

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

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Augusta, Maine
2013

**CHAPTER 76
H.P. 571 - L.D. 820**

**An Act Regarding Fire Escapes
for Certain Buildings**

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

Sec. 1. 25 MRSA §2453, as repealed and re-
placed by PL 2007, c. 258, §1, is repealed.

Sec. 2. 25 MRSA §2543, first ¶, as amended
by PL 1973, c. 788, §112, is further amended to read:

~~Such~~ The marshal ~~shall~~, within Aroostook
County, ~~have~~ has the same powers and duties given to
fire inspectors by virtue of section 2360, ~~shall have~~
and has the same powers and duties given the fire in-
spector by virtue of section 2392 ~~and shall have the~~
~~same powers and duties given to fire inspectors,~~
~~boards of engineers and chiefs of fire departments by~~
~~virtue of section 2453~~, except that in case of conflict in
authority between state, county and town fire officials,
the order of final determination or decision ~~shall be~~ is
first in the State, 2nd in the county and 3rd in the town
fire officials.

See title page for effective date.

**CHAPTER 77
H.P. 410 - L.D. 591**

**An Act To Amend the Laws
Governing Motorcycle and
Moped Permits**

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

Sec. 1. 29-A MRSA §1304, sub-§2, ¶G, as
amended by PL 2005, c. 577, §19, is further amended
to read:

G. An instruction permit ~~allows the holder to op-
erate a motorcycle or moped only during daylight
hours. That permit does not allow the holder to
carry a passenger.~~

See title page for effective date.

**CHAPTER 78
H.P. 158 - L.D. 197**

**An Act To Improve Health
Services to Schools**

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

Sec. 1. 20-A MRSA §6402-A, as enacted by
PL 1985, c. 258, §2, is amended to read:

§6402-A. School health advisor

Each school board shall appoint one or more
~~school~~ physicians or family or pediatric nurse practi-
tioners to act as school health advisor.

1. Duties. The school ~~physician~~ health advisor
shall advise the administrative unit on school health
issues, policies and practices and may also perform
any other health-related functions assigned by the
board.

2. Other functions. A school ~~physician~~ health
advisor may perform other medical and health-related
duties assigned by the school board, which may in-
clude all or some of the following:

- A. Examine and diagnose students referred by
teachers and other school employees to protect
against the outbreak of contagious diseases in the
schools;
- B. Examine students for participation in physical
education and athletic activities;
- C. Advise and serve as medical consultant to the
school nurse; or
- D. Examine school employees and property if the
~~physician~~ school health advisor believes it is nec-
essary to protect the health of students.

3. Prohibition. A school ~~physician~~ health advi-
sor may not treat any student examined under this sub-
chapter unless the ~~physician~~ school health advisor is
also the student's personal ~~physician~~ health care pro-
vider. A school health advisor that advises a school
board pursuant to subsection 1 or performs other func-
tions under subsection 2 may not act outside the scope
of practice of the physician or nurse practitioner who
functions as a school health advisor as established by
law or rule of the applicable licensing board.

4. Appointment. Appointment ~~shall be~~ is on a
yearly basis.

See title page for effective date.

**CHAPTER 79
H.P. 212 - L.D. 303**

**An Act To Authorize the
Public Advocate To Publish
and Distribute Consumer
Information**

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

Sec. 1. 35-A MRSA §1713 is enacted to read:

§1713. Information for consumers

In addition to the duties and responsibilities in section 1702, the Public Advocate may publish in printed copy or electronic format, or both, information for consumers in the State relating to regulated services provided by public utilities, unregulated services provided by public utilities and unregulated services provided by any entity relating to telecommunications, electricity delivery or supply and gas delivery or supply. Telecommunications services include, but are not limited to, telephone service, Internet service, video service, wireless phone service, satellite service and voice over Internet protocol service.

See title page for effective date.

CHAPTER 80**S.P. 135 - L.D. 355**

**An Act To Amend Provisions
Relating to the Department of
Corrections To Clarify Certain
Enforcement Powers**

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

Sec. 1. 15 MRSA §709, sub-§4-A, as amended by PL 2011, c. 507, §2, is repealed and the following enacted in its place:

4-A. Investigative officer. "Investigative officer" has the same meaning as in Title 34-A, section 1001, subsection 10-A.

Sec. 2. 15 MRSA §710, sub-§1, as amended by PL 1987, c. 680, §2, is further amended to read:

1. Interception, oral communications prohibited. Any person, other than an employee of a communication common carrier as defined in this chapter, a law enforcement officer ~~or~~, an investigative officer ~~as defined in this chapter~~, another employee of the Department of Corrections authorized to exercise law enforcement powers as described in Title 34-A, section 3011 or a jail investigative officer or a jail employee acting at the direction of a jail investigative officer, carrying out practices otherwise permitted by this chapter, who intentionally or knowingly intercepts, attempts to intercept or procures any other person to intercept or attempt to intercept, any wire or oral communication is guilty of a Class C crime.

Sec. 3. 15 MRSA §710, sub-§5, as amended by PL 1987, c. 680, §3, is further amended to read:

5. Possession of interception devices prohibited. A person, other than an employee of a communication common carrier as defined in this chapter, a law enforcement officer ~~or~~, an investigative officer ~~as defined in this chapter~~, another employee of the Depart-

ment of Corrections authorized to exercise law enforcement powers as described in Title 34-A, section 3011 or a jail investigative officer or a jail employee acting at the direction of a jail investigative officer, carrying out practices otherwise permitted by this chapter, who has in his that person's possession any device, contrivance, machine or apparatus designed or commonly used for intercepting wire or oral communications defined in this chapter, is guilty of a Class C crime.

Sec. 4. 15 MRSA §712, sub-§2, as amended by PL 2011, c. 507, §4, is further amended to read:

2. Investigative officers. It is not a violation of this chapter for an investigative officer, ~~as defined in this chapter~~, or for ~~an~~ another employee of the Department of Corrections ~~acting at the direction of an investigative officer authorized to exercise law enforcement powers as described in Title 34-A, section 3011~~, to intercept, disclose or use that communication in the normal course of employment while engaged in any activity that is related to the administration of criminal justice or the administration of juvenile criminal justice as defined in section 3308, subsection 7, paragraph A, subparagraph (2), if:

- A. Either the sender or receiver of that communication is a person residing in an adult or juvenile correctional facility administered by the Department of Corrections; and
- B. Notice of the possibility of interception is provided in a way sufficient to make the parties to the communication aware of the possibility of interception, which includes:

- (1) Providing the resident with a written notification statement;
- (2) Posting written notification next to every telephone at the facility that is subject to monitoring; and
- (3) Informing the recipient of a telephone call from the resident by playing a recorded warning before the recipient accepts the call.

This subsection does not authorize any interference with the attorney-client privilege.

Sec. 5. 34-A MRSA §1001, sub-§10-A, as enacted by PL 1997, c. 102, §1, is amended to read:

10-A. Investigative officer. "Investigative officer" means an employee of the department designated by the commissioner as having the authority to conduct investigations of offenses crimes or juvenile crimes relating to the security or orderly management of a facility administered by the department and engage in any other activity that is related to the administration of criminal justice or the administration of juvenile criminal justice as defined in Title 15, section 3308, subsection 7, paragraph A, subparagraph (2) and