

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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

J.S. McCarthy Company
Augusta, Maine
1995

(2) A name the exclusive right to which is, at the time, reserved under sections 404 ~~and~~, 604 ~~and~~ 804; Title 13-A, section 302; and Title 13-B, section 302;

(3) A name that is registered under section 606; Title 13-A, section 303; Title 13-B, section 303; or Title 31, section 406 ~~or~~ 806;

(4) The assumed name of a corporation, limited partnership, ~~limited liability partnership~~ or limited liability company as provided in section 605; Title 13-A, section 307; Title 13-B, section 308; or Title 31, section 405 ~~or~~ 805; or

(5) A mark registered under Title 10, chapter 301-A.

Sec. C-16. 31 MRSA §611, as enacted by PL 1993, c. 718, Pt. A, §1, is repealed and the following enacted in its place:

§611. Nature of business

A limited liability company may be organized under this chapter for any lawful purpose. If the purpose for which a limited liability company is organized or its form makes it subject to a special provision of law, the limited liability company shall also comply with that provision. This section is specifically intended to permit the formation of a professional limited liability company by a person or persons who may form a professional corporation under the Professional Service Corporation Act. The provisions of that Act are incorporated in this chapter by reference, except as follows.

1. Not applicable. Sections 701, 702, 704 to 706 and 713 to 715 do not apply.

2. Application. All references to:

A. Shareholders are deemed to be references to members;

B. Corporations, or corporations organized or incorporated under the Professional Service Corporation Act, are deemed to be references to professional limited liability companies;

C. Stock are deemed to be references to membership interests; and

D. Officers are deemed to be references to managers.

Sec. C-17. 31 MRSA §624, as enacted by PL 1993, c. 718, Pt. A, §1, is amended to read:

§624. Certificate of correction

A manager or, if there is no manager, a member who becomes aware that any statement in articles of organization, or a any certificate filed under this ~~section~~ chapter, was inaccurate when made, shall file a certificate of correction with the Secretary of State. The certificate of correction must specify the inaccuracy or defect to be corrected and must set forth the portion of the instrument in corrected form. The corrected instrument is effective as of the date the original instrument was filed, except for those persons who are substantially and adversely affected by the correction. For those persons, the corrected instrument is effective from the filing date.

Sec. C-18. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1996-97

**SECRETARY OF STATE,
DEPARTMENT OF THE**

**Bureau of Administrative Services
and Corporations**

All Other \$7,500

Provides additional funds for printing costs associated with the administration of limited liability partnerships and one-time software design costs to update the departmental data base.

See title page for effective date.

CHAPTER 634

S.P. 207 - L.D. 550

**An Act to Clarify the Sales Tax Law
Applicable to Packaging**

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

Sec. 1. 36 MRSA §1760, sub-§12-A, as enacted by PL 1989, c. 871, §11, is amended to read:

12-A. Packaging materials. Sales of containers, boxes, crates, bags, cores, twines, tapes, bindings, wrappings, labels and other packing, packaging and shipping materials to ~~persons for use in packing, packaging or shipping tangible personal property sold by them or on which they have performed the service~~

~~of cleaning, pressing, dyeing, washing, repairing or reconditioning in their regular course of business that are transferred to the possession of the purchaser of that tangible personal property.:~~

A. Persons engaged in the business of packing, packaging, shipping and transporting tangible personal property; or

B. Persons for use in packing, packaging or shipping tangible personal property sold by them or on which they have performed the service of cleaning, pressing, dyeing, washing, repairing or reconditioning in their regular course of business that are transferred to the possession of the purchaser of that tangible personal property;

Sec. 2. Effective date. This Act takes effect August 1, 1996.

Effective August 1, 1996.

CHAPTER 635

H.P. 1038 - L.D. 1457

An Act to Discourage the Spread of "Crack" Cocaine

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

Sec. 1. 17-A MRSA §1102, sub-§1, ¶F, as repealed and replaced by PL 1989, c. 334, §1, is repealed and the following enacted in its place:

F. Cocaine means:

(1) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine and derivatives of ecgonine and their salts have been removed; and

(2) A mixture or preparation that contains any quantity of any of the following substances:

(a) Cocaine, its salts, optical and geometric isomers and salts of isomers;

(b) Ecgonine, its derivatives, their salts, isomers and salts of isomers; or

(c) Cocaine base, which is the alkaloid form of cocaine;

Sec. 2. 17-A MRSA §1103, sub-§3, ¶B, as enacted by PL 1989, c. 924, §8, is amended to read:

B. Fourteen grams or more of cocaine or 4 grams or more of cocaine in the form of cocaine base;

Sec. 3. 17-A MRSA §1105, sub-§1, ¶B, as repealed and replaced by PL 1989, c. 600, Pt. A, §§2 and 3, is amended to read:

B. The person violates section 1103, 1104 or 1106, and, at the time of the offense, the person 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, of another state or of a foreign country 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~~ has been convicted of an offense on the date the judgment of conviction was entered by the ~~trial~~ court;

Sec. 4. 17-A MRSA §1105, sub-§1, ¶D, as amended by PL 1989, c. 924, §10, is further amended to read:

D. 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 or cocaine in the form of cocaine base in a quantity of 32 grams or more;

Sec. 5. 17-A MRSA §1106, sub-§3, ¶B, as enacted by PL 1989, c. 924, §12, is amended to read:

B. Seven grams or more of cocaine or 2 grams or more of cocaine in the form of cocaine base;

Sec. 6. 17-A MRSA §1107, sub-§2, as amended by PL 1989, c. 384, §4 and c. 538, §§3 and 4, is repealed and the following enacted in its place:

2. Violation of this section is:

A. A Class C crime if the drug is:

(1) Heroin (diacetylmorphine); or

(2) Cocaine in the form of cocaine base and at the time of the offense the person has been convicted of any offense under this chapter or under any law of the United States, another state or a foreign country relating to scheduled drugs, as defined in this chapter. For the purposes of this paragraph, a person has been convicted of an offense on the date the judgment of conviction was entered by the court;

B. A Class D crime if the drug is:

(1) A schedule W drug other than: