

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

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

Augusta, Maine
2013

at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 20-A MRSA §4502, sub-§5-B is enacted to read:

5-B. Suicide awareness education and training.
Each school administrative unit shall develop a plan for suicide prevention awareness education for all school personnel and suicide prevention and intervention training for certain personnel in accordance with this subsection.

A. Beginning in the 2014-2015 school year for high schools and in the 2015-2016 school year for elementary and middle schools, a one-hour to 2-hour in-service training module in suicide prevention awareness must be completed by all school personnel. School personnel shall complete the training module by the commencement of the school year or, for those employees who are newly hired, within 6 months from the beginning of employment. Suicide prevention awareness education must be repeated every 5 years.

B. Beginning in the 2014-2015 school year, a one-day course in suicide prevention and intervention training that will result in at least 2 school personnel trained in suicide prevention and intervention must be implemented by each school administrative unit and by each island, charter and public school that is not in a school administrative unit. Additional trained school personnel above the minimum of 2 must receive the training if the number of students in the school administrative unit is above 1,000 as follows:

- (1) For 1,001 to 1,500 students, one additional school employee;
- (2) For 1,501 to 2,000 students, 2 additional school personnel;
- (3) For 2,001 to 2,500 students, 3 additional school personnel;
- (4) For 2,501 to 3,000 students, 4 additional school personnel;
- (5) For 3,001 to 3,500 students, 5 additional school personnel;
- (6) For 3,501 to 4,000 students, 6 additional school personnel;
- (7) For 4,001 to 4,500 students, 7 additional school personnel;
- (8) For 4,501 to 5,000 students, 8 additional school personnel;

(9) For 5,001 to 5,500 students, 9 additional school personnel;

(10) For 5,501 to 6,000 students, 10 additional school personnel;

(11) For 6,001 to 6,500 students, 11 additional school personnel;

(12) For 6,501 to 7,000 students, 12 additional school personnel;

(13) For 7,001 to 7,500 students, 13 additional school personnel; and

(14) For 7,501 or more students, 14 additional school personnel.

Suicide prevention and intervention training must be repeated every 5 years.

C. Suicide prevention awareness education and suicide prevention and intervention training under this subsection must conform to national guidelines adopted by organizations that offer best practices, research-based training.

D. Training pursuant to this subsection must count toward satisfaction of professional development requirements for the department and certification requirements for teachers and other professional personnel under chapters 501 and 502.

The department shall adopt rules to implement this subsection. The rules must include, but are not limited to, implementation standards for suicide prevention awareness education and for suicide prevention and intervention training. Standards adopted for suicide prevention awareness education must be made available on the department's publicly accessible website. Rules adopted pursuant to this subsection before July 1, 2014 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Beginning July 1, 2014, rules adopted by the department pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 54

H.P. 250 - L.D. 345

An Act To Ensure the Confidentiality of Concealed Handgun Permit Holder Personal Information

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of

all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, the lists of all holders of concealed handgun permits in the State, which include personal information of the permit holders such as name, full current address and often date of birth, will revert to being public on April 30, 2013; and

Whereas, the public dissemination of personal information of concealed handgun permit holders may subject a holder to possible identity theft and may put the holder's and the holder's family's well-being at risk; and

Whereas, public access to information about concealed handgun permits that does not include information that personally identifies permit holders is consistent with the underlying principles of the Freedom of Access Act relating to understanding and monitoring how the government carries out its responsibilities; 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. 25 MRSA §2006, as amended by PL 2011, c. 662, §15, is repealed and the following enacted in its place:

§2006. Access to information and proceedings

1. Application, refusals and collected information; proceedings. All applications for a permit to carry concealed handguns and documents made a part of the application, refusals and any information of record collected by the issuing authority during the process of ascertaining whether an applicant is of good moral character and meets the additional requirements of sections 2003 and 2005 are confidential and are not public records for the purposes of Title 1, chapter 13, subchapter 1. The applicant may waive this confidentiality by written notice to the issuing authority. All proceedings relating to the issuance, refusal, suspension or revocation of a permit to carry concealed handguns are not public proceedings under Title 1, chapter 13, unless otherwise requested by the applicant.

2. Permanent record of permit. The issuing authority shall make a permanent record of each permit to carry concealed handguns in a suitable book or file

kept for that purpose. The record must include the information contained in the permit itself. The record is confidential except that the following information about each permit holder is not confidential and is a public record:

A. The municipality of residence;

B. The date the permit was issued; and

C. The date the permit expires.

This subsection does not limit disclosure of confidential information for criminal justice purposes or permitting purposes to law enforcement officers and issuing authorities.

