

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

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

Augusta, Maine
2009

D. "State historic site" has the same meaning as "historic site" in Title 12, section 1801, subsection 5; and

E. "State park" has the same meaning as "park" in Title 12, section 1801, subsection 7.

2. Smoking prohibited. A person may not smoke tobacco or any other substance in, on or within 20 feet of a beach, playground, snack bar, group picnic shelter, business facility, enclosed area, public place or restroom in a state park or state historic site.

3. Signs; public education. To the extent possible within existing budgeted resources, the Maine Center for Disease Control and Prevention shall erect signs and undertake public education initiatives regarding the prohibition on smoking in certain areas of state parks and state historic sites.

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

Effective May 1, 2009.

CHAPTER 66

H.P. 541 - L.D. 790

An Act To Waive Public Utilities Commission Approval of Special Contracts When the Contracts Apply to Detariffed Rates or Terms

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

Sec. 1. 35-A MRSA §703, sub-§3-A, as enacted by PL 1995, c. 254, §3, is repealed and the following enacted in its place:

3-A. Special contracts. A public utility, subject to the commission's approval, may make a contract for a definite term for its product or service, but the published rates for the product or service may not be changed during the term of the contract without the commission's consent. If the commission grants to a telephone utility or a group of telephone utilities an exemption pursuant to section 307-A from the requirement to file rate schedules or terms and conditions, that telephone utility or group of telephone utilities is exempt from the requirements for commission approval and consent under this subsection to the same extent as the exemption granted by the commission pursuant to section 307-A.

See title page for effective date.

CHAPTER 67

H.P. 196 - L.D. 250

An Act To Streamline and Clarify Laws Pertaining to the Civil and Criminal Possession of Marijuana

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

Sec. 1. 17-A MRSA §1106, sub-§3, ¶A, as enacted by PL 1989, c. 924, §12, is amended to read:

A. More than ~~4 1/4~~ 2 1/2 ounces of marijuana;

Sec. 2. 17-A MRSA §1107-A, sub-§1, ¶F, as enacted by PL 2001, c. 383, §127 and affected by §156, is amended to read:

F. A schedule Z drug. Violation of this paragraph is a Class E crime: ~~unless the drug is marijuana, in which case a violation of this paragraph is:~~

(1) For possession of over 2 1/2 ounces to 8 ounces of marijuana, a Class E crime;

(2) For possession of over 8 ounces to 16 ounces of marijuana, a Class D crime;

(3) For possession of over one pound to 20 pounds of marijuana, a Class C crime; and

(4) For possession of over 20 pounds of marijuana, a Class B crime.

Sec. 3. 22 MRSA §2383, sub-§1, as amended by PL 2005, c. 386, Pt. DD, §3, is further amended to read:

1. Marijuana. Except as provided in section 2383-B, subsection 5, a person may not possess marijuana.

A. A person who possesses a usable amount of marijuana commits a civil violation for which a fine of not less than \$350 and not more than \$600 must be adjudged for possession of up to 1 1/4 ounces of marijuana and a fine of not less than \$700 and not more than \$1,000 must be adjudged for possession of over 1 1/4 ounces to 2 1/2 ounces of marijuana, none of which may be suspended.

~~B. A person who possesses a usable amount of marijuana after having previously violated this subsection within a 6 year period commits a civil violation for which a fine of \$550 must be adjudged, none of which may be suspended.~~

See title page for effective date.