

# 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.**

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**Augusta, Maine**  
**2011**

**CHAPTER 218  
H.P. 1050 - L.D. 1429**

**An Act To Amend the Laws  
Governing Prescription  
Monitoring Information**

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

**Sec. 1. 22 MRSA §7250, sub-§4, ¶F**, as corrected by RR 2009, c. 1, §15, is amended to read:

F. The Office of Chief Medical Examiner for the purpose of conducting an investigation or inquiry into the cause, manner and circumstances of death in a medical examiner case as described in section 3025. Prescription monitoring information in the possession or under the control of the Office of Chief Medical Examiner is confidential and, notwithstanding section 3022, may not be disseminated. Information that is not prescription monitoring information and is separately acquired following access to prescription monitoring information pursuant to this paragraph remains subject to protection or dissemination in accordance with section 3022; ~~and~~

**Sec. 2. 22 MRSA §7250, sub-§4, ¶G**, as reallocated by RR 2009, c. 1, §16, is amended to read:

G. The office that administers the MaineCare program pursuant to chapter 855 for the purposes of managing the care of its members, monitoring the purchase of controlled substances by its members and avoiding duplicate dispensing of controlled substances; ~~and~~

**Sec. 3. 22 MRSA §7250, sub-§4, ¶H** is enacted to read:

H. Another state pursuant to subsection 4-A.

**Sec. 4. 22 MRSA §7250, sub-§4-A** is enacted to read:

**4-A. Information sharing with other states.** The office may provide prescription monitoring information to and receive prescription monitoring information from another state that has prescription monitoring information provisions consistent with this chapter and has entered into a prescription monitoring information sharing agreement with the office. The office may enter into a prescription monitoring information sharing agreement with another state to establish the terms and conditions of prescription monitoring information sharing and interoperability of information systems and to carry out the purposes of this subsection. For purpose of this subsection, "another

state" means any state other than Maine and any territory or possession of the United States, but does not include a foreign country.

See title page for effective date.

**CHAPTER 219**

**S.P. 211 - L.D. 722**

**An Act To Reduce Fines for  
Certain Trucking Violations**

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

**Sec. 1. 29-A MRSA §558, sub-§1-A**, as amended by PL 2009, c. 598, §20, is further amended to read:

**1-A. Maximum fine.** Notwithstanding Title 17-A, section 1301, the ~~minimum~~ maximum fine for a violation of a state rule that adopts by reference the federal regulations found in 49 Code of Federal Regulations, ~~Parts 392, 395.3, 395.8e and 395.8k~~ is \$250 and that is not an out-of-service order is \$250, and the maximum fine for a violation of a state rule that adopts by reference the federal regulations found in 49 Code of Federal Regulations and that meets the definition of an out-of-service order as defined in 49 Code of Federal Regulations is \$500. If a minimum fine is provided by any rule adopted pursuant to this subchapter, the court shall impose at least the minimum fine, which may not be suspended by the court.

For purposes of this subsection, "out-of-service order" means a declaration by a law enforcement officer authorized to enforce the provisions of this subchapter that a driver, a commercial motor vehicle or a motor carrier operation is out of service pursuant to 49 Code of Federal Regulations, Part 386.72, 392.5, 392.9a, 395.13 or 396.9, or compatible laws, or the North American Standard Out-of-Service Criteria.

See title page for effective date.

**CHAPTER 220**

**H.P. 1112 - L.D. 1509**

**An Act To Enhance  
Enforcement of Fish and Game  
Laws By Authorizing Maine To  
Enter into an Interstate  
Wildlife Violator Compact**

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

**Sec. 1. 12 MRSA §10103, sub-§2**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**2. Administration and enforcement.** Except as provided by statute, the commissioner has general supervision of the administration and enforcement of the inland fisheries and wildlife laws and has the responsibility for the management of all inland fish and wildlife in the State. The commissioner has responsibility for investigations carried out on behalf of the State in matters related to the status and needs of any inland fisheries and wildlife species and is the representative of the State in providing information associated with the status and needs of these natural resources to municipalities, political subdivisions of the State and the Federal Government. The commissioner is authorized to enter into an interstate wildlife violator compact to promote compliance with the laws, regulations and rules that relate to the management of wildlife resources in the respective member states and may adopt rules necessary to implement certain provisions of the compact.

See title page for effective date.

**CHAPTER 221**

**H.P. 964 - L.D. 1318**

**An Act To Repeal the Law Regarding DNA Collection**

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

**Sec. 1. 25 MRSA §1574-A**, as enacted by PL 2007, c. 294, §1, is repealed.

See title page for effective date.

**CHAPTER 222**

**H.P. 1106 - L.D. 1505**

**An Act To Clarify the Scope of Practice of Licensed Alcohol and Drug Counselors Regarding Tobacco Use**

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

**Whereas**, tobacco use continues to take a significant and yet largely preventable toll on the health of Maine residents and drains the economic resources of the State; and

**Whereas**, tobacco addiction affects a large proportion of Maine residents; and

**Whereas**, licensed alcohol and drug counselors are available to provide assistance to Maine residents, and there is evidence to suggest that providing tobacco addiction counseling services concurrently with other addiction counseling services is effective; 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. 32 MRSA §6203-A, sub-§3**, as enacted by PL 2007, c. 402, Pt. U, §2, is amended to read:

**3. Alcohol and drug counseling services.** "Alcohol and drug counseling services" are those counseling services offered for a fee, monetary or otherwise, as part of the treatment and rehabilitation of persons abusing alcohol or other drugs. The purpose of alcohol and drug counseling services is to help individuals, families and groups confront and resolve problems caused by the abuse of alcohol or other drugs. Alcohol and drug counseling services are the 12 core functions defined by rule of the board. "Alcohol and drug counseling services" includes nicotine addiction counseling and treatment services.

**Sec. 2. 32 MRSA §6206, sub-§6** is enacted to read:

**6. Nicotine addiction counseling.** Nothing in this chapter may be construed to require a person engaged in providing nicotine addiction counseling or treatment services to be licensed as an alcohol and drug counselor.

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

Effective June 3, 2011.

**CHAPTER 223**

**H.P. 399 - L.D. 506**

**An Act To Prevent the Disclosure of Student Social Security Numbers**

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

**Sec. 1. 20-A MRSA §6005**, as enacted by PL 2009, c. 448, §1, is amended to read: