

# 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**

OTHER SPECIAL REVENUE FUNDS	\$32,500	\$70,000
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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
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$52,956	\$6,708

**SECRETARY OF STATE, DEPARTMENT OF DEPARTMENT TOTALS**

OTHER SPECIAL REVENUE FUNDS	\$52,956	\$6,708
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DEPARTMENT TOTAL - ALL FUNDS	\$52,956	\$6,708

SECTION TOTALS	2009-10	2010-11
OTHER SPECIAL REVENUE FUNDS	\$85,456	\$76,708
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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-

suant to ~~section 82, subsection 8~~ Title 4, section 955-C, subsection 3.

**Sec. 6. 5 MRSA §82-B, sub-§3, ¶B**, as enacted by PL 2007, c. 285, §2, is repealed.

**Sec. 7. 5 MRSA §82-B, sub-§7**, as enacted by PL 2007, c. 285, §2, is amended to read:

**7. Review of complaints.** The board shall review complaints against notaries public made pursuant to ~~section 82, subsection 8~~ Title 4, section 955-C, subsection 3 and make recommendations to the Secretary of State on the appropriate disposition of such complaints. The board may hold a hearing as part of its review to determine whether grounds exist for denial of commission, suspension of commission, revocation of commission or renewal of commission or other action necessary to the fulfillment of the Secretary of State's responsibility under the laws of this State. The board may recommend to the Secretary of State that the complaint be dismissed or that a notary public's commission be denied, suspended, revoked or not renewed or any other action that the board determines to be appropriate.

See title page for effective date.

## CHAPTER 75

### S.P. 112 - L.D. 348

#### **An Act To Facilitate the Removal of Dams That Pose a Hazard to Public Safety and the Installation and Repair of Fishways**

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

**Sec. 1. 38 MRSA §480-Q, sub-§25**, as amended by PL 2005, c. 330, §15, is further amended to read:

**25. Existing agricultural fields and pastures.** Maintenance, but not enlargement, of agricultural fields and pastures in existence on September 1, 2002 that are adjacent to a river, stream or brook not regulated by a municipality under chapter 3, subchapter 1, article 2-B; ~~and~~

**Sec. 2. 38 MRSA §480-Q, sub-§26**, as enacted by PL 2005, c. 330, §16, is amended to read:

**26. Overboard wastewater system.** Installation, maintenance or removal of a licensed overboard discharge treatment system, including the outfall pipe, if:

- A. Erosion control measures are taken to prevent sedimentation of the water;
- B. Effects of construction activity on the protected natural resource are minimized; and

C. The activity is approved by the department as provided in the department's rules concerning overboard discharges adopted pursuant to section 414-A;

**Sec. 3. 38 MRSA §480-Q, sub-§27** is enacted to read:

**27. Fishways.** Erection, maintenance, repair or alteration of a fishway in a dam or other artificial obstruction when required by the Commissioner of Inland Fisheries and Wildlife pursuant to Title 12, section 12760 or by the Commissioner of Marine Resources pursuant to Title 12, section 6121;

**Sec. 4. 38 MRSA §480-Q, sub-§28** is enacted to read:

**28. Release of water from dam after petition by owner for release from dam ownership or water level maintenance.** Activity associated with the release of water from a dam pursuant to an order issued by the department pursuant to section 905; and

**Sec. 5. 38 MRSA §480-Q, sub-§29** is enacted to read:

**29. Dam safety order.** Activity associated with the breach or removal of a dam pursuant to an order issued by the Commissioner of Defense, Veterans and Emergency Management under Title 37-B, chapter 24.

See title page for effective date.

## CHAPTER 76

### S.P. 57 - L.D. 171

#### **An Act To Extend the Season for Training Hunting Dogs**

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

**Whereas**, it is vital to the management of game species that adequate opportunity exist for hunters to properly train their hunting dogs; and

**Whereas**, hunting dog training season begins on July 1, 2009; 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 §12051, sub-§1-A** is enacted to read: