

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2006 to June 21, 2007**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

**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**  
**2007**

its successor; a representative from the Disability Rights Center, or its successor; a representative from the Maine Center on Deafness, or its successor; a representative from the Assistance Canine Educations and Support, Inc., or its successor; and a representative of the medical community; and be it further

**Sec. 2. Task force duties. Resolved:** That the task force shall review the following issues within the parameters of applicable federal and state laws: proposed changes to the statutory definition of service dog; criteria or documentation that town clerks must use to verify a dog as a service animal to qualify for the license fee exemption; proposed revisions to the Maine Revised Statutes to clarify the rights of and protections for people with disabilities who use service animals; proposed revisions necessary to the Maine Revised Statutes to provide clarification to business owners of their rights and responsibilities concerning service animals; and proposals for any specific criteria that may be required for consideration by medical practitioners when prescribing the use of a service animal; and be it further

**Sec. 3. Reporting date established. Resolved:** That no later than January 15, 2008 the Commissioner of Labor shall submit a report with findings and recommendations following the review under section 2 including any recommended legislative changes to the Joint Standing Committee on Business, Research and Economic Development. The Joint Standing Committee on Business, Research and Economic Development is authorized to submit legislation on the subject matter of the report to the Second Regular Session of the 123rd Legislature.

See title page for effective date.

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## CHAPTER 97

### H.P. 348 - L.D. 449

#### **Resolve, To Support Creative Economy Businesses**

**Sec. 1. Stakeholder meeting to address the needs of those involved with the creative economy. Resolved:** That the Director of the State Planning Office within the Executive Department shall meet with the Maine Arts Commission and other stakeholders involved with the creative economy to gather ideas for improving and expanding living and work space for people engaged in the creative economy, as well as to review current state and local efforts for enhancing the availability of capital resources and to encourage creativity and economic stability for individuals and businesses engaged in the creative economy; and be it further

**Sec. 2. Report. Resolved:** That, no later than February 15, 2008, the Director of the State Planning

Office within the Executive Department shall report to the Joint Standing Committee on Business, Research and Economic Development regarding the stakeholder meeting conducted pursuant to section 1. The Joint Standing Committee on Business, Research and Economic Development is authorized to submit legislation on the subject matter of this resolve to the Second Regular Session of the 123rd Legislature.

See title page for effective date.

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## CHAPTER 98

### H.P. 757 - L.D. 1039

#### **Resolve, Directing the Maine Criminal Justice Academy Board of Trustees To Develop and Implement Law Enforcement Training Regarding the Determination of the Predominant Aggressor in Domestic Violence Situations**

**Sec. 1. Board of Trustees of Maine Criminal Justice Academy to establish and implement training regarding determination of predominant aggressors in domestic violence situations. Resolved:** That the Board of Trustees of the Maine Criminal Justice Academy is directed to establish and implement training regarding the determination of predominant aggressors in domestic violence situations for law enforcement officers no later than June 30, 2008; and be it further

**Sec. 2. Report. Resolved:** That the Board of Trustees of the Maine Criminal Justice Academy is directed to report its progress regarding the implementation of training regarding the determination of predominant aggressors in domestic violence situations to law enforcement officers to the Joint Standing Committee on Criminal Justice and Public Safety no later than April 1, 2008.

See title page for effective date.

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## CHAPTER 99

### S.P. 138 - L.D. 437

#### **Resolve, Concerning the Reporting of Oil Spills**

**Sec. 1. Department of Environmental Protection guidance. Resolved:** That the Department of Environmental Protection shall establish guidance concerning the use of memoranda of agreement between aboveground oil and storage and handling facilities and the Department of Environmental Protec-

tion relating to the reporting of oil spills and discharges. The guidance must include standard terms of a memorandum of agreement and eligibility criteria and the approval process used by the department in developing a memorandum of agreement; and be it further

**Sec. 2. Department of Environmental Protection outreach. Resolved:** That the Department of Environmental Protection shall undertake education and outreach to small aboveground oil and storage and handling facilities and timber harvesting operations, particularly in Aroostook County, concerning the reporting requirements relating to oil discharges.

See title page for effective date.

## CHAPTER 100

### H.P. 773 - L.D. 1055

#### **Resolve, To Establish a Working Group To Study the Prevalence and Cost of Hearing Loss and the Use of Hearing Aids and Other Devices in Maine's Elderly Population**

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

**Whereas,** a growing number of elderly individuals who have a significant hearing loss are unable to afford hearing aids; and

**Whereas,** current programs provide inadequate assistance to prevent a growing number of elderly individuals from suffering significant hearing loss without remedy; 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

**Sec. 1. Working group established. Resolved:** That the Working Group to Study the Prevalence and Cost of Hearing Loss and the Use of Hearing Aids and Other Devices in Maine's Elderly Population, referred to in this resolve as "the working group," is established; and be it further

**Sec. 2. Working group membership. Resolved:** That the working group consists of the director of the Division of Deafness within the Department of Labor, Bureau of Rehabilitation Services, who shall be the chair of the working group; the director of

the Office of Elder Services within the Department of Health and Human Services or the director's designee; and the following 7 members appointed by the Governor:

1. One member from the Maine Academy of Audiology;
2. One member from the Area Agencies on Aging;
3. One adult consumer with a hearing loss who uses a hearing aid;
4. A representative from the Department of Labor, Bureau of Rehabilitation Services, Division of Deafness Advisory Council's ad hoc committee on the late-deafened and hard-of-hearing;
5. One adult consumer with a hearing loss, representing the deaf community;
6. One member from a consumer services agency that serves the mental health needs of elderly citizens; and
7. One member from the Maine Center on Deafness; and be it further

**Sec. 3. Appointments. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. Within 15 days after appointment of all members, the chair shall call and convene the first meeting of the working group, which must be no later than 30 days after the appointment of all members is complete; and be it further

**Sec. 4. Duties. Resolved:** That the working group shall study the prevalence and cost of hearing loss in Maine's elderly population.

In examining these issues, the working group shall specifically examine:

1. The number of elderly individuals who have a hearing loss significant enough to affect their daily functioning, community participation or finances;
2. The impact of untreated hearing loss on elderly individuals who need hearing aids but cannot afford them;
3. The operation and effectiveness of existing programs available to assist elderly individuals with hearing aids;
4. Opportunities for coordination among existing state programs, or with the private sector, to maximize the effects of available resources;
5. Approaches, opportunities, techniques and programs used in other states to address the need for hearing aids by elderly individuals;
6. Options on potential approaches, techniques and programs in Maine for providing hearing aids to