

MAINE STATE LEGISLATURE

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L.D. 2083

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DATE: 4/2/02

(Filing No. H-1071)

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JUDICIARY

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12 the House.

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
SECOND REGULAR SESSION**

18
20 COMMITTEE AMENDMENT "A" to H.P. 1577, L.D. 2083, Bill, "An
Act to Correct Errors and Inconsistencies in the Laws of Maine"

22 Amend the bill by inserting after the enacting clause the
24 following:

26
'PART A'

28 Further amend the bill by striking out all of sections 3 and
30 4 and inserting in their place the following:

'Sec. 3. 5 MRSA §1975, as enacted by PL 2001, c. 388, §14, is
32 amended to read:

34
§1975. Noncompliance

36 The purchase of data processing equipment, software or
38 services or internal systems development efforts may not be made
except in accordance with this ~~subchapter~~ chapter. An agency may
40 not purchase any data processing equipment, software or services
42 without the prior written approval of the commissioner or the
44 Chief Information Officer. The State Controller may not
authorize payment for data processing equipment, software or
services without evidence of prior approval of the purchases by
the commissioner or the Chief Information Officer.

46
48 **1. Noncompliance defined.** A state agency is in
noncompliance with this chapter if the agency:

50 A. Purchases data processing equipment, software or
services in noncompliance with this chapter; or

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COMMITTEE AMENDMENT "A" to H.P. 1577, L.D. 2083

2 B. Fails to adhere to the data processing standards
 4 established by the commissioner, the Chief Information
 Officer and the board.

6 **2. Penalty.** Any state agency found to be in noncompliance
 8 as defined in this section is prohibited from acquiring or
 purchasing data processing equipment, software and services until
 10 the commissioner or the Chief Information Officer determines that
 the state agency is in compliance with this subchapter chapter.

12 Notwithstanding the provisions of this section, the commissioner
 or the Chief Information Officer may act to acquire or purchase
 14 data processing equipment, software and services to maintain or
 meet the emergency needs of a state agency.'

16 Further amend the bill in section 10 in subsection 1 in the
 18 first line (page 4, line 1 in L.D.) by striking out the
 following: "It is unlawful for a person to" and inserting in its
 20 place the following: 'A person may not'

22 Further amend the bill by striking out all of section 14.

24 Further amend the bill by striking out all of section 35.

26 Further amend the bill in section 47 in subsection 4-A in
 the last line (page 9, line 40 in L.D.) by inserting after the
 28 following: "sentence" the following: ', except that, for the
 purposes of this subsection, the dates of prior convictions may
 30 have occurred at any time'

32 Further amend the bill by striking out all of section 55.

34 Further amend the bill in section 58 in paragraph D in
 subparagraph (1) in the 3rd line (page 12, line 25 in L.D.) by
 36 striking out the following: "local"

38 Further amend the bill by striking out all of section 63.

40 Further amend the bill by inserting after section 65 and
 before the emergency clause the following:

42

44 **PART B**

46 **Sec. B-1. 5 MRSA §1742-C, sub-§2,** as enacted by PL 1989, c.
 483, Pt. A, §16, is amended to read:

48

50 **2. Maine Technical College System; Maine Maritime Academy.**
 The Bureau of Public-Improvements General Services shall provide

COMMITTEE AMENDMENT "A" to H.P. 1577, L.D. 2083

any of the services set out in section 1742, subsections 1 to 9, 12 to 14, 19 and 23 to the ~~Maine Vocational-Technical-Institute~~ Technical College System and the Maine Maritime Academy. Application of section 1742, subsection 23 to these institutions is limited to all public improvements:

A. Costing \$25,000 or more; or

B. Costing less than \$25,000 when building codes or other legal requirements exist.

Sec. B-2. 5 MRSA §12004-G, sub-§3-C is enacted to read:

<u>3-C.</u>	<u>Integrated</u>	<u>Expenses</u>	<u>7 MRSA</u>
<u>Agriculture</u>	<u>Pest</u>	<u>Only</u>	<u>§2404</u>
	<u>Management</u>		
	<u>Council</u>		

Sec. B-3. 5 MRSA §12004-G, sub-§22-A, as enacted by PL 2001, c. 497, §1, is repealed.

Sec. B-4. 7 MRSA §2404, sub-§1, as enacted by PL 2001, c. 497, §3, is amended to read:

1. Establishment; meetings. The Integrated Pest Management Council, referred to in this section as the "council," as established in Title 5, section 12004-G, subsection 22-A 3-C, is created within the department and is administered jointly by the department and the University of Maine Cooperative Extension Pest Management Office. Members of the council must be jointly appointed by the commissioner and the Director of the University of Maine Cooperative Extension. The council must meet at least 2 times a year. Members are entitled to reimbursement for expenses only in accordance with Title 5, chapter 379.

Sec. B-5. Effective date. Those sections of this Part that enact the Maine Revised Statutes, Title 5, section 12004-G, subsection 3-C, repeal section 12004-G, subsection 22-A and amend Title 7, section 2404, subsection 1 take effect 90 days after the adjournment of the Second Regular Session of the 120th Legislature.

Sec. B-6. 12 MRSA §6671, sub-§5, as amended by PL 2001, c. 101, §1 and c. 188, §6, is repealed and the following enacted in its place:

5. Period of ordinance. Ordinances or amendments to an ordinance adopted under this section remain in effect until repealed by the municipality or rescinded by the commissioner. A certified copy of the ordinance or amendment to the ordinance

2 must be filed with the commissioner within 20 days of its
3 adoption. If a copy of the ordinance or an amendment to the
4 ordinance is not filed within 20 days, the ordinance reverts to
5 the ordinance previously in effect until the new ordinance or
6 amendment is filed.

7 **Sec. B-7. 12 MRSA §7827, sub-§22, ¶A,** as amended by PL 2001,
8 c. 387, §37, is further amended to read:

10 A. Is the operator of a snowmobile involved in a an
11 accident resulting in injuries requiring the services of a
12 physician or in death of a person; some person acting for
13 such an operator; or the owner of the involved snowmobile
14 having knowledge of the accident, should the operator of the
15 snowmobile be unknown; and

16 **Sec. B-8. 12 MRSA §7901-A, sub-§2-A** is enacted to read:

17 **2-A. Civil violations of chapter 707, subchapter VII.** The
18 following violations are civil violations for which a forfeiture
19 of not less than \$100 nor more than \$500 may be adjudged:

20 A. Keeping a wild animal in captivity as described in
21 section 7235-D, subsection 1.

22 **Sec. B-9. 12 MRSA §7901-A, sub-§6, ¶A,** as enacted by PL 2001,
23 c. 421, Pt. B, §88 and affected by Pt. C, §1, is amended to read:

24 A. Chapter 709, subchapter I violations:

25 (1) Shooting at or near wildfowl decoys as described
26 in section 7406, subsection 11;

27 (2) Hunting without hunter orange clothing as
28 described in section 7406, subsection 12; and

29 (3) Allowing a junior hunter to hunt without adult
30 supervision as described in section 7406, subsection
31 21;

32 (4) Hunting on a state game farm as described in
33 section 7406, subsection 22; and

34 (5) Hunting in a licensed wildlife exhibit as
35 described in section 7406, subsection 23;

36 **Sec. B-10. 12 MRSA §7901-A, sub-§6, ¶C,** as enacted by PL 2001,
37 c. 421, Pt. B, §88 and affected by Pt. C, §1, is amended to read:

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- 2 C. Chapter 709, subchapter III violations:
- 4 (1) Hunting or trapping bear near dumps as described
in section 7452, subsection 5;
- 6 (2) Leaving a bear as described in section 7452,
8 subsection 8;
- 10 (3) Failure to attach a bear tag to a bear as
described in section 7452, subsection 11;
- 12 (4) Illegally transporting bear as described in
14 section 7452, subsection 13;
- 16 (5) Transporting bear out of the State as described in
section 7452, subsection 14;
- 18 (6) Hunting migratory game birds without certification
20 as described in section 7456, subsection 1-A;
- 22 (7) Hunting waterfowl on Haley Pond as described in
section 7456, subsection 2;
- 24 (8) Transporting deer out of the State as described in
26 section 7458, subsection 12;
- 28 (9) Hunting deer with .22 caliber rim fire cartridge
as described in section 7458, subsection 13;
- 30 (10) Use of firearm in the Town of Southport as
32 described in section 7458, subsection 14;
- 34 ~~(11) --Transporting wild hares or rabbits out of the
State as described in section 7462, subsection 3;~~
- 36 (12) Possessing or transporting wild hares or rabbits
38 as described in section 7462, subsection 4;
- 40 (13) Failure to attach a moose tag to a moose as
described in section 7464, subsection 6;
- 42 (14) Use of illegal firearms as described in section
44 7464, subsection 8-A;
- 46 (15) Illegal hunting methods as described in section
7464, subsection 8-C;
- 48 (16) Failure to attach a wild turkey tag to a wild
50 turkey as described in section 7469, subsection 7;

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- (17) Use of illegal weapons or ammunition as described in section 7469, subsection 11; and
- (18) Taking of snakes and turtles from the wild for commercial purposes as described in section 7471;

Sec. B-11. 21-A MRSA §606, sub-§3, as amended by PL 2001, c. 516, §7, is further amended to read:

3. Receipt issued; inspection of ballots in an election.
Upon receipt of a package or box containing absentee ballots or blank absentee ballots for an election, the clerk shall open the sealed package or box of ballots and verify that the ballots do not contain any errors and that the correct number of ballots has been received. The clerk shall immediately notify the Secretary of State if a ballot is incorrect or if the correct number of ballots has not been received and shall also immediately send the Secretary of State a receipt for the absentee ballots received noting any discrepancies on the receipt. The clerk shall then proceed to issue absentee ballots or blank absentee ballots in response to pending requests. Upon receipt of a package or box containing regular ballots for an election, the clerk shall open, in the presence of one or more witnesses, the sealed package or box of ballots and verify that the ballots do not contain any errors and that the correct number of ballots has been received. The clerk shall immediately notify the Secretary of State if a ballot is incorrect or if the correct number of ballots has not been received. Ballots to be used for testing electronic tabulating devices may be removed at this time and immediately marked as provided by ~~section~~ subsection 3-A. The clerk shall complete the clerk's portion of the warden's receipt of ballots and shall then reseal the package or box of regular ballots and secure the package or box of ballots until election day when it is delivered to the warden at the polling place.

Sec. B-12. Effective date. That section of this Part that amends the Maine Revised Statutes, Title 21-A, section 606, subsection 3 takes effect 90 days after the adjournment of the Second Regular Session of the 120th Legislature.

Sec. B-13. PL 2001, c. 526, §6 is amended to read:

Sec. 6. Application. ~~That section of this Act that amends the Maine Revised Statutes, Title 36, section 141, subsection 2, paragraph A applies to assessments made on or after the effective date of this Act.~~ That section of this Act that amends the Maine Revised Statutes, Title 36, section 5219-R applies to tax years beginning on or after January 1, 2001.

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2 claimant if the claimant is not satisfied with the compensation panel's decision.

4 Sec. C-5. 5 MRSA §22027, as enacted by PL 2001, c. 439, Pt. T, §5, is amended to read:

6 §22027. Payment

8 The program shall pay compensation within 30 days of the final compensation decision and receipt of a release from the claimant as provided in section 22026, subsection 2, or as soon thereafter as possible.

14 Sec. C-6. 12 MRSA §7171, sub-§4, ¶C, as amended by PL 1997, c. 432, §§25 and 26, is further amended by amending subparagraph (11) to read:

18 (11) A person holding a smelt wholesaler's license must, at the time that person is engaged during the winter months in the taking of smelts, by any method other than hook and line, have a number 14 fish grader in operable condition in that person's immediate proximity during the taking of smelts and must use that grader during the smelt harvesting activity. The license holder must liberate immediately all undersized smelts alive into the waters from which they were taken. For the purpose of this subparagraph, a number 14 grader is a grader having a ~~maximum~~ minimum grate size of 14/64 inches.

30 Sec. C-7. 12 MRSA §7572, sub-§3, as enacted by PL 1979, c. 420, §1, is repealed.

34 Sec. C-8. 12 MRSA §7901-A, sub-§9, ¶N, as enacted by PL 2001, c. 421, Pt. B, §88 and affected by Pt. C, §1, is amended to read:

36 N. Violation of an ice fishing restriction as described in section 7629 ~~that is based on an open water restriction that is a civil violation.~~

40 Sec. C-9. 12 MRSA §7901-A, sub-§18, ¶¶M and N, as enacted by PL 2001, c. 421, Pt. B, §88 and affected by Pt. C, §1, are amended to read:

44 M. A violation of a rule regulating camp trip leader permits and course instructor certificates; ~~and~~

48 N. A violation of a rule regulating licensed guides; and

Sec. C-10. 12 MRSA §7901-A, sub-§18, ¶O is enacted to read:

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O. A violation of a rule regulating wild animals in captivity.

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Sec. C-11. 20-A MRSA §5401, sub-§15, ¶C, as amended by PL 2001, c. 344, §6, is further amended to read:

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C. A school board may obtain a short-term loan or enter into a lease-purchase agreement to acquire school buses if it--is--approved the loan is approved by the unit's legislative body or if funds that can be used for the initial lease-purchase payment have been appropriated by the unit's legislative body. The term of a loan or a lease-purchase agreement may not exceed 5 years. The commissioner shall establish a maximum amount for annual-term purchases in excess of the amount established in paragraph A. Beginning in fiscal year 2003-04, these expenditures must be subsidized in accordance with section 15603, subsection 26-A.

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Sec. C-12. 22 MRSA §259, sub-§1, as enacted by PL 2001, c. 450, Pt. B, §1, is amended to read:

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1. Support for federally qualified health centers. The department shall provide support for federally qualified health centers as follows:

26

28

A. Seventy-five thousand dollars in fiscal years 2001-02 and 2002-03 as the state Medicaid match to contract for Medicaid outstationing services at federally qualified health centers; and

30

32

B. Six hundred ninety-nine thousand, one hundred fifty dollars in fiscal year 2001-02 to federally qualified health ~~center--grantees~~ centers to support the infrastructure of these programs in providing primary care services to underserved populations. Forty-four thousand, two hundred fifty dollars must be provided to each ~~grantee~~ federally qualified health center with an additional \$8,850 for the 2nd and each additional site operated by a ~~grantee~~ federally qualified health center. For the purposes of this paragraph, "site" means a site or sites operated by the ~~grantee~~ federally qualified health center within its scope of service that meet all health center requirements, including providing primary care services, regardless of patients' ability to pay, 5 days a week with extended hours. If there is not sufficient funding to meet the formula in this paragraph, the \$699,150 must be allocated in proportion to the formula outlined in this paragraph.

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2 **Sec. C-13. 22 MRSA §3789-D, sub-§2, ¶F**, as enacted by PL 1997,
c. 530, Pt. A, §30, is amended to read:

4 F. One representative of the ~~Job-Training-Partnership-Act~~
6 ~~service--delivery--area--network~~ one-stop delivery system
8 established under the federal Workforce Investment Act of
1998, 29 United States Code, Section 2841; and

10 **Sec. C-14. 25 MRSA §1611, sub-§5**, as enacted by PL 2001, c.
12 439, Pt. CCCC, §4, is amended to read:

14 5. **Law enforcement officer or officer.** "Law enforcement
16 officer" or "officer" means an active state police officer,
18 municipal police officer, county sheriff, deputy sheriff, game
20 warden, an employee of the Office of the State Fire Marshal who
has law enforcement powers pursuant to section 2396, subsection
7, fire marshal, liquor enforcement officer or marine patrol
officer in this State.

22 **Sec. C-15. 25 MRSA §2916, sub-§4**, as enacted by PL 2001, c.
24 309, §1, is amended to read:

26 4. **Gravesite flag holder and flag.** The gravesite flag
28 holder must include the a State of Maine seal symbol and the
words "Law Enforcement Officer Killed in the Line of Duty" and a
Maine flag. The state flag must be 12 inches by 8 18 inches in
size.

30 **Sec. C-16. 25 MRSA §2933, sub-§4**, as enacted by PL 2001, c.
32 53, §2, is amended to read:

34 4. **Penalties.** On petition by the bureau, the Public
36 Utilities Commission, in an adjudicatory proceeding, may impose
the following penalties for a violation by a local exchange
carrier of subsection 1 or 2 ex-3 or any rules adopted by the
bureau implementing subsection 1 or 2 ex-3:

38 A. An administrative penalty of up to \$1,000 for each day
40 of the violation; and

42 B. In extraordinary cases, as determined by the Public
44 Utilities Commission, revocation of the commission's
46 authorization of the local exchange carrier's authority to
provide local exchange service in this State.

48 Penalties collected by the commission under this subsection must
be deposited in the Public Utilities Commission Reimbursement
Fund under Title 35-A, section 117.

2 **Sec. C-17. 29-A MRSA §2063**, as amended by PL 2001, c. 148,
3; c. 197, §6; and c. 360, §9, is repealed and the following
4 enacted in its place:

6 **§2063. Bicycles, toy vehicles and scooters**

8 **1. Definitions.** For the purpose of this section, "bicycle"
9 includes a motorized bicycle or a motorized tricycle, "scooter"
10 includes a motorized scooter and "toy vehicle" includes, but is
11 not limited to, skateboards, rollerskates, wagons, sleds and
12 coasters.

14 **2. Riding to the right.** A person operating a bicycle or
15 scooter shall ride it as far as practicable to the right side of
16 the way, except when making a left turn. This subsection does
17 not apply in a municipality that, by ordinance and with the
18 approval of the Department of Public Safety and the Department of
19 Transportation, makes other provisions for the location of
20 bicycle or scooter traffic.

22 **2-A. Bicycle riding on shoulder.** Notwithstanding
23 subsection 2, a person operating a bicycle may travel on paved
24 shoulders.

26 **3. Seating.** A person operating a bicycle may not ride
27 other than astride a regular and permanently attached seat. A
28 bicycle may not be used to carry more persons than the number for
29 which it is designed and equipped.

30 **4. Hitching rides.** A person riding on a bicycle, scooter
31 or toy vehicle may not attach it to a moving vehicle on a way.

34 **5. Rights and duties.** A person riding a bicycle or scooter
35 on a way has the rights and is subject to the duties applicable
36 to the operator of a vehicle, except as to:

38 A. Special regulations; and

40 B. Provisions in this Title that by their nature can have
41 no application.

42 **6. Speed.** A motorized bicycle or motorized scooter may not
43 be operated in excess of 20 miles per hour.

46 **7. Penalties.** A person 17 years of age or over who
47 violates this section commits a traffic infraction for which a
48 forfeiture of no more than \$10 may be adjudged.

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2 8. Impoundment. The chief of police of a municipality, or
3 if there is no chief of police, the chair of the local
4 legislative body, when satisfied that a juvenile under the age of
5 17 years has ridden a bicycle or scooter in violation of this
6 section, may impound the bicycle or scooter for a period not to
7 exceed 5 days for the first offense, 10 days for a 2nd offense
8 and 30 days for a subsequent offense.

9
10 **Sec. C-18.** 33 MRSA §652, sub-§2, as enacted by PL 1991, c.
11 497, §1, is amended to read:

12 2. **Seals.** Be embossed, sealed or both, with the seal of an
13 architect, professional engineer or registered land surveyor;

14
15 **Sec. C-19.** 34-A MRSA §1205, sub-§3, as amended by PL 2001, c.
16 228, §1 and c. 386, §9, is repealed.

17 **Sec. C-20.** PL 2001, c. 314, §4 is repealed.

18
19 **Sec. C-21.** PL 2001, c. 314, emergency clause is amended to read:

20
21 **Emergency clause.** In view of the emergency cited in the
22 preamble, this Act takes effect when-approved July 1, 2001.

23
24 **Sec. C-22. Retroactivity.** Those sections of this Part that
25 repeal or amend any portion of Public Law 2001, chapter 314 apply
26 retroactively to May 30, 2001.

27
28 **Sec. C-23.** PL 2001, c. 450, Pt. B, §§3 and 4 are amended to read:

29
30 **Sec. B-3. Appropriation.** The following funds are appropriated
31 from the General Fund to carry out the purposes of this Part.

32
33
34 2001-02 2002-03

35 **HUMAN SERVICES, DEPARTMENT OF**

36 **Bureau of Medical Services**

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39 All Other \$75,000 \$75,000

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41 Provides funds to contract
42 for Medicaid outstationing
43 services at federally
44 qualified health centers and
45 federally-----qualified
46 look-alikes.

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Bureau of Health

All Other \$699,150

Provides funds to support the primary care infrastructure of federally qualified health centers providing health care services to underserved populations.

Affordable Health Care Fund

All Other \$50,000

Provides funds to establish the Affordable Health Care Fund to provide subsidies for individuals enrolled in community health access programs.

**DEPARTMENT OF HUMAN SERVICES
TOTAL**

\$824,150 \$75,000

Sec. B-4. Allocation. The following funds are allocated from the Federal Expenditures Fund to carry out the purposes of this Part.

2001-02 2002-03

HUMAN SERVICES, DEPARTMENT OF

Bureau of Medical Services

All Other \$75,000 \$75,000

Provides funds for the federal match to contract for Medicaid outstationing services at federally qualified health centers and federally-qualified look-alikes.

PART D

2 **Sec. D-1. 17-A MRSA §152, sub-§4**, as repealed by PL 2001, c.
383, §6 and affected by §156 and repealed and replaced by c. 413,
§1, is repealed.

4 **Sec. D-2. 17-A MRSA §152, sub-§5**, as enacted by PL 2001, c.
6 383, §6 and affected by §156, is repealed.

8 **Sec. D-3. 17-A MRSA §353, sub-§1, ¶B**, as enacted by PL 2001,
c. 383, §33 and affected by §156, is amended to read:

10 B. The person violates paragraph A and:

12 (1) The value of the property is more than \$10,000.
14 Violation of this subparagraph is a Class B crime;

16 (2) The property stolen is a firearm or an explosive
18 device. Violation of this subparagraph is a Class B
crime;

20 (3) The person is armed with a dangerous weapon at the
22 time of the offense. Violation of this subparagraph is
a Class B crime;

24 (4) The value of the property is more than \$2,000
26 \$1,000 but not more than \$10,000. Violation of this
subparagraph is a Class C crime;

28 (5) The value of the property is more than ~~\$1,000~~ \$500
30 but not more than ~~\$2,000~~ \$1,000. Violation of this
subparagraph is a Class D crime; or

32 (6) The person has 2 prior Maine convictions for any
34 combination of the following: theft; any violation of
36 section 401 in which the crime intended to be committed
inside the structure is theft; any violation of section
405 in which the crime intended to be committed inside
the motor vehicle is theft; any violation of section
38 651; any violation of section 702, 703 or 708; or
40 attempts thereat. Section 9-A governs the use of prior
convictions when determining a sentence. Violation of
42 this subparagraph is a Class C crime.

44 **Sec. D-4. 17-A MRSA §354, sub-§1, ¶B**, as enacted by PL 2001,
c. 383, §34 and affected by §156, is amended to read:

46 B. The person violates paragraph A and:

48 (1) The value of the property is more than \$10,000.
50 Violation of this subparagraph is a Class B crime;

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2 (2) The property stolen is a firearm or an explosive
device. Violation of this subparagraph is a Class B
crime;

4
6 (3) The person is armed with a dangerous weapon at the
time of the offense. Violation of this subparagraph is
a Class B crime;

8
10 (4) The value of the property is more than \$2,000
\$1,000 but not more than \$10,000. Violation of this
subparagraph is a Class C crime;

12
14 (5) The value of the property is more than \$1,000 \$500
but not more than \$2,000 \$1,000. Violation of this
subparagraph is a Class D crime; or

16
18 (6) The person has 2 prior Maine convictions for any
combination of the following: theft; any violation of
section 401 in which the crime intended to be committed
20 inside the structure is theft; any violation of section
405 in which the crime intended to be committed inside
22 the motor vehicle is theft; any violation of section
651; any violation of section 702, 703 or 708; or
24 attempts thereat. Section 9-A governs the use of prior
convictions when determining a sentence. Violation of
26 this subparagraph is a Class C crime.

28 **Sec. D-5. 17-A MRSA §354-A, sub-§1, ¶B**, as enacted by PL 2001,
c. 383, §35 and affected by §156, is amended to read:

30 B. The person violates paragraph A and:

32 (1) The value of the property is more than \$10,000.
34 Violation of this subparagraph is a Class B crime;

36 (2) The property stolen is a firearm or an explosive
38 device. Violation of this subparagraph is a Class B
crime;

40 (3) The person is armed with a dangerous weapon at the
42 time of the offense. Violation of this subparagraph is
a Class B crime;

44 (4) The value of the property is more than \$2,000
\$1,000 but not more than \$10,000. Violation of this
46 subparagraph is a Class C crime;

48 (5) The value of the property is more than \$1,000 \$500
but not more than \$2,000 \$1,000. Violation of this
50 subparagraph is a Class D crime; or

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 1577, L.D. 2083

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(6) The person has 2 prior Maine convictions for any combination of the following: theft; any violation of section 401 in which the crime intended to be committed inside the structure is theft; any violation of section 405 in which the crime intended to be committed inside the motor vehicle is theft; any violation of section 651; any violation of section 702, 703 or 708; or attempts thereat. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this subparagraph is a Class C crime.

Sec. D-6. 17-A MRSA §356-A, sub-§1, ¶B, as enacted by PL 2001, c. 383, §41 and affected by §156, is amended to read:

B. The person violates paragraph A and:

- (1) The value of the property is more than \$10,000. Violation of this subparagraph is a Class B crime;
- (2) The property stolen is a firearm or an explosive device. Violation of this subparagraph is a Class B crime;
- (3) The person is armed with a dangerous weapon at the time of the offense. Violation of this subparagraph is a Class B crime;
- (4) The value of the property is more than \$2,000 \$1,000 but not more than \$10,000. Violation of this subparagraph is a Class C crime;
- (5) The value of the property is more than ~~\$1,000~~ \$500 but not more than ~~\$2,000~~ \$1,000. Violation of this subparagraph is a Class D crime; or
- (6) The person has 2 prior Maine convictions for any combination of the following: theft; any violation of section 401 in which the crime intended to be committed inside the structure is theft; any violation of section 405 in which the crime intended to be committed inside the motor vehicle is theft; any violation of section 651; any violation of section 702, 703 or 708; or attempts thereat. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this subparagraph is a Class C crime.

Sec. D-7. 17-A MRSA §357, sub-§1, ¶B, as enacted by PL 2001, c. 383, §42 and affected by §156, is amended to read:

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B. The person violates paragraph A and:

(1) The value of the services is more than \$10,000. Violation of this subparagraph is a Class B crime;

(2) The person is armed with a dangerous weapon at the time of the offense. Violation of this subparagraph is a Class B crime;

(3) The value of the services is more than ~~\$2,000~~ \$1,000 but not more than \$10,000. Violation of this subparagraph is a Class C crime;

(4) The value of the services is more than ~~\$1,000~~ \$500 but not more than ~~\$2,000~~ \$1,000. Violation of this subparagraph is a Class D crime; or

(5) The person has 2 prior Maine convictions for any combination of the following: theft; any violation of section 401 in which the crime intended to be committed inside the structure is theft; any violation of section 405 in which the crime intended to be committed inside the motor vehicle is theft; any violation of section 651; any violation of section 702, 703 or 708; or attempts thereat. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this subparagraph is a Class C crime.

Sec. D-8. 17-A MRSA §357, sub-§2, ¶B, as enacted by PL 2001, c. 383, §42 and affected by §156, is amended to read:

B. The person violates paragraph A and:

(1) The value of the services is more than \$10,000. Violation of this subparagraph is a Class B crime;

(2) That person is armed with a dangerous weapon at the time of the offense. Violation of this subparagraph is a Class B crime;

(3) The value of the services is more than ~~\$2,000~~ \$1,000 but not more than \$10,000. Violation of this subparagraph is a Class C crime;

(4) The value of the services is more than ~~\$1,000~~ \$500 but not more than ~~\$2,000~~ \$1,000. Violation of this subparagraph is a Class D crime; or

(5) The person has 2 prior Maine convictions for any combination of the following: theft; any violation of

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2 section 401 in which the crime intended to be committed
 3 inside the structure is theft; any violation of section
 4 405 in which the crime intended to be committed inside
 5 the motor vehicle is theft; any violation of section
 6 651; any violation of section 702, 703 or 708; or
 7 attempts thereat. Section 9-A governs the use of prior
 8 convictions when determining a sentence. Violation of
 9 this subparagraph is a Class C crime.

10 **Sec. D-9. 17-A MRSA §358, sub-§1, ¶B**, as enacted by PL 2001,
 11 c. 383, §43 and affected by §156, is amended to read:

12 B. The person violates paragraph A and:

- 13 (1) The value of the property is more than \$10,000.
 14 Violation of this subparagraph is a Class B crime;
- 15 (2) The property stolen is a firearm or an explosive
 16 device. Violation of this subparagraph is a Class B
 17 crime;
- 18 (3) The person is armed with a dangerous weapon at the
 19 time of the offense. Violation of this subparagraph is
 20 a Class B crime;
- 21 (4) The value of the property is more than \$2,000 and
 22 the person is a payroll processor. Violation of this
 23 paragraph is a Class B crime;
- 24 (5) The value of the property is more than ~~\$2,000~~
 25 \$1,000 but not more than \$10,000. Violation of this
 26 subparagraph is a Class C crime;
- 27 (6) The value of the property is more than ~~\$1,000~~ \$500
 28 but not more than ~~\$2,000~~ \$1,000. Violation of this
 29 subparagraph is a Class D crime;
- 30 (7) The value of the property is more than \$1,000 but
 31 not more than \$2,000 and the person is a payroll
 32 processor. Violation of this subparagraph is a Class C
 33 crime;
- 34 (8) The person is a payroll processor and has 2 prior
 35 Maine convictions for any combination of the
 36 following: theft; any violation of section 401 in
 37 which the crime intended to be committed inside the
 38 structure is theft; any violation of section 405 in
 39 which the crime intended to be committed inside the
 40 motor vehicle is theft; any violation of section 651;
 41 any violation of section 702, 703 or 708; or attempts
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thereat. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this subparagraph is a Class B crime; or

(9) The person has 2 prior Maine convictions for any combination of the following: theft; any violation of section 401 in which the crime intended to be committed inside the structure is theft; any violation of section 405 in which the crime intended to be committed inside the motor vehicle is theft; any violation of section 651; any violation of section 702, 703 or 708; or attempts thereat. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this subparagraph is a Class C crime.

Sec. D-10. 17-A MRSA §359, sub-§1, ¶B, as enacted by PL 2001, c. 383, §46 and affected by §156, is amended to read:

B. The person violates paragraph A and:

(1) The value of the property is more than \$10,000. Violation of this subparagraph is a Class B crime;

(2) The property stolen is a firearm or an explosive device. Violation of this subparagraph is a Class B crime;

(3) The person is armed with a dangerous weapon at the time of the offense. Violation of this subparagraph is a Class B crime;

(4) The value of the property is more than ~~\$2,000~~ \$1,000 but not more than \$10,000. Violation of this subparagraph is a Class C crime;

(5) The value of the property is more than ~~\$1,000~~ \$500 but not more than ~~\$2,000~~ \$1,000. Violation of this subparagraph is a Class D crime; or

(6) The person has 2 prior Maine convictions for any combination of the following: theft; any violation of section 401 in which the crime intended to be committed inside the structure is theft; any violation of section 405 in which the crime intended to be committed inside the motor vehicle is theft; any violation of section 651; any violation of section 702, 703 or 708; or attempts thereat. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this subparagraph is a Class C crime.

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2 **Sec. D-11. 17-A MRSA §360, sub-§1, ¶B**, as amended by PL 2001,
c. 383, §47 and affected by §156, is further amended to read:

4 B. Having custody of a vehicle pursuant to an agreement
6 between the person and the owner of the vehicle whereby the
7 person or another is to perform for compensation a specific
8 service for the owner involving the maintenance, repair or
9 use of the vehicle, the person intentionally uses or
10 operates the same vehicle, without the consent of the owner,
11 for the person's own purposes in a manner constituting a
12 gross deviation from the agreed purpose; or

14 **Sec. D-12. 17-A MRSA §361-A, sub-§1**, as enacted by 2001, c.
15 383, §51 and affected by §156, is amended to read:

16 1. Proof that the defendant was in exclusive possession of
17 property that had recently been taken under circumstances
18 constituting a violation of this chapter, section 405 or of
19 chapter 27 gives rise to a permissible inference under the Maine
20 Rules of Evidence, Rule 303 that the defendant is guilty of the
21 theft or robbery of the property, as the case may be, and proof
22 that the theft or robbery occurred under circumstances
23 constituting a violation of section 401 or 405 also gives rise to
24 a permissible inference under the Maine Rules of Evidence, Rule
25 303 that the defendant in exclusive possession of property
26 recently so taken is guilty of the burglary or burglary of a
27 motor vehicle, as the case may be.

28 **Sec. D-13. 17-A MRSA §703, sub-§1, ¶¶A-1 and B-1**, as enacted by
29 PL 2001, c. 383, §75 and affected by §156, are amended to read:

30 A-1. The person violates paragraph A and:

31 (1) The face value of the written instrument or the
32 aggregate value of the instruments is more than
33 \$10,000. Violation of this subparagraph is a Class B
34 crime;

35 (2) The face value of the written instrument or the
36 aggregate value of the instruments is more than \$2,000
37 \$1,000 but not more than \$10,000. Violation of this
38 subparagraph is a Class C crime; or

39 (3) At the time of the forgery, the person has 2 prior
40 convictions for any combination of the following:
41 theft; violation or attempted violation of this
42 section; any violation or attempted violation of
43 section 401 if the intended crime within the structure
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is theft; any violation of section 405 in which the crime intended to be committed inside the motor vehicle is theft; any violation or attempted violation of section 651; or any violation or attempted violation of section 702 or 708. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this subparagraph is a Class C crime;

B-1. The person violates paragraph B and:

(1) The face value of the written instrument or the aggregate value of the instruments is more than \$10,000. Violation of this subparagraph is a Class B crime;

(2) The face value of the written instrument or the aggregate value of the instruments is more than \$2,000 \$1,000 but not more than \$10,000. Violation of this subparagraph is a Class C crime; or

(3) At the time of the forgery, the person has 2 prior convictions for any combination of the following: theft; violation or attempted violation of this section; any violation or attempted violation of section 401 if the intended crime within the structure is theft; any violation of section 405 in which the crime intended to be committed inside the motor vehicle is theft; any violation or attempted violation of section 651; or any violation or attempted violation of section 702 or 708. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this subparagraph is a Class C crime.

Sec. D-14. 17-A MRSA §703, sub-§2, as repealed by PL 2001, c. 383, §76 and affected by §156 and amended by 389, §6, is repealed.

Sec. D-15. 17-A MRSA §708, sub-§1, ¶B, as enacted by PL 2001, c. 383, §77 and affected by §156, is amended to read:

B. The person violates paragraph A and:

(1) The face value of the written instrument or the aggregate value of the instruments is more than \$10,000. Violation of this subparagraph is a Class B crime;

(2) The face value of the written instrument or the aggregate value of the instruments is more than \$2,000

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2 \$1,000 but not more than \$10,000. Violation of this
subparagraph is a Class C crime;

4 (3) The face value of the negotiable instrument is
6 more than ~~\$1,000~~ \$500 but not more than ~~\$2,000~~ \$1,000.
Violation of this subparagraph is a Class D crime; or

8 (4) At the time of negotiating a worthless instrument,
10 the person has 2 prior convictions for any combination
12 of the following: theft; violation or attempted
14 violation of this section; any violation or attempted
16 violation of section 401 if the intended crime within
18 the structure is theft; any violation of section 405 in
20 which the crime intended to be committed inside the
motor vehicle is theft; any violation or attempted
violation of section 651; or any violation or attempted
violation of section 702 or 708. Section 9-A governs
the use of prior convictions when determining a
sentence. Violation of this subparagraph is a Class C
crime.

22 **Sec. D-16. 17-A MRSA §753, sub-§1-A**, as enacted by PL 2001, c.
24 383, §85 and affected by §156, is repealed.

26 **Sec. D-17. 17-A MRSA §753, sub-§1-B** is enacted to read:

28 1-B. A person is guilty of hindering apprehension or
prosecution if, with the intent to hinder, prevent or delay the
discovery, apprehension, prosecution, conviction or punishment of
30 another person for the commission of a crime, the person:

32 A. Harbors or conceals the other person and:

34 (1) The actor knew of the conduct of the other person
that has in fact resulted in the charge of murder or a
36 Class A crime or that has in fact rendered the other
person liable to such a charge. Violation of this
38 subparagraph is a Class B crime;

40 (2) The conduct of the other person has in fact
resulted in the charge of murder or a Class A crime or
42 in fact has rendered the other person liable to such a
charge or the other person is charged or is liable to
44 be charged with a Class B crime. Violation of this
subparagraph is a Class C crime;

46 (3) The other person is charged or is liable to be
48 charged with a Class C crime. Violation of this
subparagraph is a Class D crime; or

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2 (4) The other person is charged or is liable to be
3 charged with a Class D or Class E crime. Violation of
4 this subparagraph is a Class E crime;

5 B. Provides or aids in providing a dangerous weapon,
6 transportation, disguise or other means of avoiding
7 discovery or apprehension and:

8 (1) The actor knew of the conduct of the other person
9 that has in fact resulted in the charge of murder or a
10 Class A crime or that has in fact rendered the other
11 person liable to such a charge. Violation of this
12 subparagraph is a Class B crime;

13 (2) The conduct of the other person has in fact
14 resulted in the charge of murder or a Class A crime or
15 in fact has rendered the other person liable to such a
16 charge or the other person is charged or is liable to
17 be charged with a Class B crime. Violation of this
18 subparagraph is a Class C crime;

19 (3) The other person is charged or is liable to be
20 charged with a Class C crime. Violation of this
21 subparagraph is a Class D crime; or

22 (4) The other person is charged or is liable to be
23 charged with a Class D or Class E crime. Violation of
24 this subparagraph is a Class E crime;

25 C. Conceals, alters or destroys any physical evidence that
26 might aid in the discovery, apprehension or conviction of
27 the other person and:

28 (1) The actor knew of the conduct of the other person
29 that has in fact resulted in the charge of murder or a
30 Class A crime or that has in fact rendered the other
31 person liable to such a charge. Violation of this
32 subparagraph is a Class B crime;

33 (2) The conduct of the other person has in fact
34 resulted in the charge of murder or a Class A crime or
35 in fact has rendered the other person liable to such a
36 charge or the other person is charged or is liable to
37 be charged with a Class B crime. Violation of this
38 subparagraph is a Class C crime;

39 (3) The other person is charged or is liable to be
40 charged with a Class C crime. Violation of this
41 subparagraph is a Class D crime; or

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2 (4) The other person is charged or is liable to be
 4 charged with a Class D or Class E crime. Violation of
 this subparagraph is a Class E crime;

6 D. Warns the other person of impending discovery or
 apprehension, except that this paragraph does not apply to a
 warning given in connection with an effort to bring another
 person into compliance with the law, and:

10 (1) The actor knew of the conduct of the other person
 that has in fact resulted in the charge of murder or a
 Class A crime or that has in fact rendered the other
 person liable to such a charge. Violation of this
 subparagraph is a Class B crime;

16 (2) The conduct of the other person has in fact
 resulted in the charge of murder or a Class A crime or
 in fact has rendered the other person liable to such a
 charge or the other person is charged or is liable to
 be charged with a Class B crime. Violation of this
 subparagraph is a Class C crime;

22 (3) The other person is charged or is liable to be
 charged with a Class C crime. Violation of this
 subparagraph is a Class D crime; or

26 (4) The other person is charged or is liable to be
 charged with a Class D or Class E crime. Violation of
 this subparagraph is a Class E crime;

30 E. Obstructs by force, intimidation or deception anyone
 from performing an act that might aid in the discovery,
 apprehension, prosecution or conviction of the other person
 and:

32 (1) The actor knew of the conduct of the other person
 that has in fact resulted in the charge of murder or a
 Class A crime or that has in fact rendered the other
 person liable to such a charge. Violation of this
 subparagraph is a Class B crime;

36 (2) The conduct of the other person has in fact
 resulted in the charge of murder or a Class A crime or
 in fact has rendered the other person liable to such a
 charge or the other person is charged or is liable to
 be charged with a Class B crime. Violation of this
 subparagraph is a Class C crime;

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2 (3) The other person is charged or is liable to be
3 charged with a Class C crime. Violation of this
4 subparagraph is a Class D crime; or

5 (4) The other person is charged or is liable to be
6 charged with a Class D or Class E crime. Violation of
7 this subparagraph is a Class E crime; or

8
9 F. Aids the other person to safeguard the proceeds of or to
10 profit from such crime and:

11 (1) The actor knew of the conduct of the other person
12 that has in fact resulted in the charge of murder or a
13 Class A crime or that has in fact rendered the other
14 person liable to such a charge. Violation of this
15 subparagraph is a Class B crime;

16
17 (2) The conduct of the other person has in fact
18 resulted in the charge of murder or a Class A crime or
19 in fact has rendered the other person liable to such a
20 charge or the other person is charged or is liable to
21 be charged with a Class B crime. Violation of this
22 subparagraph is a Class C crime;

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24 (3) The other person is charged or is liable to be
25 charged with a Class C crime. Violation of this
26 subparagraph is a Class D crime; or

27
28 (4) The other person is charged or is liable to be
29 charged with a Class D or Class E crime. Violation of
30 this subparagraph is a Class E crime.

31
32 **Sec. D-18. 17-A MRSA §753, sub-§2-A**, as amended by PL 2001, c.
33 383, §87 and affected by §156, is further amended to read:

34
35 **2-A.** Hindering apprehension or prosecution when the other
36 person has committed a crime against another jurisdiction is
37 graded as in subsection 1 **1-B**. For purposes of this subsection,
38 the classification of the crime of the other jurisdiction is
39 determined according to the formula contained in section 4-A,
40 subsection 3 as if it were a crime of this jurisdiction outside
41 this Code.

42
43 **Sec. D-19. 17-A MRSA §753, sub-§3**, as amended by PL 2001, c.
44 383, §88 and affected by §156, is further amended to read:

45
46 **3.** As used in subsection 1 **1-B**, "crime" includes juvenile
47 offenses. The sentencing class for hindering the apprehension or
48 prosecution of a juvenile is determined in the same manner as if
49 the juvenile were a person 18 years of age or older, provided
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not

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that if the offense committed by the juvenile would not have been a crime if committed by a person 18 years of age or older, hindering apprehension or prosecution is a Class E crime.

Sec. D-20. 17-A MRSA §755, sub-§1-D, as enacted by PL 2001, c. 383, §94 and affected by §156, is repealed and the following enacted in its place:

1-D. A person is guilty of escape during transport if the person:

A. Escapes from arrest or escapes from custody while being transported to a jail, police station or any other facility enumerated in subsection 3 pursuant to an arrest. Violation of this paragraph is a Class D crime; or

B. Violates paragraph A and at the time of the escape the person uses physical force against another person, threatens to use physical force or is armed with a dangerous weapon. Violation of this paragraph is a Class B crime.

Sec. D-21. 17-A MRSA §1105, sub-§1, as repealed by PL 2001, c. 383, §118 and affected by §156 and amended by c. 419, §§14 and 15, is repealed.

Sec. D-22. 17-A MRSA §1105-A, sub-§1, ¶C, as enacted by PL 2001, c. 383, §119 and affected by §156, is repealed.

Sec. D-23. 17-A MRSA §1105-A, sub-§1, ¶C-1 is enacted to read:

C-1. At the time of the offense, the person possesses a firearm in the furtherance of the offense, uses a firearm, carries a firearm or is armed with a firearm, and the drug is:

(1) A schedule W drug. Violation of this subparagraph is a Class A crime;

(2) Marijuana in a quantity of 20 pounds or more. Violation of this subparagraph is a Class A crime;

(3) A schedule X drug. Violation of this subparagraph is a Class B crime;

(4) Marijuana in a quantity of more than one pound. Violation of this subparagraph is a Class B crime;

(5) A schedule Y drug. Violation of this subparagraph is a Class C crime; or

2 (6) A schedule Z drug. Violation of this subparagraph
3 is a Class C crime;

4
5 **Sec. D-24. 17-A MRSA §1105-A, sub-§1, ¶¶G and H,** as enacted by
6 PL 2001, c. 383, §119 and affected by §156, are amended to read:

8 G. At the time of the offense, the person trafficks in
9 methamphetamine in a quantity of 100 grams or more.
10 Violation of this paragraph is a Class A crime; ~~or~~

12 H. At the time of the offense, the person trafficks in
13 heroin in a quantity of 6 grams or more or 270 or more
14 individual bags, folds, packages, envelopes or containers of
15 any kind containing heroin. Violation of this paragraph is
16 a Class A crime; ~~or~~

18 **Sec. D-25. 17-A MRSA §1105-A, sub-§1, ¶¶I and J** are enacted to
19 read:

20 I. At the time of the offense, the person trafficks in 300
21 or more pills, capsules, tablets, vials, ampules, syringes
22 or units containing any narcotic drug other than heroin, or
23 any quantity of pills, capsules, tablets, units, compounds,
24 mixtures or substances that, in the aggregate, contains
25 8,000 milligrams or more of oxycodone or 1,000 milligrams or
26 more of hydromorphone; or

28 J. At the time of the offense, the person trafficks in a
29 quantity of 300 or more pills, capsules, tablets or units
30 containing 3, 4-methylenedioxymethamphetamine, MDMA, or any
31 other drug listed in section 1102, subsection 1, paragraph O.

34 **Sec. D-26. 17-A MRSA §1105-B, sub-§1, ¶C,** as enacted by PL
35 2001, c. 383, §119 and affected by §156, is repealed and the
36 following enacted in its place:

38 C. At the time of the offense, the person possesses a
39 firearm in the furtherance of the offense, uses a firearm,
40 carries a firearm or is armed with firearm.

42 **Sec. D-27. 17-A MRSA §1105-C, sub-§1, ¶C,** as enacted by PL
43 2001, c. 383, §119 and affected by §156, is repealed.

44 **Sec. D-28. 17-A MRSA §1105-C, sub-§1, ¶C-1** is enacted to read:

46 C-1. At the time of the offense, the person possesses a
47 firearm in the furtherance of the offense, uses a firearm,
48

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2 carries a firearm or is armed with a firearm, and the drug
3 is:

4 (1) A schedule W drug. Violation of this subparagraph
5 is a Class B crime;

6 (2) A schedule X drug. Violation of this subparagraph
7 is a Class C crime;

8 (3) A schedule Y drug. Violation of this subparagraph
9 is a Class C crime; or

10 (4) A schedule Z drug. Violation of this subparagraph
11 is a Class C crime;

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16 **Sec. D-29. 17-A MRSA §1105-D, sub-§1, ¶B,** as enacted by PL
17 2001, c. 383, §119 and affected by §156, is repealed.

18
19 **Sec. D-30. 17-A MRSA §1105-D, sub-§1, ¶B-1** is enacted to read:

20
21 B-1. At the time of the offense, the person possesses a
22 firearm in the furtherance of the offense, uses a firearm,
23 carries a firearm or is armed with a firearm, and the person
24 grows or cultivates:

25 (1) Five hundred or more marijuana plants. Violation
26 of this subparagraph is a Class A crime;

27 (2) One hundred or more but fewer than 500 marijuana
28 plants. Violation of this subparagraph is a Class B
29 crime;

30 (3) More than 5 but fewer than 100 marijuana plants.
31 Violation of this subparagraph is a Class C crime; or

32 (4) Five or fewer marijuana plants. Violation of this
33 subparagraph is a Class D crime;

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37 **Sec. D-31. 17-A MRSA §1105-C, sub-§1, ¶¶G and H,** as enacted by
38 PL 2001, c. 383, §119 and affected by §156, are amended to read:

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41 **G.** At the time of the offense, the person furnishes
42 methamphetamine in a quantity of 100 grams or more.
43 Violation of this paragraph is a Class B crime; or

44
45 **H.** At the time of the offense, the person furnishes heroin
46 in a quantity of 6 grams or more or 270 or more individual
47 bags, folds, packages, envelopes or containers of any kind
48

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containing heroin. Violation of this paragraph is a Class B crime.

Sec. D-32. 17-A MRSA §1105-C, sub-§1, ¶¶I and J are enacted to read:

I. At the time of the offense, the person furnishes 300 or more pills, capsules, tablets, vials, ampules, syringes or units containing any narcotic drug other than heroin, or any quantity of pills, capsules, tablets, units, compounds, mixtures or substances that, in the aggregate, contains 8,000 milligrams or more of oxycodone or 1,000 milligrams or more of hydromorphone; or

J. At the time of the offense, the person furnishes a quantity of 300 or more pills, capsules, tablets or units containing 3, 4-methylenedioxymethamphetamine, MDMA, or any other drug listed in section 1102, subsection 1, paragraph O.

Sec. D-33. 17-A MRSA §1109, sub-§1, as repealed and replaced by PL 2001, c. 383, §130 and affected by §156, is repealed and the following enacted in its place:

1. A person is guilty of stealing drugs if the person violates chapter 15, sections 353, 355 or 356 knowing or believing that the subject of the theft is a scheduled drug, and it is in fact a scheduled drug, and the theft is from a person authorized to possess or traffick in that scheduled drug.

Sec. D-34. 17-A MRSA §1112, sub-§1, as amended by PL 2001, c. 383, §142 and affected by §156 and amended by c. 419, §22, is repealed and the following enacted in its place:

1. A laboratory that receives a drug or substance from a law enforcement officer or agency for analysis as a scheduled drug shall, if it is capable of so doing, analyze the same as requested by a method designed to accurately determine the composition of the substance, including by chemical means, visual examination, or both, and shall issue a certificate stating the results of the analysis. The certificate, when duly signed and sworn to by a person certified as qualified for this purpose by the Department of Human Services under certification standards set by that department, is admissible in evidence in a court of the State, and gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that the composition, quality and quantity of the drug or substance are as stated in the certificate, unless, within 10 days written notice to the prosecution, the defendant requests that a qualified witness testify as to the composition, quality and quantity.

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2 A person or entity selling, providing or transmitting
3 electricity generated by the hydropower facilities to a person to
4 whom Great Northern Paper, Inc. supplied or sold electricity
5 generated from the hydropower facilities between July 1, 1997 and
6 January 28, 2002 is exempt for such sale, provision or
7 transmission from regulation as a competitive electricity
8 provider, as defined in the Maine Revised Statutes, Title 35-A,
9 section 3201, or a transmission and distribution utility, as
10 defined in Title 35-A, section 102, unless the Public Utilities
11 Commission, on petition or on its own motion, revokes this
12 exemption. The Public Utilities Commission may revoke the
13 exemption if the commission finds that a person to whom the
14 electricity is sold, provided or transmitted has reasonable
15 access to the electrical grid of a regulated transmission and
16 distribution utility or for any other reason finds that
17 continuance of the exemption is not in the public interest.

18 **Sec. E-6. Retroactivity.** That section of this Part that amends
19 Private and Special Law 2001, chapter 45, section 1 is
20 retroactive to January 28, 2002.

22

PART F

24

Sec. F-1. PL 2001, c. 578, §§22 and 23 are repealed.

26

Sec. F-2. Effective date. That section of this Part that
27 repeals Public Law 2001, chapter 578, sections 22 and 23 takes
28 effect 90 days after adjournment of the Second Regular Session of
29 the 120th Legislature.'

30

31 Further amend the bill by relettering or renumbering any
32 nonconsecutive Part letter or section number to read
33 consecutively.

34

36

FISCAL NOTE

38

The expansion of the eligibility for death benefits for
39 certain employees of the Office of the State Fire Marshal
40 increases the potential cost to the Maine Rainy Day Fund. The
41 amount and timing can not be determined at this time.

42

The Public Utilities Commission will incur some minor
43 additional costs to make a minimal number of determinations.
44 These costs can be absorbed within the commission's existing
45 budgeted resources.

46

48

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COMMITTEE AMENDMENT "A" to H.P. 1577, L.D. 2083

2 The change of the grave site flag holder requirement will
result in savings to the Department of Public Safety, Other
4 Special Revenue funds.

6 **SUMMARY**

8
10 **PART A**

12 The corrections in Part A are technical corrections to the
sections of law included in the bill. Sections 4, 55 and 63 are
14 deleted because the errors are fixed in other bills. Section 35
is deleted and corrected in Part B. Section 14 is deleted
16 consistent with the repeal of the extended archery season
elsewhere in this amendment.

18 **PART B**

20 Part B, section 1 corrects a references to the Maine
Technical College System and the Department of Administrative and
22 Financial Services, Bureau of General Services.

24 Part B, sections 2 to 5 place the Integrated Pest Management
Council with the appropriate subject matter grouping,
26 agriculture, within the listing of boards and commissions, update
the cross reference and add an effective date.

28 Part B, section 6 corrects a conflict created by Public Law
30 2001, chapters 101 and 188, which affected the same provision of
law concerning municipal shellfish ordinances. This section
32 repeals the provision and replaces it with the Public Law 2001,
chapter 101 version.

34 Part B, section 7 corrects an incorrect article.

36 Part B, sections 8 and 9 correct the listing of civil
38 violations in the Maine Revised Statutes, Title 12, section
7901-A. Public Law 2001, chapter 269, An Act to Clarify Laws
40 Pertaining to the Permit Process for Wildlife Possession,"
repealed section 7736. Section 7736 prohibited keeping a wild
42 animal in captivity, hunting on a state game farm and hunting in
a licensed wildlife exhibit. Chapter 269 reenacted those
44 prohibitions in different sections. Keeping wildlife in
captivity is now found as section 7235-D, subsection 1. Hunting
46 on a state game farm and hunting in a licensed wildlife exhibit
are prohibited in section 7406, subsections 22 and 23,
48 respectively.

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2 Part B, section 10 corrects a problem created by Public Law
3 2001, chapter 387, which repealed Title 12, section 7462,
4 subsection 3 and Public Law 2001, chapter 421, which enacted a
5 new section 7901-A, subsection 6, paragraph C, subparagraph (11),
6 which references the repealed subsection of law. This section
7 corrects the problem by repealing the subparagraph that
8 cross-references the subsection.

9
10 Part B, sections 11 and 12 correct a cross-reference in the
11 election laws concerning the marking of test ballots and add an
12 effective date.

13
14 Part B, sections 13 and 14 delete a sentence in Public Law
15 2001, chapter 526 that refers to a section that was removed from
16 the bill before the bill was enacted and add an effective date.

17
18 Part C

19
20 Part C, section 1 provides the statutory requirement that
21 District Court Judges take and subscribe a specific oath before
22 taking office. The Constitution of Maine requires that every
23 person appointed to a judicial office must take and subscribe a
24 specific oath before taking office. The Maine Revised Statutes,
25 Title 5, section 5 provides that the Justices of the Supreme
26 Judicial Court and the Superior Court, as well as all State
27 officials elected by the Legislature, must take and subscribe the
28 oath before the Governor. There was no statutory direction for
29 District Court Judges to take an oath.

30
31 Part C, sections 2 to 5 amend the statutes governing the
32 Baxter Compensation Program as recommended by the Baxter
33 Compensation Authority board.

34
35 Part C, sections 2 and 3 eliminate the specified
36 compensation, legislative per diem plus expenses, for the 3
37 members of the compensation panel. The board will set the pay
38 for the panel members. Section 3 deletes the cross-reference to
39 Title 5, section 12004-B, subsection 9.

40
41 Part C, section 4 amends Title 5, section 22024, subsection
42 3 by extending the time period for the compensation panel to
43 complete its decision. Current law requires that a decision be
44 made within 60 days of the filing of the claim. This amendment
45 requires that the panel make its decision within 9 months of the
46 filing of the claim.

47
48 Part C, section 4 amends Title 5, section 22024, subsection
49 4 to provide for delivery of the panel's decision directly to the
50 claimant.

COMMITTEE AMENDMENT

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2 Part C, section 5 provides for the payment of the
compensation after the claimant signs the release and the program
receives the release.

4
6 Part C, section 6 exempts a person who holds a smelt
wholesaler's license from using a fish grader if the person takes
smelts by hook and line. It also corrects the description of a
8 number 14 fish grader.

10 Part C, sections 7 and 8 amend the laws referring to ice
fishing violations that are based on open water fishing rules.
12 The Department of Inland Fisheries and Wildlife has adopted
separate ice fishing rules, and the link between ice fishing and
14 open water fishing is not longer necessary.

16 Part C, sections 9 and 10 make violating a rule regulating
wild animals in captivity a civil violation, consistent with the
18 statutory violations.

20 Part C, section 11 clarifies the law governing school bus
purchases, contracts and leases.

22
24 Part C, section 12 corrects references to federally
qualified health centers in the laws governing financial support
for these centers.

26
28 Part C, section 13 changes one member of the TANF Advisory
Council. Currently, one person is chosen to represent the Job
Training Partnership Act, JTPA, service delivery area network.
30 The JTPA was a federal job-training law, which has been repealed
and replaced by the federal Workforce Investment Act of 1998.
32 The Workforce Investment Act of 1998 has a similar purpose to the
JTPA, but is organized into local areas, with one or more
34 one-stop "Career Centers." This section calls for appointment of
a representative of the one-stop delivery system as a member on
36 the TANF Advisory Council to replace the representative of the
JTPA service delivery area network.

38
40 Part C, section 14 amends the law provided for the payment
of a death benefit to law enforcement officers and public safety
workers who are killed in the line of duty. It includes in the
42 definition of "law enforcement officer" those employees of the
Office of the State Fire Marshal who have law enforcement powers.

44
46 Part C, section 15 specifies that the flags required to be
placed at the gravesite of each public servant listed on the law
enforcement memorial located at the State Capitol complex
48 memorial site must be 12 inches by 18 inches in size rather than
12 inches by 8 inches as specified in Public Law 2001, chapter

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2 309. This section also changes the gravesite flag holder to
include a State of Maine symbol rather than the state seal.

4 Part C, section 16 corrects cross-references regarding
6 penalties the Public Utilities Commission may impose upon a local
exchange carrier with respect to E-9-1-1 service.

8 Part C, section 17 corrects a conflict created by Public Law
10 2001, chapters 148, 197 and 360, which affected the same
12 provision of law. Chapters 197 and 360 made substantive changes
and chapter 148 added a new subsection. This section repeals the
14 provision and replaces it with the chapter 360 version and
incorporates the new subsection created by chapter 148.

16 Part C, section 18 allows acceptance of plans filed with the
registries of deeds that are either sealed or embossed, or both,
18 with the seal of an architect, professional engineer or
registered land surveyor. Current law allows acceptance of only
those plans that are embossed with the seal.

20 Part C, section 19 corrects a problem created by Public Law
22 2001, chapter 228, which repealed Title 34-A, section 1205,
subsection 3, paragraph C, and Public Law 2001, chapter 386,
24 which amended subsection 3. This section corrects the problem by
repealing subsection 3.

26 Part C, sections 20 to 22 correct errors in Public Law 2001,
28 chapter 314, "An Act to Make the Laws Affecting Certain Bridges
Consistent with Federal Law." The changes were intended to take
30 effect July 1, 2001. The corrections apply retroactively to May
30, 2001, the date on which Public Law 2001, chapter 314 was
32 signed and took effect.

34 Part C, section 23 removes references to "federally
36 qualified look-alikes" in those sections of Public Law 2001,
chapter 450 that provide funding to contract for Medicaid
outstationing services at federally qualified health centers.

40 PART D

42 Part D corrects conflicts created by the enactment of the
MCJUSTIS recommendations, Public Law 2001, chapter 383, and other
44 laws amending the Maine Criminal Code. It also corrects format
and language added by chapter 383. These changes take effect
46 January 31, 2003, which is the effective date of chapter 383.

48 PART E

COMMITTEE AMENDMENT

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2 Part E, sections 1, 2 and 3 provide an eligibility provision
3 in Title 5, section 285 in order to accomplish the intent of
4 Public Law 2001, chapter 559, Part QQ, to give a legislative
5 employee who is a retired teacher, the option of participating in
6 the state employee health insurance plan. Part QQ failed to make
7 a change in Title 5, section 285 in order to provide eligibility
8 for these legislative employees due to an oversight. It was the
9 intent that these employees be given the same option as
10 Legislators who are retired teachers.

11 Part E, section 4 corrects an unallocated section in Public
12 Law 2001, chapter 450 to carry out the intent to allow the funds
13 that were appropriated but not used at the end of each fiscal
14 year to be transferred to the Maine Health Access Fund, rather
15 than lapse to the General Fund.

16 Part E, section 5 adds language to Private and Special Law
17 2001, chapter 45, exempting from Public Utilities Commission
18 regulation the sale and transmission of electricity generated by
19 the hydroelectric facilities formerly owned by Great Northern
20 Paper, Inc. to any persons to which Great Northern Paper, Inc.
21 formerly supplied or sold such electricity between July 1, 1997
22 and January 28, 2002 unless the commission determines that a
23 person to whom the electricity is sold, provided or transmitted
24 has reasonable access to the electrical grid of a regulated
25 transmission and distribution utility or for any other reason
26 finds that continuance of the exemption is not in the public
27 interest. Great Northern Paper, Inc., in addition to supplying
28 electricity to its mills, has provided electricity from its
29 hydroelectric facilities to 2 residences and a commercial
30 facility, located on land owned by Great Northern Paper, Inc.,
31 that do not have access to another provider of electricity. This
32 amendment makes it clear that, unless the commission determines
33 otherwise, power from the hydroelectric facilities may be
34 provided or sold to these properties without the seller thereby
35 becoming a competitive electricity provider or a transmission and
36 distribution utility.

37

38
39
40 PART F

41 Part F corrects a printing error in L.D. 2094, now Public
42 Law 2001, chapter 578. The correction is made in Part A of this
43 bill in the section that amends Title 30-A, section 5953-D,
44 subsection 3, paragraph D, as amended by this committee amendment.
45
46