

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST SPECIAL SESSION
August 29, 2013

SECOND REGULAR SESSION
January 8, 2014 to May 2, 2014

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
EMERGENCY LAW IS
SEPTEMBER 6, 2013

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2014

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

Augusta, Maine
2014

Sec. 9. 29-A MRSA §2522, sub-§1, as amended by PL 2009, c. 447, §67, is further amended to read:

1. Mandatory submission to test. If there is probable cause to believe that death has occurred or will occur as a result of an accident, an operator of a motor vehicle involved in the motor vehicle accident shall submit to a chemical test, as defined in section 2401, subsection 3, to determine an alcohol level or the presence of a drug ~~concentration~~ or drug metabolite in the same manner as for OUI.

Sec. 10. 29-A MRSA §2523, sub-§1, as amended by PL 2009, c. 447, §68, is further amended to read:

1. Mandatory submission to test. A person who operates a commercial motor vehicle shall submit to a test to determine that person's alcohol level or the presence of a drug ~~concentration~~ or drug metabolite if there is probable cause to believe that the person has operated a commercial motor vehicle while having an alcohol level of 0.04 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath or while under the influence of drugs.

Sec. 11. 29-A MRSA §2524, as amended by PL 2009, c. 447, §§70 and 71, is further amended to read:

§2524. Administration of tests

1. Persons qualified to draw blood for blood tests. Only a physician, registered physician's assistant, registered nurse, or person whose occupational license or training allows that person to draw blood samples or a person certified by the Department of Health and Human Services may draw a specimen of blood for the purpose of determining the blood-alcohol level or the presence of a drug ~~concentration~~ or drug metabolite.

2. Persons qualified to analyze blood for blood tests. A person conducting an analysis of blood-alcohol level or the presence of a drug ~~concentration~~ or drug metabolite must be certified by the Department of Health and Human Services.

3. Persons qualified to operate and analyze breath tests. A person certified by the Maine Criminal Justice Academy as qualified to operate an approved self-contained, breath-alcohol testing apparatus may operate an apparatus to collect and analyze a sample specimen of breath.

4. Chemical tests on blood and urine specimens. A sample specimen of breath blood or urine may be submitted to the Department of Health and Human Services or a person certified by the Department of Health and Human Services for the purpose of conducting chemical tests to determine alcohol level or the presence of a drug ~~concentration~~ or drug metabolite.

5. Equipment for taking specimens. ~~Only equipment~~ For purposes of this section, only collection kits having a stamp of approval affixed by the Department of Health and Human Services may be used to take a sample specimen of breath blood or urine, except that a self-contained, breath-alcohol testing apparatus if reasonably available may be used to determine the alcohol level.

Approved breath-alcohol testing apparatus must have a stamp of approval affixed by the Department of Health and Human Services after periodic testing. That stamp is valid for no more than one year.

6. Procedures for operation and testing of testing apparatus. The Department of Health and Human Services shall establish, by rule, the procedures for the operation and testing of testing apparatus.

Sec. 12. 29-A MRSA §2528, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

§2528. Liability

A physician, physician's assistant, registered nurse, person ~~certified by the Department of Health and Human Services~~ whose occupational license or training allows that person to draw blood, hospital or other health care provider in the exercise of due care is not liable for an act done or omitted in collecting or withdrawing specimens of blood at the request of a law enforcement officer pursuant to this chapter.

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

Effective March 12, 2014.

CHAPTER 460

H.P. 1227 - L.D. 1716

An Act To Increase the Rate of Reimbursement for Providing Career and Academic Advising and Counseling Services to Adult Education Students

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

Sec. 1. 20-A MRSA §8607-A, sub-§10 is enacted to read:

10. Career and academic advising and counseling. Career and academic advising and counseling services costs are reimbursed at the rate of 75% of the costs of required salaries and fringe benefits for those services.

See title page for effective date.

CHAPTER 461

H.P. 534 - L.D. 783

An Act To Change the Voting Requirements for the Withdrawal of a Municipality from a Regional School Unit

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 changes made by this legislation could affect the makeup of regional school units; and

Whereas, it is imperative that this legislation take effect as soon as possible for regional school units to have sufficient time to implement these changes prior to the beginning of the next school year; 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. 20-A MRSA §1466, sub-§9, as repealed and replaced by PL 2011, c. 678, Pt. J, §1, is amended to read:

9. Required vote. Before the municipality may withdraw from the regional school unit, the withdrawal agreement must be approved by a majority vote of those casting valid votes in the municipality, and the total number of votes cast for and against withdrawal at the municipal vote must equal or exceed 50% of the total number of votes cast in the municipality for Governor at the last gubernatorial election.

~~This subsection is repealed January 1, 2015.~~

Sec. 2. 20-A MRSA §1466, sub-§9-A, as enacted by PL 2011, c. 678, Pt. J, §2, is amended to read:

9-A. Required vote; exception for a municipality of a school administrative district that was reformulated as a regional school unit. A 2/3 vote of those casting valid votes in the municipality is required before a municipality that is a member municipality of a school administrative district that was reformulated as a regional school unit pursuant to Public Law 2007, chapter 240, Part XXXX, section 36, subsection 12, as amended by Public Law 2007, chapter 668, section 48, may withdraw from the regional school unit.

~~This subsection is repealed January 1, 2015.~~

Sec. 3. 20-A MRSA §1466, sub-§9-B, as enacted by PL 2011, c. 678, Pt. J, §3, is repealed.

Sec. 4. 20-A MRSA §1466, sub-§10, ¶B, as enacted by PL 2009, c. 580, §9, is amended to read:

B. A municipal vote on a withdrawal agreement if the agreement received less than ~~60%~~ 45% of the votes cast.

Sec. 5. 20-A MRSA §1466, sub-§10-A is amended to read:

10-A. Restriction on withdrawal petitions for a municipality of a school administrative district that was reformulated as a regional school unit. A municipality that is part of a school administrative district that was reformulated as a regional school unit pursuant to Public Law 2007, chapter 240, Part XXXX, section 36, subsection 12, as amended by Public Law 2007, chapter 668, section 48, may not petition for withdrawal within 2 years after the date of:

A. A municipal vote on a petition for withdrawal if the petition received less than 45% of the votes cast; or

B. A municipal vote on a withdrawal agreement if the agreement received less than 60% of the votes cast.

Sec. 6. 20-A MRSA §1466, sub-§13, as amended by PL 2013, c. 167, Pt. A, §2, is further amended to read:

13. Determination of results; execution of agreement. Except for a school administrative district that was reformulated as a regional school unit pursuant to Public Law 2007, chapter 240, Part XXXX, section 36, subsection 12, as amended by Public Law 2007, chapter 668, section 48, if the commissioner finds that a majority of the voters voting on the article has voted in the affirmative and the total number of votes cast for and against the article equal or exceed 50% of the total number of votes cast in the municipality for Governor at the last gubernatorial election, the commissioner shall notify the municipal officers and the regional school unit board to take steps for the withdrawal in accordance with the terms of the agreement for withdrawal. For a municipality that is part of a school administrative district that was reformulated as a regional school unit pursuant to Public Law 2007, chapter 240, Part XXXX, section 36, subsection 12, as amended by Public Law 2007, chapter 668, section 48, if the commissioner finds that at least 2/3 of the votes validly cast in the municipality are in the affirmative, the commissioner shall notify the municipal officers and the regional school unit board to take steps for the withdrawal in accordance with the terms of the agreement for withdrawal.

~~This subsection is repealed January 1, 2015.~~