

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

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 9, 2013

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

Augusta, Maine
2013

Needy Families program due to increased employment income. The amended rules must allow those families up to one year after termination from TANF assistance to apply for transitional transportation assistance. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 98
H.P. 123 - L.D. 148

**An Act To Amend the Laws
Governing Pharmacy Interns**

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

Sec. 1. 32 MRSA §13834, sub-§1, as amended by PL 2011, c. 577, §7, is further amended to read:

1. Delegate authority. A pharmacist may not delegate the pharmacist's authority to administer drugs or vaccines; except that a pharmacist licensed under this chapter who has obtained a certificate of administration pursuant to section 13832 may delegate the authority to administer drugs and vaccines to a pharmacy intern who is under that pharmacist's direct supervision and who has obtained drug administration training pursuant to section 13832, subsection 3. A pharmacy intern may administer drugs and vaccines only to a person 18 years of age or older.

See title page for effective date.

CHAPTER 99
H.P. 41 - L.D. 46

**An Act To Protect Maine
Business Names**

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

Sec. 1. 13-B MRSA §302-A, sub-§1, as enacted by PL 2003, c. 344, Pt. B, §11, is amended to read:

1. Reserve use of name. A person may reserve the exclusive use of a corporate name, including an assumed or fictitious name, by executing and delivering for filing as provided in section 106 an application to the Secretary of State. The application must be executed by a duly authorized person and must set forth the name and address of the applicant and the name proposed to be reserved. If the Secretary of State finds that the corporate name applied for is available, the Secretary of State shall reserve the name

for the applicant's exclusive use for a ~~nonrenewable~~ period of 120 days. The reservation may not be renewed, but after the expiration of the reservation, the same name may be reserved by the same or another applicant.

Sec. 2. 13-C MRSA §402, sub-§1, as enacted by PL 2001, c. 640, Pt. A, §2 and affected by Pt. B, §7, is amended to read:

1. Reserve use of name. A person may reserve the exclusive use of a corporate name, including an assumed or fictitious name, by delivering for filing an application to the Secretary of State. The application must set forth the name and address of the applicant and the name proposed to be reserved. If the Secretary of State finds that the corporate name applied for is available, the Secretary of State shall reserve the name for the applicant's exclusive use for a ~~nonrenewable~~ period of 120 days. The reservation may not be renewed, but after the expiration of the reservation, the same name may be reserved by the same or another applicant.

Sec. 3. 31 MRSA §804-A, sub-§1, as enacted by PL 2003, c. 344, Pt. C, §37, is amended to read:

1. Reserve use of name. A person may reserve the exclusive use of a limited liability partnership name, including an assumed or fictitious name, by executing and delivering for filing an application to the Secretary of State. The application must set forth the name and address of the applicant and the name proposed to be reserved. If the Secretary of State finds that the limited liability partnership name applied for is available, the Secretary of State shall reserve the name for the applicant's exclusive use for a ~~nonrenewable~~ period of 120 days. The reservation may not be renewed, but after the expiration of the reservation, the same name may be reserved by the same or another applicant.

Sec. 4. 31 MRSA §1309, sub-§1, ¶B, as enacted by PL 2005, c. 543, Pt. C, §2, is amended to read:

B. If the Secretary of State finds that the limited partnership name applied for is distinguishable on the records of the Secretary of State pursuant to section 1308, the Secretary of State shall reserve the name for the applicant's exclusive use for a ~~nonrenewable~~ period of 120 days. The reservation may not be renewed, but after the expiration of the reservation, the same name may be reserved by the same or another applicant.

Sec. 5. 31 MRSA §1509, sub-§1, as enacted by PL 2009, c. 629, Pt. A, §2 and affected by §3, is amended to read:

1. Reserve use of name. A person may reserve the exclusive use of a limited liability company name, including an assumed or fictitious name, by executing

and delivering for filing an application to the office of the Secretary of State. The application must set forth the name and address of the applicant and the name proposed to be reserved. If the Secretary of State finds that the limited liability company name applied for is available, the Secretary of State shall reserve the name for the applicant's exclusive use for a ~~nonrenewable~~ period of 120 days. The reservation may not be renewed, but after the expiration of the reservation, the same name may be reserved by the same or another applicant.

Sec. 6. Protection of business names. The Secretary of State shall develop options for the filing and protection of business names. The development process must include at least the following: analysis of similar programs in other jurisdictions, consideration of statewide registration for different entities, the consequences of including sole proprietorships and general partnerships, the relation to the registration of marks and the costs and appropriate fees. The Secretary of State shall submit a report on the options developed under this section to the Joint Standing Committee on Judiciary no later than February 15, 2014. The Joint Standing Committee on Judiciary may introduce a bill to the Second Regular Session of the 126th Legislature in response to the report submitted by the Secretary of State under this section.

See title page for effective date.

CHAPTER 100

H.P. 642 - L.D. 918

An Act To Remove the Provision That a Motorcycle Operator May Prove a Motorcycle Muffler Does Not Exceed Specific Noise Standards

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

Sec. 1. 29-A MRSA §1912, sub-§6, as repealed and replaced by PL 2011, c. 158, §1, is amended to read:

6. Defense for noise violations by motor vehicles. The following are defenses to a violation of subsection 1 or 3.

A. If a muffler or exhaust system of a motor vehicle as defined in section 101, subsection 42, not including a motorcycle, does not emit noise in excess of 95 decibels as measured in accordance with standards and specifications outlined in standard J-1169 adopted by the Society of Automotive Engineers in May 1998, subsections 1 and 3 do not apply. A person served with a Violation

Summons and Complaint charging a violation of subsection 1 or 3 must provide satisfactory evidence that the muffler or exhaust system does not emit noise in excess of 95 decibels as measured in accordance with standards and specifications outlined in standard J-1169 adopted by the Society of Automotive Engineers in May 1998. Measurements must be made by a participating certified inspection station.

~~B. Subsections 1 and 3 do not apply to a muffler or exhaust system of a motorcycle that does not emit noise, as measured in accordance with standards and specifications outlined in standard J-2825 adopted by the Society of Automotive Engineers in May 2009, in excess of 92 decibels at an idle and emits noise that does not measure:~~

~~(1) More than 96 decibels using the set RPM test or swept RPM test for an engine configuration other than a 3 cylinder or 4 cylinder engine configuration; or~~

~~(2) More than 100 decibels using the set RPM test or swept RPM test for a 3 cylinder or 4 cylinder engine configuration.~~

~~A person served with a Violation Summons and Complaint charging a violation of subsection 1 or 3 must provide satisfactory evidence that the muffler or exhaust system does not exceed decibel levels as described in this paragraph. Measurements must be made by a participating certified inspection station.~~

See title page for effective date.

CHAPTER 101

H.P. 375 - L.D. 556

An Act To Modernize the Statutes Governing Physician Assistants

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

Sec. 1. 32 MRSA §2561, as amended by PL 1997, c. 50, §1, is further amended to read:

§2561. Membership; qualifications; tenure; vacancies

The Board of Osteopathic Licensure, as established by Title 5, section 12004-A, subsection 29, and in this chapter called the "board," consists of ~~9~~ 10 members appointed by the Governor. ~~These members~~ Members must be residents of this State. ~~Six of these~~ members must be graduates of a school or college of osteopathic medicine approved by the American Osteopathic Association and must be, at the time of appointment, actively engaged in the practice of the pro-