

# 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**

**THE GENERAL EFFECTIVE DATE FOR**  
**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.**

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**Augusta, Maine**  
**2009**

from a list provided by the Maine Pharmacy Association. One provider member must be a mental health provider chosen from a list provided by the Maine Association of Mental Health Services. One provider member must represent a home health care company.

B. The commissioner shall appoint ~~2 members~~ one member who is an employee of the department to represent the State's interest in maintaining health data and to ensure that information collected is available for determining public health policy.

D. The Executive Director of Dirigo Health, or a designee of the executive director who is an employee of Dirigo Health, shall serve as a voting member.

E. The Commissioner of Professional and Financial Regulation, or the commissioner's designee who is an employee of the Department of Professional and Financial Regulation, shall serve in a nonvoting, consultative capacity.

**Sec. 7. 22 MRSA §8703, sub-§3, ¶B,** as amended by PL 2005, c. 253, §4, is further amended to read:

~~B. The terms of departmental board members are 3 year terms. Departmental State agency board members may serve an unlimited number of terms.~~

**Sec. 8. 22 MRSA §8712, sub-§2,** as amended by PL 2005, c. 391, §2, is repealed and the following enacted in its place:

**2. Payments.** The organization shall create a publicly accessible interactive website that presents reports related to health care facility and practitioner payments for services rendered to residents of the State. The services presented must include, but not be limited to, imaging, preventative health, radiology and surgical services and other services that are predominantly elective and may be provided to a large number of patients who do not have health insurance or are underinsured. The website must also be constructed to display prices paid by individual commercial health insurance companies, 3rd-party administrators and, unless prohibited by federal law, governmental payors.

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

Effective May 4, 2009.

## CHAPTER 72

### S.P. 31 - L.D. 82

#### An Act To Create a Penalty for Harvesting Scallops in a Conservation Area

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

**Sec. 1. 12 MRSA §6404-G** is enacted to read:

#### **§6404-G. Suspension based on 2 or more convictions of scallop fishing in a conservation area**

The commissioner shall suspend the license authorizing the activity in which the person was engaged at the time of the violation for any person adjudicated of a 2nd or subsequent violation of section 6626. The suspension must be for one year from the date of adjudication.

**Sec. 2. 12 MRSA §6626** is enacted to read:

#### **§6626. Scallop conservation areas**

Notwithstanding section 6174, subsection 3, a person who violates a rule adopted pursuant to section 6171 regarding a scallop conservation area commits a civil violation for which the penalties under this section apply.

**1. First offense.** For the first offense, a fine of \$1,000 is imposed and all scallops on board may be seized.

**2. Second or subsequent offense.** For a 2nd or subsequent offense, a mandatory minimum fine of \$1,000 is imposed, all scallops on board may be seized and the commissioner shall suspend the license authorizing the activity in which the person was engaged at the time of violation. The court may not suspend a fine imposed under this paragraph. The license suspension must be for one year from the date of adjudication.

See title page for effective date.

## CHAPTER 73

### S.P. 64 - L.D. 178

#### An Act To Create the Support Animal Welfare Registration Plate

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

**Sec. 1. 29-A MRSA §456-G** is enacted to read:

**§456-G. Support Animal Welfare registration plate**

**1. Support Animal Welfare 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 Support Animal Welfare special registration plates to be used in lieu of regular registration plates.

**2. Contribution; credit to funds.** In addition to the regular motor vehicle registration fee prescribed by law for the particular class of vehicle registered, the initial contribution for Support Animal Welfare special registration plates is \$20, which must be deposited with the Treasurer of State and credited as follows:

A. Five dollars to the animal welfare auxiliary fund pursuant to Title 7, section 3906-B, subsection 16;

B. Five dollars to the Companion Animal Sterilization Fund established in Title 7, section 3910-B;

C. Nine dollars to the Highway Fund for administrative and production costs;

D. One dollar to the Specialty License Plate Fund established under section 469.

**3. Design; review; vanity plates.** The Secretary of State, in consultation with private businesses and nonprofit organizations concerned with animal welfare, shall determine a design for the Support Animal Welfare 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 Support Animal Welfare special registration plates that are also vanity plates. Support Animal Welfare 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 Support Animal Welfare special registration plates is \$15, which must be deposited with the Treasurer of State and credited as follows:

A. Five dollars to the animal welfare auxiliary fund pursuant to Title 7, section 3906-B, subsection 16;

B. Five dollars to the Companion Animal Sterilization Fund established in Title 7, section 3910-B;

C. Four dollars to the Highway Fund for administrative and production costs;

D. One dollar to the Specialty License Plate Fund established under section 469.

**5. Payment for costs associated with the production and issuance of the first 2,000 plates.** The sponsor of the Support Animal Welfare special registration plates shall provide \$50,000 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 who contributed \$25. A credit receipt may be used only to obtain one set of Support Animal Welfare 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 Support Animal Welfare 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 a Support Animal Welfare special registration plate in a unique 3-number and 3-letter combination sequence. Vanity plates may not duplicate vanity plates issued in another class of plate.

**8. Weight limit.** Support Animal Welfare 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 the first Support Animal Welfare special registration plate no later than October 1, 2009.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF****Animal Welfare Fund 0946**

Initiative: Provides an allocation of funds from \$5 received from each initial registration and renewal of the Support Animal Welfare specialty license plate.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$32,500	\$70,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$32,500</b>	<b>\$70,000</b>

**AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF**

<b>DEPARTMENT TOTALS</b>	<b>2009-10</b>	<b>2010-11</b>
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OTHER SPECIAL REVENUE FUNDS	\$32,500	\$70,000
DEPARTMENT TOTAL - ALL FUNDS	\$32,500	\$70,000

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

Initiative: Provides an allocation of funds for manufacturing costs related to the Support Animal Welfare specialty license plate.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$52,956	\$6,708
OTHER SPECIAL REVENUE FUNDS TOTAL	\$52,956	\$6,708
SECRETARY OF STATE, DEPARTMENT OF DEPARTMENT TOTALS	2009-10	2010-11
OTHER SPECIAL REVENUE FUNDS	\$52,956	\$6,708
DEPARTMENT TOTAL - ALL FUNDS	\$52,956	\$6,708
SECTION TOTALS	2009-10	2010-11
OTHER SPECIAL REVENUE FUNDS	\$85,456	\$76,708
SECTION TOTAL - ALL FUNDS	\$85,456	\$76,708

See title page for effective date.

**CHAPTER 74**

**H.P. 286 - L.D. 379**

**An Act To Amend the Notary  
Public Laws**

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

**Sec. 1. 4 MRSA §951-A** is enacted to read:

**§951-A. Commission signature**

**1. Official signature.** When performing a notarization, a notary public must sign by producing that

notary public's official signature by hand in the same form as indicated on the notary public's commission. For the purposes of this section, the notary public's official signature is the signature that appears on the notary public's most recent oath of office or most recent application for a notary public commission.

**2. Change of signature.** If the official signature of a notary public changes during the term of the notary public's commission, the notary public shall immediately provide the Secretary of State with a new sample of the notary public's official signature.

**Sec. 2. 5 MRSA §5**, as amended by PL 2001, c. 667, Pt. C, §1, is further amended to read:

**§5. Oath of office; before whom taken**

The Justices of the Supreme Judicial Court and of the Superior Court, the Judges of the District Court and all state officials elected by the Legislature shall take and subscribe the oath or affirmation required by the Constitution, before the Governor. Every other person elected or appointed to any civil office shall take and subscribe the oath before any dedimus justice commissioned by the Governor for that purpose, except when the Constitution otherwise provides. A newly appointed notary public shall take and subscribe the oath or affirmation before a dedimus justice as required by section 82, subsection 3-A.

**Sec. 3. 5 MRSA §82, sub-§3-A** is enacted to read:

**3-A. Oath.** A newly appointed notary public shall take and subscribe the following oath or affirmation before a dedimus justice:

"I, (name), do swear that I will support the Constitution of the United States and of this State, so help me God."

"I, (name), do swear that I will faithfully discharge, to the best of my abilities, the duties incumbent on me as a Notary Public according to the Constitution of Maine and laws of this State, so help me God."

When a person is conscientiously scrupulous of taking an oath, the word "affirm" may be substituted for the word "swear" and the words "this I do under penalty of perjury" may be substituted for the words "so help me God."

**Sec. 4. 5 MRSA §82, sub-§8**, as enacted by PL 2007, c. 285, §1, is repealed.

**Sec. 5. 5 MRSA §82-B, sub-§1**, as enacted by PL 2007, c. 285, §2, is amended to read:

**1. Board created.** The Notary Public Review Board, as established by section 12004-G, subsection 31-C and referred to in this section as "the board," is created to review violations of law by notaries public and complaints concerning notaries public made pur-