

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

employ personnel necessary to carry out the purposes of the Maine Criminal Justice Information System, lease, rent or acquire adequate equipment and facilities, accept federal funds or grants that are available to carry out or implement its purpose and provide technical assistance and training to criminal justice agencies necessary to meet minimum standards for access.

Sec. 5. Resolve 1997, c. 105, §4, amended. Resolved: That Resolve 1997, c. 105, §4 is amended to read:

Sec. 4. Reports. Resolved: That the MCJUSTIS Board shall submit ~~a final~~ an interim report and proposed legislation to the joint standing committee of the Legislature having jurisdiction over criminal justice matters, with regard to issues pertaining to the Maine Criminal Code, and to the joint standing committee of the Legislature having jurisdiction over judiciary matters regarding all other issues by January 1, 1999. The MCJUSTIS Board shall submit a final report and proposed legislation to the joint standing committee of the Legislature having jurisdiction over criminal justice matters, with regard to issues pertaining to the Maine Criminal Code, and to the joint standing committee of the Legislature having jurisdiction over judiciary matters regarding all other issues by December 15, 1999. The proposed legislation must accomplish the purpose of this resolve without making additional substantive changes to the Maine Revised Statutes. Each committee may report out additional legislation related to the report.

Sec. 6. Retroactivity. That section of this Act that amends Resolve 1997, chapter 105, section 4 applies retroactively to January 1, 1999.

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

Effective June 9, 1999.

CHAPTER 452

S.P. 69 - L.D. 172

An Act to Enhance Maine's Relationship with Aomori, Japan by Hosting a Cultural Exchange

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

Sec. 1. 27 MRSA §85-A, sub-§4, as amended by PL 1991, c. 780, Pt. M, §2, is further amended to read:

4. Acceptance of gifts, grants, donations, bequests, endowments and membership fees. To accept gifts, grants, donations, bequests, endowments and membership fees for purposes consistent with the purposes of this chapter. Any funds, if given as an endowment or trust, must be invested by the Treasurer of State according to the laws governing the investment of trust funds. All gifts, grants, donations, bequests and proceeds of endowment funds must be used solely to carry out the purposes for which they were made;

Sec. 2. Nonlapsing funds. Notwithstanding any other provisions of law, an amount not to exceed \$110,000 of General Fund appropriations in the Personal Services line category on June 30, 1999 in the Governor's office program in the Executive Department may not lapse but must be carried forward to June 30, 2000.

Sec. 3. Appropriation. The following fuannds are appropriated from the General Fund to carry out the purposes of this Act.

1999-00

EXECUTIVE DEPARTMENT

Administration - Executive-Governor's Office

Personal Services	(\$110,000)
Deappropriates funds no longer needed.	

EXECUTIVE DEPARTMENT

TOTAL (\$110,000)

MAINE STATE MUSEUM

Research and Collection - Museum

All Other	\$110,000
Provides funds to bring an art exhibit currently located in Aomori, Japan to Maine as part of a cultural exchange. This appropriation is to be considered one-time funding only.	

MAINE STATE MUSEUM

TOTAL \$110,000

SECTION
TOTAL

0

See title page for effective date.

CHAPTER 453**H.P. 1404 - L.D. 2009****An Act to Redefine Trafficking and
Furnishing of Heroin in Terms of the
Amount of the Drug Possessed****Be it enacted by the People of the State of
Maine as follows:****Sec. 1. 17-A MRSA §1101, sub-§17, ¶C**, as enacted by PL 1975, c. 499, §1, is amended to read:C. To sell, barter, trade, exchange or otherwise furnish for consideration; ~~or~~**Sec. 2. 17-A MRSA §1101, sub-§17, ¶D**, as amended by PL 1997, c. 481, §1, is further amended to read:D. To possess with the intent to do any act mentioned in paragraph C; ~~or~~**Sec. 3. 17-A MRSA §1101, sub-§17, ¶E** is enacted to read:E. To possess 2 grams or more of heroin or 90 or more individual bags, folds, packages, envelopes or containers of any kind containing heroin.**Sec. 4. 17-A MRSA §1101, sub-§18, ¶B**, as enacted by PL 1975, c. 499, §1, is amended to read:B. To possess with the intent to do any act mentioned in paragraph A; ~~or~~**Sec. 5. 17-A MRSA §1101, sub-§18, ¶C** is enacted to read:C. To possess at least one gram but less than 2 grams of heroin or at least 45 but fewer than 90 individual bags, folds, packages, envelopes or containers of any kind containing heroin.**Sec. 6. 17-A MRSA §1103, sub-§3, ¶B**, as amended by PL 1995, c. 635, §2, is further amended to read:B. Fourteen grams or more of cocaine or 4 grams or more of cocaine in the form of cocaine base; ~~or~~**Sec. 7. 17-A MRSA §1103, sub-§3, ¶C**, as enacted by PL 1989, c. 924, §8, is repealed.**Sec. 8. 17-A MRSA §1105, sub-§1, ¶E**, as amended by PL 1995, c. 65, Pt. A, §58 and affected by §153 and Pt. C, §15, is further amended to read:E. A person violates section 1103, and, at the time of the offense, the person is on a school bus or on or within 1,000 feet of the real property comprising a private or public elementary or secondary school. For purposes of this paragraph, "school bus" has the same meaning as set forth in Title 29-A, section 2301, subsection 5; ~~or~~**Sec. 9. 17-A MRSA §1105, sub-§1, ¶F**, as enacted by PL 1989, c. 924, §11, is amended to read:F. A person violates section 1103, and, at the time of the offense, the person enlists or solicits the aid of or conspires with a child who is, in fact, under 18 years of age; to traffick in or furnish any scheduled drug; ~~or~~**Sec. 10. 17-A MRSA §1105, sub-§1, ¶G** is enacted to read:G. A person violates section 1103 or 1106, and, at the time of the offense, the person trafficks in or furnishes heroin in a quantity of 6 grams or more or 270 or more individual bags, folds, packages, envelopes or containers of any kind containing heroin.**Sec. 11. 17-A MRSA §1106, sub-§3, ¶B**, as amended by PL 1995, c. 635, §5, is further amended to read:B. Seven grams or more of cocaine or 2 grams or more of cocaine in the form of cocaine base; ~~or~~**Sec. 12. 17-A MRSA §1106, sub-§3, ¶C**, as enacted by PL 1989, c. 924, §12, is repealed.

See title page for effective date.

CHAPTER 454**S.P. 847 - L.D. 2247****An Act to Fund the Collective
Bargaining Agreements and Benefits
of Employees Covered by Collective
Bargaining and for Certain
Employees Excluded from Collective
Bargaining****Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and