

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
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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

information from one health care practitioner or facility to another health care practitioner or facility for the purposes of patient diagnosis, treatment and care through an electronic health information exchange.

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

Effective June 12, 2009.

CHAPTER 388

H.P. 491 - L.D. 708

An Act To Create a Moratorium on the Open-air Production of Genetically Engineered Pharmaceutical Crops in Maine

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

Sec. 1. 7 MRSA §1051, sub-§4-A is enacted to read:

4-A. Pharmaceutical or industrial crop. "Pharmaceutical or industrial crop" means a plant that has been genetically engineered to produce a medical or industrial product, including a human or veterinary drug, a biologic, industrial or research chemical, enzymes, vaccines, human antibodies and human blood proteins.

Sec. 2. 7 MRSA §1055 is enacted to read:

§1055. Restrictions on the production of pharmaceutical or industrial crops

1. Prohibition on open-air production. Except as provided in subsection 2, a person may not grow any pharmaceutical or industrial crop that requires a field test permit from the United States Department of Agriculture, Animal and Plant Health Inspection Service under 7 Code of Federal Regulations, Part 340.

2. Containment required. A person may grow a pharmaceutical or industrial crop as long as:

A. The production is done in a state or federally licensed medical research institution or laboratory;

B. All production activities are conducted under secure, enclosed indoor laboratory conditions to prevent the release of genetically engineered material and cross pollination with nongenetically engineered crops; and

C. A permit required by the United States Department of Agriculture for production of the pharmaceutical or industrial crop has been received and is valid.

3. Monitoring of federal regulations. The commissioner shall monitor federal regulation of pharmaceutical or industrial crops. The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over agriculture matters any change in federal regulation that allows the production of pharmaceutical and industrial crops without a permit.

4. Repeal. This section is repealed July 1, 2012.

See title page for effective date.

CHAPTER 389

H.P. 244 - L.D. 308

An Act To Clarify Standards by Which All-terrain Vehicles May Be Stopped

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

Sec. 1. 12 MRSA §10353, sub-§2, ¶G, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

G. ~~Stop~~ If the warden has reasonable and articulable suspicion to believe that a violation of law has taken place or is taking place, stop and examine any all-terrain vehicle to ascertain whether it is being operated in compliance with chapter 939 or any other provision of this Part regulating ATVs, demand and inspect the operator's certificate of registration and, when appropriate, demand and inspect evidence that the operator has satisfactorily completed a training course as required by section 13152. Other law enforcement officers are subject to the provisions of this paragraph;

See title page for effective date.

CHAPTER 390

H.P. 199 - L.D. 253

An Act To Amend the Laws Governing Alien Big Game and Turkey Hunters and Nonresident Hunters

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

Sec. 1. 12 MRSA §11226, as reallocated by PL 2007, c. 695, Pt. A, §16, is repealed.

Sec. 2. 12 MRSA §11226-A is enacted to read:

§11226-A. Canadian big game hunter; guide required

1. Definitions. For purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Big game" means bear, deer and moose.

B. "Family member" means a parent, spouse, daughter or son or a grandchild who is less than 18 years of age.

2. Prohibition. An alien resident of the Canadian province of New Brunswick or Quebec may not hunt big game or wild turkey without being accompanied by a person who holds a valid guide license pursuant to chapter 927 authorizing that person to act as a hunting guide unless that alien:

A. Owns or leases land in the State;

B. Is current on property taxes assessed for the land owned in the State;

C. Keeps property owned or leased in the State open for hunting by the public; and

D. While hunting big game or wild turkey, possesses written authorization from the commissioner to hunt big game without a guide.

An alien who resides in the Canadian province of New Brunswick or Quebec and who wishes to hunt big game or wild turkey without a guide must, at the time of application for a hunting license or permit to hunt big game or wild turkey, provide documentation to the commissioner that that person meets the requirements of this subsection. Upon determining that the applicant meets the criteria in this subsection and the applicant is not otherwise ineligible to hold a license or permit under this Part, the commissioner shall issue written authorization to hunt big game or wild turkey without a guide to the alien and that alien's family members who hold a valid license to hunt big game or wild turkey in the State.

3. Penalty. The following penalties apply to violations of this section.

A. A person who violates subsection 2 commits a civil violation for which a fine of not less than \$100 or more than \$500 may be adjudged.

B. A person who violates subsection 2 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

Sec. 3. 12 MRSA §11302, sub-§2, ¶A, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

A. The total number of clients with a resident Maine guide may not be more than 35 in order to satisfy the requirements of this subsection.

See title page for effective date.

CHAPTER 391**H.P. 844 - L.D. 1224**

**An Act Regarding the
Operation of County Jails and
the State Board of Corrections**

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

Sec. 1. 17-A MRSA §1175, first ¶, as amended by PL 2005, c. 527, §14, is further amended to read:

Upon complying with subsection 1, a victim of a crime of murder ~~or stalking~~ or of a Class A, Class B or Class C crime ~~or of a Class D crime~~ under chapters 9, 11 and 12 for which the defendant is committed to the Department of Corrections or to a county jail or is committed to the custody of the Commissioner of Health and Human Services either under Title 15, section 103 after having been found not criminally responsible by reason of insanity or under Title 15, section 101-B after having been found incompetent to stand trial must receive notice of the defendant's unconditional release and discharge from institutional confinement upon the expiration of the sentence or upon release from commitment under Title 15, section 101-B or upon discharge under Title 15, section 104-A and must receive notice of any conditional release of the defendant from institutional confinement, including probation, supervised release for sex offenders, parole, furlough, work release, intensive supervision, supervised community confinement, home release monitoring or similar program, administrative release or release under Title 15, section 104-A.

Sec. 2. 30-A MRSA §708, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§708. Alternative fiscal year

The county commissioners of a county may adopt a July 1st to June 30th fiscal year. A county may raise one or 2 taxes during a single valuation, if the taxes raised are based on appropriations made for ~~a one or more~~ county fiscal year ~~that does not exceed years~~ none of which exceeds 18 months. A county fiscal year may extend beyond the end of the current tax year. The county commissioners, when changing the county's fiscal year, may for transition purposes, adopt one or more fiscal years not longer than 18 months each.