

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**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**

---

---

**RESOLVES OF THE STATE OF MAINE  
AS PASSED AT  
THE FIRST REGULAR SESSION OF THE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
2013**

---

---

**CHAPTER 1  
S.P. 214 - L.D. 576**

**Resolve, To Protect Concealed  
Handgun Permit Information  
on a Temporary Basis**

**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 list of all holders of concealed handgun permits in the State is public, which includes personal information of the permit holders such as name, full current address and date of birth; and

**Whereas,** this resolve places a temporary moratorium on public access to such permanent records pending the Legislature's consideration of the issue; 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

**Sec. 1. Moratorium on access. Resolved:** That, notwithstanding the Maine Revised Statutes, Title 25, section 2006, until April 30, 2013, a permanent record that is created by an issuing authority of a concealed handgun permit is confidential and may not be made available for public inspection or copying. Notwithstanding any provision of law to the contrary, this section applies to requests for information under the Freedom of Access Act that are pending on the effective date of this resolve. Notwithstanding this section, confidential information may be disclosed to law enforcement officers and issuing authorities for criminal justice and permitting purposes. After April 30, 2013, an application for a permit filed or granted on or after the effective date of this resolve and on or before April 30, 2013 will be governed by the law in effect on and after April 30, 2013; and be it further

**Sec. 2. Repeal. Resolved:** That this resolve is repealed on April 30, 2013.

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

Effective February 19, 2013.

---

---

**CHAPTER 2  
H.P. 4 - L.D. 2**

**Resolve, Regarding Legislative  
Review of Portions of Chapter  
252: Rules Governing  
Certification of Seed Potatoes  
in the State of Maine, a Major  
Substantive Rule of the  
Department of Agriculture,  
Conservation and Forestry**

**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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 252: Rules Governing Certification of Seed Potatoes in the State of Maine, a provisionally adopted major substantive rule of the Department of Agriculture, Conservation and Forestry that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective March 20, 2013.

---



---

**CHAPTER 3**  
**S.P. 431 - L.D. 1237**

**Resolve, Directing the  
Department of Corrections To  
Amend Its Rules Pertaining to  
Certification of Batterer  
Intervention Programs**

**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 Department of Corrections, acting pursuant to the Maine Revised Statutes, Title 19-A, section 4014, has adopted rules establishing standards and procedures for certification of batterer intervention programs; and

**Whereas,** in the process of sentencing persons convicted of crimes of domestic violence, courts may order those offenders to attend batterer intervention programs that the Department of Corrections has certified; and

**Whereas,** a recent decision of the Maine Supreme Judicial Court in the case of State v. Mosher, 2012 ME 133, has cast doubt on the validity of the Department of Correction's current rules for certification of batterer intervention programs because the current rules appear to limit certification to those programs serving male domestic violence offenders; 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

**Sec. 1. Adoption of emergency rules. Resolved:** That, notwithstanding the Maine Revised Statutes, Title 19-A, section 4014, the Department of Corrections shall adopt emergency rules pursuant to Title 5, section 8054 to amend the current rules to make them gender neutral so that batterer intervention programs that serve female domestic violence offenders may be certified, and courts may be provided the opportunity to order female offenders convicted of crimes of domestic violence to participate in certified batterer intervention programs. Following adoption of the emergency rules, the Department of Corrections shall initiate nonemergency rulemaking on certified batterer intervention programs pursuant to Title 5,

chapter 375. Notwithstanding Title 19-A, section 4014, all rules or amendments to rules on the subject of the certification of batterer intervention programs, regardless of which gender a program serves, are considered routine technical rules as defined by Title 5, section 8071.

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

Effective April 4, 2013.

---



---

**CHAPTER 4**  
**S.P. 151 - L.D. 371**

**Resolve, Regarding Revenue  
from the World Acadian  
Congress Commemorative  
Registration Plate**

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

**Whereas,** Resolve 2011, chapter 156 authorized the Secretary of State to issue a commemorative, simulated registration plate in recognition and celebration of the 2014 World Acadian Congress; and

**Whereas,** pursuant to Resolve 2011, chapter 156, \$16 of the \$25 fee is incorrectly designated for the benefit of the Maine Acadian Heritage Council; and

**Whereas,** the fiscal agent for the Maine Acadian Heritage Council is the World Acadian Congress; and

**Whereas,** the plates have been available for sale since December 2012; 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

**Sec. 1. Resolve 2011, c. 156, §2, amended. Resolved:** That Resolve 2011, c. 156, §2 is amended to read:

**Sec. 2. Administrative fee; distribution. Resolved:** That the Secretary of State shall develop a plan for the sale and distribution of World Acadian Congress commemorative plates. The fee for the World Acadian Congress commemorative plate is \$25, which must be ~~deposited in a special fund and transferred quarterly by the Treasurer of State~~ paid as follows: