

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2010 to April 12, 2010

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 12, 2010

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

Augusta, Maine
2010

2. Other action. The board may take all reasonable steps to ensure that a mixed martial arts competition, exhibition or event is conducted in accordance with this chapter and rules adopted under this chapter and take all other lawful action necessary and incidental to its purposes.

Sec. 5. 8 MRSA §530 is enacted to read:

§530. Refusal, suspension or revocation of certificate; grounds

The board may, after notice of an opportunity for hearing in accordance with Title 5, chapter 375, subchapter 4, refuse to issue or renew and may suspend or revoke a certificate described under section 523, subsection 1. The following are grounds for an action to refuse to issue, suspend, revoke or refuse to renew a certificate issued under section 523, subsection 1:

1. Fraud or deceit. The practice of fraud or deceit in obtaining a certificate under section 523, subsection 1;

2. Violation of chapter or rule. Any violation of this chapter or any rule adopted by the authority;

3. Failure to maintain insurance. Failure to maintain health and accident insurance required by section 523, subsection 1, paragraph J; and

4. Conviction of certain crimes. Conviction of a crime that involves dishonesty or false statement that relates directly to the practice for which the applicant is certified or requesting certification or that relates directly to an applicant's qualifications for a certificate under section 523, subsection 1. The board shall consider such a conviction in the same manner as a licensing agency pursuant to Title 5, chapter 341.

Sec. 6. 8 MRSA §531 is enacted to read:

§531. Complaint investigation; confidentiality

Complaints and investigative records of the authority relating to a violation of this chapter or any rule adopted by the authority are confidential to the same extent provided for licensing boards and commissions under Title 10, section 8003-B.

Sec. 7. 8 MRSA §532 is enacted to read:

§532. Fines; enforcement

The board may, after a hearing under Title 5, chapter 375, subchapter 4, impose a fine of not more than \$500 for each violation against a person who violates this chapter or rules adopted pursuant to this chapter or who participates in a mixed martial arts competition, exhibition or event without the certificate described under section 523, subsection 1. The Attorney General may bring an action in Superior Court to enjoin a martial arts competition, exhibition or event from occurring for which the promoter's fee has not been paid or a participant who does not meet the quali-

fications of this chapter from participating in the competition, exhibition or event.

Sec. 8. 17-A MRSA §515, sub-§2-A, as enacted by PL 2009, c. 352, §3, is amended to read:

~~2-A. Effective March 1, 2010, this~~ This section does not apply to any mixed martial arts competition, exhibition or event authorized pursuant to Title 8, chapter 20 as long as rules have been adopted by the Mixed Martial Arts Authority of Maine pursuant to Title 8, chapter 20.

Sec. 9. Retroactivity. That section of this Act that amends the Maine Revised Statutes, Title 8, section 523 is retroactive to March 1, 2010.

See title page for effective date.

CHAPTER 583

H.P. 1138 - L.D. 1610

An Act To Establish the Silver Alert Program

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

Sec. 1. 25 MRSA c. 259 is enacted to read:

CHAPTER 259

SILVER ALERT PROGRAM

§2201. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Department. "Department" means the Department of Public Safety.

2. Missing senior citizen. "Missing senior citizen" means a person:

A. Who at the time the person is first reported missing is 60 years of age or older or, under extraordinary circumstances, a person 18 to 59 years of age who also meets the criteria in paragraphs B and C;

B. With respect to whom there is a clear indication that the person has an irreversible deterioration of intellectual faculties such as dementia, as determined by a local law enforcement agency; and

C. Whose disappearance poses a credible threat to the safety and health of the person as determined by a local law enforcement agency.

3. Media. "Media" means print, radio, Internet-based communication systems or other methods of communicating information to the public.

4. Silver Alert. "Silver Alert" means a notice provided under this chapter to the public through law enforcement agencies and the media.

5. Silver Alert Program. "Silver Alert Program" means the statewide alert program for missing senior citizens developed and implemented under this chapter.

§2202. Silver Alert Program

In accordance with this chapter and with the cooperation of the Department of Transportation, the Maine Turnpike Authority, a statewide organization representing broadcast groups in the State, the Office of the Governor and appropriate law enforcement agencies, the department shall develop and implement the Silver Alert Program to be activated on behalf of missing senior citizens. The program must include standards of procedure for local law enforcement agencies to determine that a missing person is a missing senior citizen and appropriately activate a Silver Alert to local or statewide law enforcement agencies and to the media, a plan for providing relevant information to the public through an existing system of dynamic message signs located across the State when necessary and training for all law enforcement officers. The Silver Alert Program must be developed and implemented using existing resources.

See title page for effective date.

CHAPTER 584

H.P. 1089 - L.D. 1547

An Act To Revise Notification Requirements for Pesticides Applications Using Aircraft or Air-carrier Equipment

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 in the public interest to inform citizens of certain pesticides applications occurring in proximity to populated areas; and

Whereas, revisions are needed to increase awareness of and compliance with registry provisions in the laws governing pesticides applications; 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. 22 MRSA §1471-Y, as enacted by PL 2009, c. 378, §1, is repealed.

Sec. 2. 22 MRSA §1471-Z, as enacted by PL 2009, c. 378, §2, is amended to read:

§1471-Z. Registry of property requiring notification for pesticides applications

The board shall develop and maintain a registry of the properties of residents, lessees and property owners in the State who request ~~to~~ that their properties be placed on a registry ~~for the purpose of receiving information on~~ in order that the residents, lessees and owners receive advance notification of the outdoor application of pesticides using aircraft or air carrier equipment in addition to the information required under section 1471-Y.

1. Development of registry. The board shall solicit participation in a the registry ~~of citizens~~ through newspaper articles, public notices distributed to municipal offices and a notice posted on the board's publicly accessible website. ~~To~~ For a property to be placed on the registry, a person must submit to the board, using a form provided on the board's publicly accessible website or a paper copy provided by the board upon request, the following information:

- A. The person's full name;
- B. The person's telephone number;
- C. The physical location of the property ~~owned, leased or occupied by the person registering being registered, including the street address if available. The location must be described~~ if a street address is not available, longitude and latitude coordinates or a description of the property in sufficient detail to be located on a 7.5 or 15 minute series topographical map ~~produced by the United States Geological Survey or a map of equivalent or superior detail~~ must be provided;
- D. The ~~person's~~ mailing address at which the person prefers to receive notification; ~~and~~
- E. The person's e-mail address; if available, regularly used and acceptable for notification purposes; and
- F. The person's preferred means of notification.

Any resident, owner or lessee of property in the State is entitled to ~~be have that property~~ placed on the registry ~~of citizens~~. A fee may not be charged to register. Persons Property must remain on the registry until they notify the resident, owner or lessee notifies the board in writing that they want the property is to be removed from the registry or until the board staff determines that the contact is no longer valid.

2. Obligations to provide information to people on registry. A land manager intending to conduct an outdoor application of pesticides using aircraft or