

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

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

Augusta, Maine
2012

Whereas, in order to authorize the appearance of the Adjutant General before the Legislature in February of 2012, it is necessary that this legislation be an emergency measure; 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. 37-B MRSA §10 is enacted to read:

§10. Report by Adjutant General

The President of the Senate and the Speaker of the House of Representatives may invite the Adjutant General to appear in February of each year before a joint session of the Legislature to address the Legislature on defense, veterans' services and emergency management matters and such other matters as the Adjutant General desires to bring to the attention of the Legislature.

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

Effective February 10, 2012.

CHAPTER 473

H.P. 1197 - L.D. 1592

An Act To Update the Laws Concerning the Maine School of Science and Mathematics

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

Sec. 1. 20-A MRSA §8201, as amended by PL 1995, c. 485, §1, is further amended to read:

§8201. School established

The Maine School of Science and Mathematics is established as a public, ~~chartered magnet~~ school pursuant to this chapter for the purpose of providing certain high-achieving high school students with a challenging educational experience. The school is a body politic and corporate and is an instrumentality and agency of the State. The exercise by the school of the powers conferred by this chapter is the performance of an essential public function by and on behalf of the State.

Sec. 2. 20-A MRSA §8203, sub-§2, as enacted by PL 1993, c. 706, Pt. A, §4, is amended to read:

2. Magnet school. "~~Chartered Magnet~~ school" means that the school may establish rules and regulations that delete, modify or add to current rules and regulations of the department.

Sec. 3. 20-A MRSA §8204, sub-§1, ¶J, as enacted by PL 1993, c. 706, Pt. A, §4, is amended to read:

J. The ~~superintendent~~ executive director of the school, who serves as the clerk of the board of trustees and is a nonvoting member.

See title page for effective date.

CHAPTER 474

H.P. 1228 - L.D. 1638

An Act To Enhance the Duties and Responsibilities of the Director of the Division for the Deaf, Hard of Hearing and Late Deafened

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

Sec. 1. 26 MRSA §1413-B, sub-§1-A is enacted to read:

1-A. Supervise vocational rehabilitation counselors for the deaf. Provide direct supervision and oversight of vocational rehabilitation counselors who provide counseling to deaf, hard-of-hearing and late-deafened persons and who are within the division of vocational rehabilitation within the Bureau of Rehabilitation Services;

Sec. 2. 26 MRSA §1413-E, as amended by PL 2009, c. 174, §19, is further amended to read:

§1413-E. Director of the Division for the Deaf, Hard of Hearing and Late Deafened

1. Director. ~~The Director of the Bureau of Rehabilitation Services shall appoint the Director of the Division for the Deaf, Hard of Hearing and Late Deafened, who is responsible for administering the Division for the Deaf, Hard of Hearing and Late Deafened and its programs and policies, including generating and seeking out financial aid, grants and money and overseeing vocational rehabilitation counselors who provide counseling to deaf, hard-of-hearing and late-deafened persons and who are within the division of vocational rehabilitation within the Bureau of Rehabilitation Services.~~

2. Director of the Division for the Deaf, Hard of Hearing and Late Deafened; staff; qualifications. The Director of the Division for the Deaf, Hard of Hearing and Late Deafened and the staff must be knowledgeable of the needs of the deaf, ~~hard-of-hear-~~

~~ing~~ ~~hard-of-hearing~~ and ~~late-deafened~~ late-deafened persons and possess the ability to communicate on a meaningful basis with those persons.

See title page for effective date.

CHAPTER 475

H.P. 1218 - L.D. 1609

An Act To Ensure the Safety of Bait Used in Maine's Fishery

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

Whereas, local sources of bait are scarce and lobstermen are being driven to expand their search for bait; and

Whereas, the importation of marine and freshwater fish to be used as bait from various parts of the world may pose a risk to Maine's marine environment; and

Whereas, the fishing industry and marine scientists are concerned that Maine's lobster resource and other fisheries could be endangered by the introduction of this bait if it is contaminated by pathogens; and

Whereas, action must be taken immediately to prevent the use of bait that presents an unacceptable risk to Maine's marine environment and Maine's fisheries; 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. 12 MRSA §6432-A, sub-§2, as enacted by PL 2005, c. 203, §2 and affected by §3, is amended to read:

2. Prima facie evidence. The possession of offal or a marine organism prohibited pursuant to subsection 4 while fishing for or taking lobster or crabs is prima facie evidence of a violation of this section.

Sec. 2. 12 MRSA §6432-A, sub-§§3 to 5 are enacted to read:

3. Exception for freshwater organisms. Notwithstanding subsection 1, a person may use a freshwater organism as bait to fish for or take lobster or crabs if that freshwater organism and the location from which that freshwater organism has been harvested

have been identified as acceptable on a list maintained by the commissioner pursuant to subsection 5.

4. Use of marine organism as bait. The commissioner may prohibit the use of marine organisms as bait to fish for or take lobster or crabs. A marine organism prohibited pursuant to this subsection and the location from which that marine organism is harvested must be identified on a list maintained by the commissioner pursuant to subsection 5.

5. Lists of freshwater organisms acceptable as bait and prohibited marine organisms. The commissioner may maintain a list of freshwater organisms that are acceptable as bait to fish for or take lobster or crabs, including the location from which those freshwater organisms are harvested. The commissioner may maintain a list of marine organisms that are prohibited as bait to fish for or take lobster or crabs, including the location from which those marine organisms are harvested. The commissioner may adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A that contain the criteria for inclusion on the lists.

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

Effective February 22, 2012.

CHAPTER 476

S.P. 533 - L.D. 1623

An Act To Simplify Toll Discounts and Amend Certain Powers and Procedures of the Maine Turnpike Authority

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

Whereas, electronic tolling has rendered obsolete a 1981 statute requiring the Maine Turnpike Authority to offer a specific form of commuter discount; and

Whereas, the lingering mandate severely interferes with the turnpike authority's ability to deploy modern electronic toll systems; and

Whereas, effective use of electronic tolls is essential to yield greater traffic capacity at certain congested turnpike toll plazas; and

Whereas, an immediate resolution of these issues would permit the turnpike authority to offer improved service and simpler discounts to a broader cross-section of travelers without requiring them to make quarterly advance payments which might other-