

# MAINE STATE LEGISLATURE

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**LAWS**

OF THE

**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

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

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
1989

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eration between local educators and students receiving equivalent instruction and to permit local boards and educators to provide initial review of the application for completion of information required by state rules. Within 30 days of receipt of the application, the local board shall submit its comments on the completeness of the application to the commissioner. Within 30 days of receipt of local comments, the commissioner, using state criteria established by rule, shall decide whether to approve the equivalent instruction application. If the commissioner denies the application, the applicant may, within 30 days of receiving the denial, amend and re-submit the application directly to the commissioner. The commissioner shall make a decision within 30 days of receiving the amended application. If the amended application is approved, the applicant shall send a copy of the amended application to the local board for information purposes.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective July 7, 1989.

## CHAPTER 538

H.P. 924 - L.D. 1290

### An Act to Increase the Punishment for Trafficking in and Possession of Cocaine

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

**Sec. 1. 17-A MRSA §1105, sub-§1, ¶¶A and B,** as enacted by PL 1987, c. 535, §3, are amended to read:

A. In violation of section 1103, 1104 or 1106, ~~he~~ the person trafficks with or furnishes to a child, in fact, under 18 years of age a scheduled drug; ~~or~~

B. ~~He~~ The person violates section 1103, 1104 or 1106, and, at the time of the offense, ~~he~~ has been convicted of any offense under this chapter punishable by a term of imprisonment of more than one year, or under any law of the United States or of another state relating to scheduled drugs, as defined in this chapter, and punishable by a term of imprisonment of more than one year. For purposes of this paragraph, a person shall have been convicted of an offense on the date the judgment of conviction was entered by the trial court; or

**Sec. 2. 17-A MRSA §1105, sub-§1, ¶C** is enacted to read:

C. A person violates section 1103 or 1106, and, at the time of the offense, the person trafficks in or furnishes cocaine in a quantity of 112 grams or more.

**Sec. 3. 17-A MRSA §1107, sub-§2, ¶¶B and C,** as repealed and replaced by PL 1977, c. 649, §6, are amended to read:

B. A Class D crime if the drug is a schedule W drug other than heroin (diacetylmorphine) or a schedule X drug; ~~or~~

C. A Class E crime if the drug is a schedule Y drug; or

**Sec. 4. 17-A MRSA §1107, sub-§2, ¶D** is enacted to read:

D. A Class B crime if the drug is cocaine and the quantity possessed is more than 14 grams.

See title page for effective date.

## CHAPTER 539

S.P. 84 - L.D. 84

### An Act to Amend the Laws Governing the Operation of a Watercraft While Under the Influence

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

**Sec. 1. 12 MRSA §7801, sub-§9,** as amended by PL 1981, c. 698, §74, is repealed and the following enacted in its place:

9. Operating watercraft while under the influence or with excessive blood-alcohol level. A person is guilty of a criminal violation if that person operates or attempts to operate any watercraft:

A. While under the influence of intoxicating liquor or drugs or a combination of liquor and drugs; or

B. While having 0.08% or more by weight of alcohol in that person's blood.

**Sec. 2. 12 MRSA §7801, sub-§9-A** is enacted to read:

9-A. Failure to comply with duty to submit. A person is guilty of failure to comply with the duty to submit to and complete a blood-alcohol test under section 7802 if that person refuses to submit to or fails to complete a blood-alcohol test when requested to do so by a law enforcement officer:

A. Who has probable cause to believe that the person operated or attempted to operate a watercraft while under the influence of intoxicating liquor; or