Sec. 2. Statistical information; plan; report. In order to provide meaningful statistical information about concealed handgun permits in this State, the Chief of the State Police shall prepare a plan that meets the requirements of this section. The Chief of the State Police shall submit a report to the Joint Standing Committee on Criminal Justice and Public Safety no later than January 15, 2014 that contains the plan along with any proposed implementing legislation. The Joint Standing Committee on Criminal Justice and Public Safety may report out legislation to the Second Regular Session of the 126th Legislature upon receipt of the report. The plan must include the following elements.

1. Statistical information. The plan must propose a process that results in the availability of statistical information about concealed handgun permits in this State. The information must include at a minimum the following data:

A. About the permitting process:

- (1) The number of permit applications;
- (2) The number of permits issued;
- (3) The number of applications refused or denied; and
- (4) The number of suspensions and revocations; and

B. About applicants and permit holders:

- (1) Gender;
- (2) Age, in 5-year or 10-year ranges; and
- (3) Municipality or zip code of residence.

The proposal may include any additional data that may be useful in the analysis of concealed handgun permits and the issuing process, as long as personally identifying information about applicants or permit holders is not disclosed as a public record. The plan must include appropriate reporting periods.

2. Permit. The Chief of the State Police shall review the form of the permits used by issuing authorities and determine if a single model permit form

would be desirable. The plan may include a model permit, which may include the integration of a photograph. The plan may recommend the use of a model permit as either advisory or mandatory for all issuing authorities.

3. Statewide information. The plan must include a process for identifying and collecting information from all issuing authorities to provide complete statewide statistical information as required in subsection 1. The Chief of the State Police shall invite issuing authorities to provide suggestions and comments. The plan may eliminate the responsibility of municipal issuing authorities to make information available to the public if the identical information is available from a central state source. The plan must provide for the public availability of statistical information and must provide for an annual report of statewide statistical information.

4. Additional information and recommendations. The Chief of the State Police may include in the report any additional information or recommendations that the chief determines may be useful to the Legislature in addressing issues concerning concealed handgun permits.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect April 30, 2013.

Effective April 30, 2013.

**CHAPTER 55
H.P. 91 - L.D. 109**

**An Act Relating to Vehicles
Delivering Home Heating Fuel**

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

Sec. 1. 29-A MRSA §2395, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Rules. ~~The Department of Transportation; county commissioners and municipal officers may adopt rules to ensure proper use and prevent abuse of the public ways under their respective jurisdictions the department's jurisdiction whenever those ways require special protection. Rules issued adopted pursuant to this section are exempted from the provisions of the Maine Administrative Procedure Act, routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.~~

Sec. 2. Department of Transportation to adopt rules relating to the definition of home heating fuel. The Department of Transportation shall adopt rules as authorized by the Maine Revised

Statutes, Title 29-A, section 2395, subsection 2 involving restrictions on the weight or passage of any vehicle over a public way and shall include in the definition of "home heating fuel" oil, gas, coal, stove-length wood, propane and wood pellets.

See title page for effective date.

**CHAPTER 56
H.P. 590 - L.D. 839**

**An Act To Amend the Laws
Governing the Licensing of
Technicians Involved in a
Display of Fireworks or Special
Effects**

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

Sec. 1. 8 MRSA §221-A, sub-§§5-A and 5-B are enacted to read:

5-A. Flame effect. "Flame effect" means an effect caused by the use of a solid, liquid or gaseous fuel to produce a flame in front of an audience.

5-B. Flame effect technician. "Flame effect technician" means a person licensed pursuant to section 231 who, by examination, experience and training, has demonstrated the required skill and competence in the use of flame effects to conduct a display or special effects display. A flame effect technician is the person who is responsible for the safe use of flame effects and setting up and conducting the flame effects display.

Sec. 2. 8 MRSA §221-A, sub-§8-A is enacted to read:

8-A. Proximate audience technician. "Proximate audience technician" means a person licensed pursuant to section 231 who, by examination, experience and training, has demonstrated the required skill and competence in the use and discharge of fireworks proximate to an audience to conduct a display or special effects display proximate to an audience. A proximate audience technician is the person who is responsible for the safety of the proximate audience and setting up and conducting the display.

Sec. 3. 8 MRSA §227-C, sub-§4, as enacted by PL 1999, c. 671, §6, is amended to read:

4. Failure to employ or use fireworks technician. The applicant fails to use a licensed fireworks technician, proximate audience technician or flame effect technician as required to conduct the display.

Sec. 4. 8 MRSA §231, as enacted by PL 1999, c. 671, §12 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read: