

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

- (19) A medical or social service worker;
- (20) A psychologist;
- (21) Child care personnel;
- (22) A mental health professional;
- (23) A law enforcement official;
- (24) A state or municipal fire inspector;
- (25) A municipal code enforcement official;
- (26) A commercial film and photographic print processor;
- (27) A clergy member acquiring the information as a result of clerical professional work except for information received during confidential communications;
- (28) A chair of a professional licensing board that has jurisdiction over mandated reporters;
- (29) A humane agent employed by the Department of Agriculture, Food and Rural Resources;
- (30) A sexual assault counselor; ~~and~~
- (31) A family or domestic violence victim advocate; and
- (32) A school bus driver or school bus attendant;

See title page for effective date.

CHAPTER 42

H.P. 324 - L.D. 436

An Act To Include Trucks in the Definition of "Low-speed Vehicle"

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

Sec. 1. 29-A MRSA §101, sub-§32-A, as affected by PL 2003, c. 614, §9 and repealed and replaced by c. 688, Pt. B, §8 and affected by §9, is amended to read:

32-A. Low-speed vehicle. "Low-speed vehicle" means a 4-wheeled ~~automobile~~ motor vehicle that is able to attain a speed of at least 20 miles per hour but not more than 25 miles per hour and ~~does not exceed 1,800~~ is less than 3,000 pounds in unloaded weight. "Low-speed vehicle" does not include an ATV as defined in Title 12, section 13001. A low-speed vehicle must be originally manufactured and maintained in accordance with the Federal Motor Vehicle Safety

Standards as a low-speed vehicle pursuant to 49 Code of Federal Regulations, Section 571.500, as amended.

See title page for effective date.

CHAPTER 43

S.P. 16 - L.D. 7

An Act To Amend the Instruction Permit Process

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

Sec. 1. 29-A MRSA §1304, sub-§1, ¶E, as amended by PL 2005, c. 577, §18, is further amended to read:

E. Unless the permittee is operating a motorcycle or moped, the permit requires the permittee to be accompanied by a licensed operator who:

- (1) Has held a valid license for ~~the immediately preceding~~ at least 2 consecutive years;
- (2) Is at least 20 years of age;
- (3) Is occupying a seat beside the driver; and
- (4) Is licensed to operate the class vehicle operated by the permittee.

The accompanying operator must adhere to all restrictions applied to the license when functioning as the permittee's accompanying operator. ~~A person who meets the conditions of subparagraphs (2), (3) and (4) whose license was canceled or suspended for physical, mental or emotional reasons within the immediately preceding 2 consecutive years may act as an accompanying operator pursuant to this paragraph with the approval of the Secretary of State.~~

See title page for effective date.

CHAPTER 44

H.P. 135 - L.D. 156

An Act To Protect Consumers from the Unlicensed Practice of a Trade or Profession

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

Sec. 1. 10 MRSA §8003-C, sub-§4, as enacted by PL 1999, c. 687, Pt. C, §12, is amended to read:

4. Unlicensed practice; civil penalties. Any person who practices or represents to the public that the person is authorized to practice a profession or

trade without first obtaining a license as required by this Title or after the license has expired or has been suspended or revoked commits a civil violation punishable by a fine of not less than ~~\$100~~ \$1,000 but not more than ~~\$2,000~~ \$5,000 for each violation. An action under this subsection may be brought in District Court or, in combination with an action under subsection 5, in Superior Court.

See title page for effective date.

CHAPTER 45

H.P. 237 - L.D. 297

An Act To Ensure That Medical Equipment Found in a Reposessed Vehicle Is Returned to the Owner

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

Sec. 1. 29-A MRSA §665, sub-§6, as enacted by PL 2003, c. 133, §1, is amended to read:

6. Repossession. Upon the exercise of the right to take possession of a vehicle by a lienholder that is a supervised financial organization creditor as defined in Title 9-A, section 1-301, subsection 17, or the assignee of that creditor, ownership of the vehicle vests in the lienholder, subject to the rights granted to the owner and the duties imposed on the lienholder under Title 9-A, Article 5, Part 1 and, Title 11, Article 9-A, Part 6 and Title 32, section 11017.

Sec. 2. 32 MRSA §11017, sub-§3 is enacted to read:

3. Special treatment for necessary medical device or equipment in a reposessed vehicle. A consumer who has unsecured property taken when a vehicle is reposessed pursuant to Title 29-A, section 665, subsection 6 may have that property returned by complying with this subsection.

The consumer shall notify the debt collector that:

A. Unsecured property was taken with a reposessed vehicle;

B. The unsecured property includes a medical device or equipment necessary for health or welfare; and

C. The consumer does not have practicable means to retrieve the medical device or equipment.

If the consumer makes a reasonable request for the return of the medical device or equipment, the debt collector shall arrange to have the medical equipment or device promptly returned to the consumer. If the debt collector incurs expenses in actually returning the

medical device or equipment to the consumer, those reasonable expenses are considered a reasonable charge incurred in realizing on a security interest in personal property, pursuant to Title 9-A, section 3-402, subsection 1, paragraph B, which may be added to the consumer's indebtedness.

See title page for effective date.

CHAPTER 46

H.P. 47 - L.D. 54

An Act To Change the Coyote Night Hunting Season

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

Sec. 1. 12 MRSA §12001, sub-§1, as amended by PL 2007, c. 242, §1, is further amended to read:

1. Open night hunting season. Notwithstanding the night hunting prohibitions in section 11206-A, there is an open season for hunting coyotes at night in all counties of the State from ~~January 1st~~ December 16th to June 1st.

See title page for effective date.

CHAPTER 47

H.P. 78 - L.D. 94

An Act To Authorize the State Board of Nursing To Request Mental and Physical Examinations and To Establish a Nurse Health Program

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

Sec. 1. 24 MRSA §2502, sub-§4-A, as amended by PL 2007, c. 288, §1, is further amended to read:

4-A. Professional review committee. "Professional review committee" means a committee of physicians, dentists, pharmacists, nurses or a combination of members of all ~~3~~ 4 professions formed by a professional society for the purpose of identifying and working with physicians, dentists and other licensees of the Board of Dental Examiners, physician assistants, pharmacists and pharmacy technicians and nurses who are disabled or impaired by virtue of physical or mental infirmity or by the misuse of alcohol or drugs, as long as the committee operates pursuant to protocols approved by the Board of Licensure in Medicine, the Board of Dental Examiners, the Board of Osteopathic