

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 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

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Sec. 1. 17-A MRSA §1102, sub-§1, ¶F, as repealed and replaced by PL 1989, c. 334, §1, is repealed and the following enacted in its place: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

(a) Heroin (diacetylmorphine); or

(b) Cocaine in the form of cocaine base and the person has a prior scheduled drug conviction within the meaning of paragraph A, subparagraph (2) of this section; or

(2) A schedule X drug;

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

D. A Class B crime if the drug is cocaine and the quantity possessed is more than 14 grams or cocaine in the form of cocaine base and the quantity possessed is more than 4 grams.

See title page for effective date.

CHAPTER 636

H.P. 1123 - L.D. 1567

An Act to Facilitate Sewer and Water Main Extensions

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

Sec. 1. 38 MRSA §1163, as repealed and replaced by PL 1993, c. 721, Pt. B, §3 and affected by Pt. H, §1, is repealed and the following enacted in its place:

§1163. Sewer extensions

1. Assurance. A sanitary district may not construct any sewer extension unless it acquires from the municipal officers or the designee of the municipal officers of any municipality through which the sewer extension will pass written assurance that:

A. Any development, lot or unit intended to be served by the sewer extension is in conformity with any adopted municipal plans and ordinances regulating land use; and

B. The sewer extension is consistent with adopted municipal plans and ordinances regulating land use.

If the municipal officers fail to issue a response to a written request from a district for written assurance within 45 calendar days of receiving the request in writing, the written assurance is deemed granted.

Not less than 7 days prior to the meeting at which the trustees will take final action on whether to proceed with the extension, the trustees of the district shall publish notice of the proposed extension in a newspa-

per having a general circulation that includes all municipalities through which the sewer extension will pass.

2. Appeal. For an intermunicipal sewer extension, when written assurance is denied by municipal officers pursuant to subsection 1, an aggrieved party may appeal, within 15 days of the decision, to the State Planning Office, referred to in this subsection as the "office," for a review of the municipal officers' decision. Notwithstanding Title 5, chapter 375, subchapter IV, the following procedures apply to the review by the office.

A. The office may request any additional information from the sanitary district, the municipality or the department. All information requested by the office must be submitted within 30 days of the request, unless an extension is granted by the office.

B. Within a reasonable time, the office shall hold a hearing. The office shall give at least 7 days' written notice of the hearing to the sanitary district, the municipality and the party that requested the hearing. The hearing is informal and the office may receive any information it considers necessary.

C. Within 15 days of the hearing and within 60 days of the request for review, the office shall make a decision that must include findings of fact on whether the sewer extension proposal is inconsistent with adopted municipal plans and ordinances regulating land use. The decision of the office constitutes final agency action.

D. Notwithstanding subsection 1, if the office determines that the sewer extension proposal is not inconsistent with adopted municipal plans and ordinances regulating land use, the office shall issue written assurance that the proposal is consistent with adopted municipal plans and ordinances regulating land use, and the sanitary district may construct the sewer extension.

Sec. 2. 38 MRSA §1252, sub-§7, as repealed and replaced by PL 1993, c. 721, Pt. B, §5 and affected by Pt. H, §1, is repealed and the following enacted in its place:

7. Sewer extensions. Sewer extensions are governed by this subsection.

A. A sewer district may not construct any sewer extension unless it acquires from the municipal officers or the designee of the municipal officers of any municipality through which the sewer extension will pass written assurance that: