

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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. 10. 22 MRSA §2668, as enacted by PL 1985, c. 150, is amended to read:

§2668. Closure

The department may close any public ~~swimming~~ pool or spa for failure to comply with the provisions of this chapter.

Before closing a public ~~swimming~~ pool or spa, the department shall issue a notice in writing enumerating instances of failure to comply with the law or rules. The owner ~~shall~~ **must** have an opportunity to request a fair hearing before the department pursuant to Title 5, sections 9052 to 9064.

Closed public ~~swimming~~ pools and spas ~~shall~~ **must** be reopened upon presentation of evidence that the deficiencies causing the closing have been corrected.

Sec. 11. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 22, chapter 602, in the chapter headnote, the words "public swimming pools and spas" are amended to read "public pools and spas" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

CHAPTER 632

S.P. 775 - L.D. 1981

An Act To Ensure Legislative Review of Fire Sprinkler Rules

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

Sec. 1. 25 MRSA §2452, first ¶, as amended by PL 2003, c. 535, §3, is further amended to read:

The Commissioner of Public Safety shall adopt and may amend, ~~after notice in accordance with the Maine Administrative Procedure Act,~~ **reasonable** rules governing the safety to life from fire in or around all buildings or other structures and mass outdoor gatherings, as defined in Title 22, section 1601, subsection 2, within the commissioner's jurisdiction. These rules do not apply to nursing homes having 3 or fewer patients. Automatic sprinkler systems may not be required in existing noncommercial places of assembly. Non-commercial places of assembly include those facilities used for such purposes as deliberation, worship, entertainment, amusement or awaiting transportation that have a capacity of 100 to 300 persons. Rules adopted pursuant to this section are routine technical rules, except that rules pertaining to fire sprinklers are major substantive rules, both of which are defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 25 MRSA §2452, sub-§1, as amended by PL 1997, c. 728, §25, is repealed.

Sec. 3. Rules and policies pertaining to fire sprinklers; retroactivity. Notwithstanding any provision of law to the contrary, rules and policies pertaining to fire sprinklers that implement the National Fire Protection Association 2006 Life Safety Code adopted by the State Fire Marshal on or after September 1, 2007 are major substantive rules.

This section applies retroactively to September 1, 2007.

See title page for effective date.

CHAPTER 633

H.P. 1557 - L.D. 2187

An Act To Allow Limited Charitable Solicitations by Law Enforcement Associations

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

Sec. 1. 25 MRSA §3701, sub-§8 is enacted to read:

8. Catastrophic illness. "Catastrophic illness" means an unforeseen, prolonged and extended illness, medical condition or injury that will likely cause death or permanent disability as determined by a licensed physician whose determination must be in writing.

Sec. 2. 25 MRSA §3701, sub-§9 is enacted to read:

9. Designated public benefit corporation. "Designated public benefit corporation" means a "public benefit corporation," as described in Title 13-B, section 1406, subsection 1, that does not employ or have on its board of directors any certified law enforcement officer and that has entered into an agreement with a law enforcement agency or law enforcement association as provided in section 3702-C.

Sec. 3. 25 MRSA §3701, sub-§10 is enacted to read:

10. Immediate family member. "Immediate family member" means a law enforcement officer's spouse, domestic partner, child or legal dependent.

Sec. 4. 25 MRSA §3702-C, as enacted by PL 2005, c. 397, Pt. C, §19, is amended to read:

§3702-C. Solicitation unlawful; exceptions

A Except as provided in this section, a law enforcement agency, law enforcement association, law enforcement officer or solicitation agent may not solicit property from the general public when the property or any part of that property in any way tangibly