

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 5, 2000 to May 12, 2000**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 11, 2000**

**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**  
**2000**

to be reasonable and appropriate to manage the person's behavior.

**§1233. Revocation procedures**

The procedures, rights and responsibilities that apply to probation revocation under sections 1205 to 1208, including bail under section 1205, subsection 8 and appellate review of revocation under section 1207, apply to revocation of supervised release.

**Sec. 8. 17-A MRSA §1252, sub-§4-B** is enacted to read:

**4-B.** If the State pleads and proves that the defendant is a dangerous sexual offender, the court, notwithstanding subsection 2, may set a definite period of imprisonment for any term of years.

A. As used in this section, "dangerous sexual offender" means a person who commits a new gross sexual assault after having been convicted previously and sentenced for any of the following:

- (1) Gross sexual assault, formerly denominated as gross sexual misconduct;
- (2) Rape;
- (3) Attempted murder accompanied by sexual assault;
- (4) Murder accompanied by sexual assault; or
- (5) Conduct substantially similar to a crime listed in subparagraph (1), (2), (3) or (4) that is a crime under the laws of the United States or any other state.

The date of sentencing is the date of the oral pronouncement of the sentence by the trial court, even if an appeal is taken.

B. "Accompanied by sexual assault" as used with respect to attempted murder, murder and crimes involving substantially similar conduct in other jurisdictions is satisfied if the sentencing court at the time of sentence imposition makes such a finding.

**Sec. 9. 17-A MRSA §1256, sub-§8,** as enacted by PL 1989, c. 739, §2, is amended to read:

**8.** No court may impose a sentence of imprisonment, not wholly suspended, to be served consecutively to any split sentence, or to any sentence including supervised release under chapter 50, previously imposed or imposed on the same date, if the net result, even with the options made available by subsections 5 and 9 of this section and section 1202,

subsection 4, would be to have the person released from physical confinement to be on probation or supervised release for the first sentence and thereafter be required to serve an unsuspended term of imprisonment on the 2nd sentence.

**Sec. 10. 17-A MRSA §1263, sub-§1, ¶C,** as enacted by PL 1985, c. 821, §15, is amended to read:

C. The sentence imposed conforms to the requirements of section 1262 and would, in any case, have been a split sentence under section 1203, subsection 4 1-A, with commitment under both portions of the sentence to the Department of Corrections;

See title page for effective date.

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**CHAPTER 789**

**S.P. 298 - L.D. 870**

**An Act to Improve School Safety and Learning Environments**

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

**Sec. 1. 13 MRSA §3167-A** is enacted to read:

**§3167-A. Expenditure of ministerial funds**

A municipality may expend funds held in its ministerial trust for school construction or renovation if the expenditure is approved by the voters of the municipality at an election.

**Sec. 2. PL 1999, c. 731, Pt. YY, §6** is repealed and the following enacted in its place:

**Sec. YY-6. Creation of plan.** The State Board of Education and the Department of Education shall conduct a study and create a plan to address the needs for improved and new school facilities for those school facility projects beyond Project #22 on the major capital improvement priority list. This plan, to be presented to the 120th Legislature no later than January 15, 2001, must include a review of the rules related to the protected status of projects in the current 2-year rating cycle. The State Board of Education and the Department of Education shall also conduct a review of the debt service limits, as well as a "hold harmless" provision related to actions taken by local school administrative units to remediate existing Priority I health, safety or compliance issues as defined by Department of Education rules.

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

2000-01

**EDUCATION,  
DEPARTMENT OF**

**School Renovation**

All Other \$1,000,000

Provides additional one-time funds for school renovations for the purpose of capitalizing a revolving school renovation fund. Any balance remaining at the end of each fiscal year may not lapse but must be carried forward to be used for the same purpose.

See title page for effective date.

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**CHAPTER 790**

**H.P. 1665 - L.D. 2334**

**An Act to Correct Errors and Inconsistencies in the Laws of Maine**

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** Acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the laws of Maine; and

**Whereas,** these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

**Whereas,** it is vitally necessary that these uncertainties and this confusion be resolved in order to prevent any injustice or hardship to the citizens of Maine; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**PART A**

**Sec. A-1. 5 MRSA §54, sub-§1,** as enacted by PL 1999, c. 446, §1, is amended to read:

**1. Forms.** Shall have the filing forms available for downloading from the Internet. This subsection takes effect June 1, 2000; and

**Sec. A-2. 5 MRSA §12004-F, sub-§11,** as enacted by PL 1987, c. 786, §5, is amended to read:

**11. Maine Court Expenses 4 MRSA §1602**  
Governmental Facilities Only  
Authority

**Sec. A-3. 5 MRSA §13070-J, sub-§6,** as enacted by PL 1997, c. 761, §2, is reallocated to 5 MRSA §13070-J, sub-§5.

**Sec. A-4. 7 MRSA §2171, sub-§1,** as enacted by PL 1999, c. 84, §3, is amended to read:

**1. Fees.** The following provisions apply to the fees payable for a license issued under this section.

A. An applicant who has a nursery stock retail sales area in excess of 150 square feet or gross annual sales of nursery stock in excess of \$500 shall pay a license fee of \$25 per year.

B. An applicant who has gross annual sales of nursery stock of \$500 or less and a nursery stock retail sales area of 150 square feet or less shall pay a license fee of \$5 per year.

C. Educational institutions are exempt from the license fee.

This subsection is repealed 90 days after the adjournment of the Second Regular Session of the 119th Legislature.

**Sec. A-5. 7 MRSA §2171, sub-§1-A** is enacted to read:

**1-A. Fees established by rule.** No later than December 31, 1999, the Commissioner of Agriculture, Food and Rural Resources shall provisionally adopt rules in accordance with Title 5, chapter 375 to establish fees for licenses issued under this section. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter II-A. Fees established by rules adopted under this subsection may take effect no earlier than 90 days after the adjournment of the Second Regular Session of the 119th Legislature.

**Sec. A-6. Retroactivity.** That section of this Act that enacts the Maine Revised Statutes, Title 7, section 2171, subsection 1-A applies retroactively to December 31, 1999.

**Sec. A-7. 7 MRSA §2171, sub-§2,** as enacted by PL 1999, c. 84, §3, is amended to read: