

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

gory of drug, a combination of specific categories of drugs or a combination of alcohol and one or more specific categories of drugs, that person must submit to a blood or urine test selected by the drug recognition ~~technician~~ expert to confirm that person's category of drug use and determine the presence of the drug concentration.

2. Admissibility of evidence. If a law enforcement officer certified as a drug recognition ~~technician~~ expert by the Maine Criminal Justice Academy conducts a drug impairment assessment, the officer's testimony about that assessment is admissible in court as evidence of operating under the influence of intoxicants. Test results showing a confirmed positive drug or metabolite in the blood or urine are admissible as evidence of operating under the influence of intoxicants. Failure to comply with any provision of this section does not, by itself, result in the exclusion of evidence of test results, unless the evidence is determined to be not sufficiently reliable.

Sec. 15. 29-A MRSA §2526, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§2526. Drug recognition experts

1. Training program. The board of trustees of the Maine Criminal Justice Academy shall establish:

A. A program that meets the National Highway Traffic Safety Administration guidelines for training and certification of drug recognition ~~technicians~~ experts; and

B. Eligibility standards for admission of law enforcement officers to the program that are consistent with National Highway Traffic Safety Administration guidelines and that ensure that trainees are:

(1) Law enforcement officers who have demonstrated proficiency and experience in standardized field sobriety testing and the ability to complete the training and function as drug recognition ~~technicians~~ experts; and

(2) Employed by law enforcement agencies that have the facilities, equipment and other resources necessary for the effective functioning of drug recognition ~~technicians~~ experts.

2. Selection of trainees. The Commissioner of Public Safety shall select for training as drug recognition ~~technicians~~ experts members of the State Police and other law enforcement officers who meet the eligibility requirements.

3. Qualifications. Only those law enforcement officers who successfully complete the training and certification program established under this section may conduct drug impairment assessments and offer

testimony as drug recognition ~~technicians~~ experts under section 2525.

See title page for effective date.

CHAPTER 336

H.P. 774 - L.D. 1040

**An Act To Amend the Maine
Juvenile Code**

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

Sec. 1. 15 MRSA §1004, as amended by PL 2007, c. 552, §1, is further amended to read:

§1004. Applicability and exclusions

This chapter applies to the setting of bail for a defendant in a criminal proceeding, including the setting of bail for an alleged contemnor in a plenary contempt proceeding involving a punitive sanction under the Maine Rules of Civil Procedure, Rule 66. It does not apply to the setting of bail in extradition proceedings under sections 201 to 229, post-conviction review proceedings under sections 2121 to 2132, probation revocation proceedings under Title 17-A, sections 1205 to 1207, supervised release revocation proceedings under Title 17-A, section 1233 or administrative release revocation proceedings under Title 17-A, sections 1349 to 1349-F, except to the extent and under the conditions stated in those sections. This chapter applies to the setting of bail for an alleged contemnor in a summary contempt proceeding involving a punitive sanction under the Maine Rules of Civil Procedure, Rule 66 and to the setting of bail relative to a material witness only as specified in sections 1103 and 1104, respectively. This chapter does not apply to a person arrested for a juvenile crime as defined in section 3103 or a person under 18 years of age who is arrested for a crime defined under Title 12 or Title 29-A that is not a juvenile crime as defined in section 3103.

Sec. 2. 15 MRSA §3206, as amended by PL 2005, c. 507, §8, is further amended to read:

§3206. Detention of juveniles

A person under 18 years of age who is arrested for a crime defined under Title 12 or Title 29-A that is not a juvenile crime as defined in section 3103 is not subject to chapter 105-A and may not be detained unless a juvenile community corrections officer has been notified within 2 hours after the person's arrest and the juvenile community corrections officer or attorney for the State has approved the detention. Section 3203-A, subsection 7, paragraphs A and B governing the facilities in which juveniles may be detained apply to any detention of such a juvenile following arrest and section 3203-A, subsection 7, paragraph C applies to the

decision whether to release or further detain the juvenile.

Sec. 3. 15 MRSA §3305, first ¶, as amended by PL 1989, c. 741, §14, is further amended to read:

An answer to a petition need not be entered by a juvenile or by the juvenile's parents, guardian or legal custodian. A juvenile may enter an answer admitting the allegations of the petition, in accordance with Rules 11 and 11A, Maine Rules of Criminal Procedure, except that, if the case has been continued for investigation and for a bind-over hearing pursuant to section 3101, subsection 4, paragraph A, the court may not accept an answer to the petition until the court has conducted a bind-over hearing and has decided to retain jurisdiction of the juvenile in the Juvenile Court or until the prosecuting attorney has withdrawn the request to have the juvenile tried as an adult.

Sec. 4. 15 MRSA §3310, sub-§7 is enacted to read:

7. Default judgment on certain juvenile crimes. If a juvenile fails to appear in response to a juvenile summons served pursuant to section 3304 for a juvenile crime described in section 3103, subsection 1, paragraph B or C, the judge may enter the juvenile's default, adjudicate that the juvenile has committed the juvenile crime alleged and impose a fine pursuant to section 3314, subsection 1, paragraph G. For good cause shown, the court may set aside the default and adjudication.

See title page for effective date.

CHAPTER 337

H.P. 484 - L.D. 654

An Act To Amend the Occupational Disease Reporting Laws

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

Sec. 1. 22 MRSA §1493, as enacted by PL 1985, c. 452, §1 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

§1493. Duties of health care providers, health care facilities and medical laboratories

All ~~physicians or hospitals~~ health care providers, health care facilities and medical laboratories shall report to the Department of Health and Human Services all persons diagnosed as having an occupational disease no later than 30 days from the date of diagnosis or from discharge from a hospital. The report ~~shall~~ must include any factor known to the physician ~~which~~ that is suspected of being a contributing factor to the disease, including, but not limited to, whether or not

the person smokes and, if so, the frequency of smoking.

~~A physician health care provider, health care facility or medical laboratory~~, upon notification by the Department of Health and Human Services, shall report to the department any further information requested by the department concerning any person now or formerly under ~~his~~ its care, diagnosed as having or having had an occupational disease.

~~No physician or hospital~~ A health care provider, health care facility or medical laboratory complying with the reporting requirements of this section ~~may be~~ is not liable for any civil damages as a result of those acts.

Sec. 2. 22 MRSA §1494, as enacted by PL 1985, c. 452, §1, is repealed and the following enacted in its place:

§1494. Confidentiality

Unless otherwise authorized by section 42, subsection 5, the department may not release any information described in section 1493 regarding reporting of occupational diseases if that information identifies persons with occupational diseases directly or indirectly. The department may disclose information that relates to the site of employment to the Department of Labor, Bureau of Labor Standards if the disclosure contains only the information necessary to advance the public health and does not directly identify an individual having an occupational disease.

All other information submitted pursuant to this chapter may be made available to the public.

See title page for effective date.

CHAPTER 338

S.P. 365 - L.D. 1244

An Act Regarding Payment of Medical Fees in the Workers' Compensation System

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

Sec. 1. 39-A MRSA §206, sub-§14, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

14. Employer not liable. An employer is not liable under this Act for charges for health care services to an injured employee in excess of those established under section ~~209~~ 209-A, except upon petition as provided. The board shall allow charges in excess of those provided under section ~~209~~ 209-A against the employer if the provider satisfactorily demonstrates to the board that the services were extraordinary or that the