

# 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**

terminated more than 18 months prior to the date of a request.

See title page for effective date.

## CHAPTER 396

### H.P. 339 - L.D. 446

#### An Act To Allow Law Enforcement Officers from Out of State To Carry Concealed Firearms

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

**Sec. 1. 25 MRSA §2001-A, sub-§2, ¶E**, as enacted by PL 2003, c. 452, Pt. N, §2 and affected by Pt. X, §2, is amended to read:

E. Firearms carried by a person engaged in conduct for which a state-issued hunting or trapping license is required and possessing the required license, or firearms carried by a resident person engaged in conduct expressly authorized by Title 12, section 11108 and section 12202, subsection 1. This paragraph does not authorize or permit the carrying of a concealed or loaded firearm in a motor vehicle; and

**Sec. 2. 25 MRSA §2001-A, sub-§2, ¶F**, as amended by PL 2007, c. 555, §1, is further amended to read:

F. A firearm carried by a person to whom a valid permit to carry a concealed firearm has been issued by another state if a permit to carry a concealed firearm issued from that state has been granted reciprocity. The Chief of the State Police may enter into reciprocity agreements with any other states that meet the requirements of this paragraph. Reciprocity may be granted to a permit to carry a concealed firearm issued from another state if:

- (1) The other state that issued the permit to carry a concealed firearm has substantially equivalent or stricter requirements for the issuance of a permit to carry a concealed firearm; and
- (2) The other state that issued the permit to carry a concealed firearm observes the same rules of reciprocity regarding a person issued a permit to carry a concealed firearm under this chapter;

**Sec. 3. 25 MRSA §2001-A, sub-§2, ¶¶G and H** are enacted to read:

G. A firearm carried by a qualified law enforcement officer pursuant to 18 United States Code,

Section 926B. The qualified law enforcement officer must have in the law enforcement officer's possession photographic identification issued by the law enforcement agency by which the person is employed as a law enforcement officer; and

H. A firearm carried by a qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C. The qualified retired law enforcement officer must have in the retired law enforcement officer's possession:

(1) Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer that indicates that the person has, not less recently than one year before the date the person carries the concealed firearm, been tested or otherwise found by that agency to meet the standards established by that agency for training and qualification for an active law enforcement officer to carry a firearm of the same type as the concealed firearm; or

(2) Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer and a certification issued by the state in which the person resides that indicates that the person has, not less recently than one year before the date the person carries the concealed firearm, been tested or otherwise found by that state to meet the standards established by that state for training and qualification for an active law enforcement officer to carry a firearm of the same type as the concealed firearm.

See title page for effective date.

## CHAPTER 397

### H.P. 1030 - L.D. 1402

#### An Act To Extend Employment Reference Immunity to School Administrative Units

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

**Sec. 1. 20-A MRSA §4010** is enacted to read:

#### **§4010. Employment reference immunity**

An employee of a school administrative unit who discloses information about a former employee's job performance or work record to a prospective employer of the former employee is presumed to be acting in good faith and, unless lack of good faith is shown by clear and convincing evidence, is immune from civil

liability for such disclosure or its consequences. "Clear and convincing evidence of lack of good faith" means evidence that clearly shows the knowing disclosure, with malicious intent, of false or deliberately misleading information. This section is supplemental to and not in derogation of any claims available to the former employee that exist under state law and any protections that are already afforded employers under state law.

See title page for effective date.

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## CHAPTER 398

### H.P. 954 - L.D. 1302

#### An Act To Extend Fire Code Rules to Single-family Dwellings Used as Nursing Homes for 3 or Fewer Patients

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

**Sec. 1. 25 MRSA §2452, first ¶**, as amended by PL 2007, c. 632, §1, is further amended to read:

The Commissioner of Public Safety shall adopt and may amend rules governing the safety to life from fire in or around all buildings or other structures and mass outdoor gatherings, as defined in Title 22, section 1601, subsection 2, within the commissioner's jurisdiction. ~~These rules do not apply to nursing homes having 3 or fewer patients.~~ Automatic sprinkler systems may not be required in existing noncommercial places of assembly. Noncommercial places of assembly include those facilities used for such purposes as deliberation, worship, entertainment, amusement or awaiting transportation that have a capacity of 100 to 300 persons. Rules adopted pursuant to this section are routine technical rules, except that rules pertaining to fire sprinklers are major substantive rules, both of which are defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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## CHAPTER 399

### H.P. 1015 - L.D. 1376

#### An Act To Preserve the Integrity of the Voter Registration and Election Process

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

**Sec. 1. 21-A MRSA §121, sub-§1-A**, as amended by PL 2005, c. 453, §12, is further amended to read:

**1-A. Identification and proof.** Registration applications taken by outside agencies must be transferred to the Secretary of State within 5 days of receipt. An applicant who attempts to register within 30 days of an election must be advised that the registrar might not receive the application before ~~that election~~ the deadline for mail or 3rd-person registration, but that the applicant may register in person ~~before or on election day~~ no later than the deadline for in-person registration set forth in section 122, subsection 4-A.

Registration applications received by the Secretary of State from outside agencies 30 days or more before an election must be transferred to the appropriate registrar's office within 7 business days of receipt. Registration applications received by the Secretary of State from outside agencies less than 30 days before an election must be transferred to the appropriate registrar's office within 5 business days of receipt. Registration applications by mail or by a 3rd person must be received in the registrar's office by the close of business on the 21st day before election day in order for persons' names to appear on the incoming voting list for that election. The 20-day period before the election is the closed period for outside registrations. The registrar shall send the notice required by section 122 to all voters whose applications were received by mail or a 3rd person by the 21st day before election day no later than the 18th day before election day.

A person who registers ~~during the 20 days before election day or on election day~~ shall register in person and shall show proof of identity and residency. If satisfactory proof of identity and residency can not be provided to the registrar or deputy, the person's name is entered into the central voter registration system and placed on the incoming voting list and the person casts a challenged ballot.

**Sec. 2. 21-A MRSA §122, first ¶**, as amended by PL 2003, c. 584, §3, is further amended to read:

A person may register as a voter by appearing before the registrar, by the registration deadline in subsection 4-A, proving that the person meets the qualifications of section 111, subsections 1 to 3, and filing an application provided by the registrar containing the information required by section 152 or 154, if applicable. Township residents may register as provided in section 156.

**Sec. 3. 21-A MRSA §122, sub-§4**, as amended by PL 2005, c. 453, §16, is repealed.

**Sec. 4. 21-A MRSA §122, sub-§4-A** is enacted to read: