

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

**CHAPTER 48
S.P. 71 - L.D. 220**

**An Act Relating to Maine
Farm Wineries**

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

Sec. 1. 28-A MRSA §1355, sub-§3, ¶E is
enacted to read:

E. A holder of a farm winery license may display up to 25 bottles in the windows of any premises maintained and licensed as permitted premises under paragraph C where wine produced by the holder of the farm winery license is sold.

See title page for effective date.

**CHAPTER 49
H.P. 111 - L.D. 129**

**An Act To Eliminate Dual
Certification Requirements for
Speech-language Pathologists**

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

Sec. 1. 20-A MRSA §13011, sub-§1, ¶A, as
enacted by PL 1983, c. 845, §4, is amended to read:

A. Certify teachers and other professional personnel for service in a public school or in an approved private school, except that certification is not required for a person holding a valid license as a speech-language pathologist under Title 32, section 17301 who has received approval pursuant to section 13024 to provide speech-language pathology services in a public school or approved private school;

Sec. 2. State Board of Education to revise rules. The State Board of Education shall revise rules adopted under the Maine Revised Statutes, Title 20-A, section 13011 to be consistent with that section of this Act that amends Title 20-A, section 13011, subsection 1, paragraph A, to provide that certification is not required for a licensed speech-language pathologist who has been approved by the Department of Education to provide speech-language pathology services in a public school or approved private school pursuant to section 13024. Revisions to Rule 05-071, Chapter 115: Certification, Authorization, and Approval of Education Personnel and any other rule revisions necessary to implement this Act are routine technical rules as

defined in Title 5, chapter 375, subchapter 2-A and must be in effect no later than December 1, 2011.

See title page for effective date.

**CHAPTER 50
S.P. 172 - L.D. 580**

**An Act To Protect Children
from Sexual Predators**

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

Whereas, immediate action by the Legislature is necessary to close a loophole in the current statute regarding sexual exploitation of a minor in order to ensure prosecutors have the necessary tools to prosecute these cases and to better protect children; 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. 17-A MRSA §284, sub-§1, ¶A, as
amended by PL 2005, c. 345, §1, is further amended to read:

A. Intentionally or knowingly transports, exhibits, purchases ~~or~~, possesses or accesses with intent to view any book, magazine, newspaper, print, negative, slide, motion picture, computer data file, videotape or other mechanically, electronically or chemically reproduced visual image or material that the person knows or should know depicts another person engaging in sexually explicit conduct, and:

- (1) The other person has not in fact attained 16 years of age; or
- (2) The person knows or has reason to know that the other person has not attained 16 years of age.

Violation of this paragraph is a Class D crime;

Sec. 2. 17-A MRSA §284, sub-§1, ¶C, as
enacted by PL 2003, c. 711, Pt. B, §12, is amended to read:

C. Intentionally or knowingly transports, exhibits, purchases ~~or~~, possesses or accesses with intent to view any book, magazine, newspaper, print, negative, slide, motion picture, computer data file,