

# 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**

**Sec. 27. 35-A MRSA §8704, sub-§1, ¶B**, as enacted by PL 1989, c. 851, §7, is amended to read:

B. The ~~Chair chair~~ of the ~~Advisory Committee to Commission for the Division of Deafness for the Deaf, Hard of Hearing and Late Deafened~~ established by Title 5, section ~~12004-I~~ 12004-J, subsection ~~40~~ 17, or a designee;

**Sec. 28. Transition provisions.**

1. The Commission for the Division for the Deaf, Hard of Hearing and Late Deafened, established pursuant to the Maine Revised Statutes, Title 5, section 12004-J, subsection 17, is the successor in every way to the functions and duties of the former Advisory Council to Division of Deafness, as established pursuant to Title 5, section 12004-I, subsection 54-B.

2. All records, property and equipment previously belonging to or for the use of the former Advisory Council to Division of Deafness become part of the property of the Commission for the Division for the Deaf, Hard of Hearing and Late Deafened.

3. All existing forms, licenses, letterheads and similar items bearing the name of or referring to the former Advisory Council to Division of Deafness may be utilized by the Commission for the Division for the Deaf, Hard of Hearing and Late Deafened until existing supplies of these items are exhausted.

**Sec. 29. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 26, chapter 19, subchapter 2, article 2, in the article headnote, the words "division of deafness" are amended to read "division for the deaf, hard of hearing and late deafened" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. 30. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 26, chapter 19, subchapter 2, article 8, in the article headnote, the words "deaf and hard-of-hearing persons" are amended to read "deaf, hard-of-hearing and late-deafened persons" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

**CHAPTER 175**

**H.P. 583 - L.D. 847**

**An Act Authorizing Statewide  
Mutual Aid among First  
Responder Agencies**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until

90 days after adjournment unless enacted as emergencies; and

**Whereas**, the Maine First Responders State-wide Mutual Aid Agreement can provide emergency services to any part of the State whenever they are needed; and

**Whereas**, emergencies affecting multiple communities can happen at any time; 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. 37-B MRSA §784-B** is enacted to read:

**§784-B. Maine First Responders State-wide Mutual Aid Agreement**

All political subdivisions within the State are covered by the Maine First Responders State-wide Mutual Aid Agreement, dated November 2008, as drafted by the agency and referred to in this section as "the agreement," except that a political subdivision may withdraw from the agreement by enacting a local ordinance that withdraws from the agreement.

A local first responder agency may provide emergency management, fire, law enforcement, emergency medical, public works and other emergency services as necessary upon the request of any political subdivision within the State in accordance with the agreement. Additional preexisting contracts or agreements with the jurisdiction requesting the services are not required.

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

Effective May 19, 2009.

**CHAPTER 176**

**H.P. 562 - L.D. 826**

**An Act To Protect Recreational  
Trails on Private Land by  
Exempting Certain  
Information on Recreational  
Trails from the Definition of  
"Public Records"**

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

**Sec. 1. 1 MRSA §402, sub-§3, ¶N**, as amended by PL 2005, c. 381, §2, is further amended to read:

N. Social security numbers in the possession of the Department of Inland Fisheries and Wildlife; ~~and~~

**Sec. 2. 1 MRSA §402, sub-§3, ¶O**, as amended by PL 2007, c. 597, §1, is further amended to read:

O. Personal contact information concerning public employees, except when that information is public pursuant to other law. For the purposes of this paragraph:

(1) "Personal contact information" means home address, home telephone number, home facsimile number, home e-mail address and personal cellular telephone number and personal pager number; and

(2) "Public employee" means an employee as defined in Title 14, section 8102, subsection 1, except that "public employee" does not include elected officials; ~~and~~

**Sec. 3. 1 MRSA §402, sub-§3, ¶P** is enacted to read:

P. Geographic information regarding recreational trails that are located on private land that are authorized voluntarily as such by the landowner with no public deed or guaranteed right of public access, unless the landowner authorizes the release of the information.

See title page for effective date.

## CHAPTER 177

### H.P. 362 - L.D. 517

#### **An Act To Clarify a Municipality's Authority To Contract with an Animal Shelter for Services**

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

**Sec. 1. 7 MRSA §3947, first ¶**, as amended by PL 2007, c. 439, §26, is further amended to read:

Each municipality shall appoint one or more animal control officers whose duties are enforcement of sections 3911, 3912, 3916, 3921, 3924, 3943, 3948, 3950, 3950-A, 3952 and 4041 and Title 17, section 1023, responding to reports of animals suspected of having rabies in accordance with Title 22, sections 1313 and 1313-A and any other duties to control animals as the municipality may require. A municipality may appoint an employee of an animal shelter as an

animal control officer as long as the person meets the qualifications and training requirements of this section.

**Sec. 2. 7 MRSA §3949**, as amended by PL 1997, c. 690, §32, is further amended by adding after the first paragraph a new paragraph to read:

A municipality may contract with an animal shelter licensed under section 3932-A for other animal control services. A municipality may not contract with a shelter for the performance of the duties of an animal control officer as specified in section 3947 unless an employee of that shelter is the appointed animal control officer for that municipality and the duties of an animal control officer are performed by the person so appointed.

See title page for effective date.

## CHAPTER 178

### H.P. 632 - L.D. 914

#### **An Act To Broaden the Use of the Land for Maine's Future Fund for Investments To Promote Public Access and Use of Conserved Lands and To Improve the Productivity of Conserved Farmlands**

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

**Sec. 1. 5 MRSA §6203, sub-§3, ¶B**, as amended by PL 1999, c. 769, §1, is further amended to read:

~~B. Fund~~ When interest in land is acquired with proceeds from the Land for Maine's Future Fund, fund minor capital improvements on such lands acquired by proceeds from the Land for Maine's Future Fund and on adjoining lands in the same ownership or under the same management to improve accessibility, as long as these improvements do not exceed 5% of the appraised value of the acquired property; and

**Sec. 2. 5 MRSA §6203, sub-§3, ¶C**, as enacted by PL 1999, c. 769, §2, is amended to read:

C. When interest in farmland is acquired with proceeds from the Land for Maine's Future Fund, fund the development of a business plan and capital improvements to provide for the land's continuing use as a working farm, as long as these improvements do not exceed 5% of the appraised value of the acquired property. Capital improvements under this paragraph may also be made on