-§11-E, as enacted by PL 1993, c. 412, §7 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

11-E. Air quality units. ~~"Air quality units" means the result of the Department of Health and Human Services' toxicity score for a hazardous air pollutant multiplied by the estimated emissions of that hazardous air pollutant.~~

Sec. 6. 38 MRSA §589, sub-§2, as enacted by PL 1991, c. 384, §9 and affected by §16, is amended to read:

2. Stack tests. A person is not required to conduct stack tests for chlorine or chlorine dioxide more frequently than once every 5 years unless visible emissions, operating parameters or other information indicates the source may be operating out of compliance with any applicable emission standard or unless there are more stringent federal requirements. A person is not required to conduct stack tests for particulate matter on a source monitored by a continuous monitoring device for opacity as specified by 40 Code of Federal Regulations, Part 60, Appendix B, specification 1 or appropriate surrogate parameters as required by the commissioner more frequently than once every ~~2~~ 5 years unless visible emissions, operating parameters or ~~another cause~~ other information indicates the source may be operating out of compliance with any applicable emission standard or unless there are more stringent federal requirements. If visible emissions, operat-