

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
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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

CHAPTER 509
H.P. 1303 - L.D. 1769

**An Act Regarding Subrogation
of Medical Payments Coverage**

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

Sec. 1. 24-A MRSA §2910-A, sub-§1, ¶A, as enacted by PL 2009, c. 222, §1, is repealed.

See title page for effective date.

CHAPTER 510
S.P. 606 - L.D. 1758

**An Act To Eliminate the
Deposit Requirements for
Containers of Limited and
Restricted Use Pesticides**

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

Sec. 1. 7 MRSA §616-A, sub-§2, ¶B, as repealed and replaced by PL 2003, c. 452, Pt. B, §6 and affected by Pt. X, §2, is amended to read:

B. A private applicator, as defined in Title 22, section 1471-C, may not violate a rule regarding records maintained pursuant to section 606, subsection 2, paragraph G; ~~Title 22, section 1471-Q; or a rule adopted pursuant to Title 22, section 1471-Q.~~ The following penalties apply to violations of this paragraph.

- (1) A person who violates this paragraph commits a civil violation for which a fine of not more than \$500 may be adjudged.
- (2) A person who violates this paragraph after having previously violated this paragraph within the previous 4-year period commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

Sec. 2. 22 MRSA §1471-A, as amended by PL 1983, c. 542, §§1 and 3, is further amended to read:

§1471-A. Purpose and policy

For the purpose of assuring to the public the benefits to be derived from the safe, scientific and proper use of chemical pesticides while safeguarding the public health, safety and welfare, and for the further purpose of protecting natural resources of the State, it is declared to be the policy of the State of Maine to regulate the sale and application of chemical insecticides, fungicides, herbicides and other chemical pesticides; ~~and to regulate the return and disposal of limited and restricted use pesticide containers.~~

Sec. 3. 22 MRSA §1471-Q, as amended by PL 1985, c. 54, §1, is repealed.

Sec. 4. 22 MRSA §1471-BB is enacted to read:

§1471-BB. Refund of deposits

A pesticide dealer shall refund deposits paid in accordance with former section 1471-Q on returned pesticide containers bearing the board's identifying stickers. The board shall refund deposits paid on out-of-state sales in accordance with former section 1471-Q.

This section is repealed December 31, 2017.

See title page for effective date.

CHAPTER 511
S.P. 537 - L.D. 1627

**An Act Regarding the Filing of
Birth, Death and Marriage
Data**

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

Sec. 1. 19-A MRSA §651, sub-§2, as amended by PL 1997, c. 537, §12 and affected by §62, is further amended to read:

2. Application. The parties wishing to record notice of their intentions of marriage shall submit an application for recording notice of their intentions of marriage. The application must include a signed certification that the information recorded on the application is correct and that the applicant is free to marry according to the laws of this State. The applicant's signature must be acknowledged before an official authorized to take oaths. ~~Applications recording notice of intentions to marry must be open for public inspection in the office of the clerk. When the application is submitted, the applicant shall provide the clerk with the social security numbers of the parties. The application must include a statement that the social security numbers of the parties have been provided to the clerk. The clerk shall record the social security numbers provided by each applicant. The record of the social security numbers is confidential and is not open for public inspection. An application recording notice of intention to marry is not open for public inspection for 50 years from the date of the application except that:~~

A. The names of the parties for whom intentions to marry are filed and the intended date of marriage are public records and open for public inspection; and

B. A person with a researcher identification card under Title 22, section 2706, subsection 8 is permitted to inspect records and may be issued a noncertified copy of an application.

Sec. 2. 22 MRSA §2702, sub-§3, as amended by PL 2009, c. 601, §6, is further amended to read:

3. Transmittal of certificates to other municipalities. Except as authorized by the state registrar or except if the birth is registered or will be registered on the electronic birth registration system implemented by the state registrar, when the parents of any child born are residents of any other municipality in this State, the clerk of the municipality where that live birth occurred shall transmit a copy of the certificate of the live birth to the clerk of the municipality where the parents reside.

Sec. 3. 22 MRSA §2703, as amended by PL 2009, c. 601, §8, is further amended to read:

§2703. Birth in unincorporated place

When a birth occurs in an unincorporated place, it must be reported to ~~the a~~ municipal clerk ~~in the municipality that is nearest to the place at which the birth took place as specified by the state registrar~~ and must be recorded, or registered in the electronic birth registration system, by the municipal clerk to whom the report is made. All such reports and records must be ~~made and recorded and returned~~ forwarded to the state registrar.

Sec. 4. 22 MRSA §2704, as amended by PL 2009, c. 601, §9, is further amended to read:

§2704. Registration of births and deaths at Togus

Certificates of live births, deaths and fetal deaths occurring at the ~~United States Department of Veterans Affairs at federal facility known as~~ Togus must be filed directly with the state registrar. The state registrar shall forward copies of all such certificates of live birth, death and fetal death to the clerk of the municipality where the parents of the child reside.

Sec. 5. 22 MRSA §2706, sub-§8, as amended by PL 2011, c. 58, §1, is further amended to read:

8. Genealogical research. Custodians of certificates and records of birth, marriage and death, including applications regarding notice of intentions to marry, shall permit inspection of records by and issue noncertified copies to researchers engaged in genealogical research who hold researcher identification cards, as specified by rule adopted by the department. The department shall adopt rules to implement this subsection. Rules adopted by the department pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. 6. 22 MRSA §2763, first ¶ is amended to read:

Whoever assumes the custody of a child of unknown parentage shall immediately report to the ~~local town or city clerk~~ Office of Data, Research and Vital Statistics in writing:

Sec. 7. 22 MRSA §2764, sub-§§1 and 2 are amended to read:

1. Certificate of live birth. A certificate of live birth on the prescribed form ~~shall must~~ be filed with the ~~clerk of the municipality where birth occurred~~ Office of Data, Research and Vital Statistics if the date of filing is more than 7 days but not more than ~~7 years~~ one year after the date of birth. The state registrar may prescribe the evidence of the facts of birth to be presented in the event none of the persons specified in section 2761 are available to sign the certificate.

2. Delayed registration of birth. When the birth occurred more than ~~7 years~~ one year prior to the date of filing, it ~~shall must~~ be registered on a form entitled "Delayed Registration of Birth." The form ~~shall must~~ provide for the following information and such other data as may be required by the department:

A. A statement by the applicant including the name and sex of the person whose birth is to be registered, the place and date of birth, the name and birthplace of the father; and the maiden name and birthplace of the mother;

B. The signature of the registrant, or a parent or guardian if the registrant is under 15 years of age or is mentally incompetent;

C. The signature of the registrant ~~shall must~~ be acknowledged before an official authorized to take oaths;

D. A description of each document submitted in support of the delayed birth registration; and

E. The date of filing.

Sec. 8. 22 MRSA §2764, sub-§3, ¶A is amended to read:

A. If the birth occurred more than ~~7~~ one year but less than 15 years prior to the date of filing, the facts of birth stated by the applicant ~~shall must~~ be supported by at least 2 documents, only one of which may be an affidavit of personal knowledge; or

Sec. 9. 22 MRSA §2764, sub-§5 is amended to read:

5. Attested copy to municipality. After the delayed birth registration has been accepted, the state registrar shall forward ~~a certified~~ an attested copy to the clerk of the municipality where the birth occurred or, in case of a birth in an unincorporated place, to the municipal clerk specified by the state registrar.

See title page for effective date.