

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
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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
2001

Sec. 1. 17-A MRSA §1118 is enacted to read:

§1118. Illegal importation of scheduled drugs

1. A person is guilty of illegal importation of scheduled drugs if the person intentionally or knowingly brings, carries or transports a scheduled drug other than marijuana into the State from another state or country, unless the person is authorized to import or to possess the scheduled drug under Title 22 or Title 32 or under any law of the United States, of another state or of a foreign country.

2. A violation of this section is:

A. A Class C crime if the drug is a schedule W drug; and

B. A Class D crime if the drug is a schedule X, Y or Z drug.

See title page for effective date.

CHAPTER 429

S.P. 588 - L.D. 1764

An Act to Amend the Crime of Endangering the Welfare of a Child

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

Sec. 1. 17-A MRSA §554, sub-§1, ¶B-1, as enacted by PL 1995, c. 694, Pt. C, §4 and affected by Pt. E, §2, is amended to read:

B-1. Being the parent, foster parent, guardian or other person having the care and custody of the child, cruelly treats that child by abuse, neglect or extreme punishment; or

Sec. 2. 17-A MRSA §554, sub-§1, ¶B-2 is enacted to read:

B-2. Being a parent, foster parent, guardian or other person responsible for the long-term general care and welfare of a child under 16, recklessly fails to take reasonable measures to protect the child from the risk of further bodily injury after knowing:

(1) That the child had, in fact, sustained serious bodily injury or bodily injury under circumstances posing a substantial risk of serious bodily injury; and

(2) That such bodily injury was, in fact, caused by the unlawful use of physical force by another person; or

Sec. 3. 17-A MRSA §554, sub-§3, as enacted by PL 1975, c. 499, §1, is amended to read:

3. Endangering the welfare of a child is a Class D crime, except that a violation of subsection 1, paragraph B-2 is a Class C crime.

See title page for effective date.

CHAPTER 430

H.P. 1013 - L.D. 1350

An Act to Amend the Laws Governed by the Commission on Governmental Ethics and Election Practices

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

Sec. 1. 1 MRSA §1002, sub-§1, ¶¶A and C, as repealed and replaced by IB 1995, c. 1, §1, are amended to read:

~~A. By March 31, 1997, and as needed after that date~~ As needed, the Governor, the President of the Senate, the Senate Minority Leader, the Speaker of the House and the House Minority Leader shall jointly establish and publish a nomination period during which members of the public, groups and organizations may nominate qualified individuals to the Governor for appointment to the commission. ~~The initial nomination period must close by May 1, 1997.~~

~~C. Two initial appointees are appointed for 1-year terms, two are appointed for 2-year terms and one is appointed for a 3-year term according to a random lot drawing under the supervision of the Secretary of State. Subsequent appointees~~ Appointees are appointed to serve 4-year terms. A person may not serve more than 2 terms.

Sec. 2. 1 MRSA §1004, as amended by PL 1977, c. 252, §1, is further amended to read:

§1004. Meetings

~~The President of the Senate and the Speaker of the House shall jointly call an organizational meeting of the commission within 10 days after the members have taken their oaths of office. Thereafter, the~~ The commission shall meet on the call of the ~~Secretary of State or of the~~ Speaker of the House or the President of the Senate to perform the duties required of it or as specifically provided in this chapter. The commission shall also meet at other times at the call of the ~~chairman~~ chair or at the call of a majority of the members, provided all members are notified of the

time, place and purpose of the meeting at least 24 hours in advance.

Sec. 3. 1 MRSA §1005, as amended by PL 1997, c. 562, Pt. D, §1 and affected by §11, is further amended to read:

§1005. Open meetings

Notwithstanding ~~any other provision of law chapter 13~~, all meetings, hearings or sessions of the commission ~~shall be~~ are open to the general public unless, by an affirmative vote of at least 3 members, the commission requires the exclusion of the public.

Sec. 4. 1 MRSA §1008, sub-§2, as amended by IB 1995, c. 1, §3, is further amended to read:

2. Election practices. To administer and investigate any violations of the requirements for campaign reports and campaign financing, including the provisions of the Maine Clean Election Act and the Maine Clean Election Fund, ~~and to investigate and make findings of fact and opinion on the final determination of the results, within the limits of the Constitution of Maine and the Constitution of the United States, of any contested county, state or federal election within this State;~~

Sec. 5. 1 MRSA §1012, sub-§7, as enacted by PL 1989, c. 561, §4, is amended to read:

7. Income. "Income" means economic gain to a person from any source, including, but not limited to, compensation for services, including fees, commissions and payments in kind; income derived from business; gains derived from dealings in property, rents and royalties; income from investments including interest, capital gains and dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; income from an interest in an estate or trust; prizes; and grants, but does not include gifts. Income received in kind includes, but is not limited to, the transfer of property and options to buy or lease, and stock certificates. ~~Income~~ "Income" does not include ~~alimony and separate maintenance payments;~~

A. Alimony and separate maintenance payments; or

B. Campaign contributions recorded and reported as required by Title 21-A, chapter 13.

Sec. 6. 3 MRSA §317, sub-§2, as corrected by RR 1993, c. 2, §1, is amended to read:

2. Annual report. Thirty days following the end of the year in which any person lobbied pursuant to section 313, the lobbyist and the lobbyist's em-

ployer shall file with the commission a joint report that must contain the information required in subsection 1, except that the report must summarize all lobbying activities for the year and report in detail only those legislative actions not previously reported, as required by subsection 1, paragraphs H and I.

The report must include a separate listing of legislative actions for the calendar year reported on pursuant to subsection 1, paragraphs H and I. The reports required by subsection 1 must be signed by the person designated by the lobbyist in section 316, subsection 1. The reports required by this subsection must be signed by both the designated person and the employer.

If the date any report required by this section is due falls on a day other than a regular business day, the report is due on the first regular business day next following the due date.

In addition to the amounts identified in subsection 1 as compensation received or expenditure made for the primary purpose of lobbying, this annual report must include the total amount of compensation received by the lobbyist or the lobbying firm, or expended by the employer, except compensation received or expended for purposes not related to lobbying.

Sec. 7. 21-A MRSA §1002, as enacted by PL 1985, c. 161, §6, is amended to read:

§1002. Meetings of commission

The commission shall meet in Augusta for the purposes of this chapter at least 4 times during any year in which primary and general elections are held. The commission shall meet at other times on the call of ~~the Secretary of State~~, the Speaker of the House, the President of the Senate, the ~~chairman~~ chair or a majority of the members of the commission, ~~provided that~~ as long as all members are notified of the time, place and purpose of the meeting at least 24 hours in advance.

Sec. 8. 21-A MRSA §1011, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

This subchapter applies to candidates for all state and county offices and to campaigns for their nomination and election. ~~This subchapter also applies to candidates for federal offices for the purposes of section 1017, subsection 1.~~

Sec. 9. 21-A MRSA §1055, as amended by PL 1997, c. 436, §119, is further amended to read:

§1055. Publication or distribution of statements

When a political action committee makes an expenditure to finance a communication expressly advocating the ~~initiation, promotion~~ election or defeat

of a ~~question~~ or candidate through broadcasting stations, newspapers, magazines, outdoor advertising facilities, direct mails and other similar types of general public political advertising and through flyers, handbills, bumper stickers and other nonperiodical publications, the communication must clearly and conspicuously state the name and address of the political action committee that authorized, made or financed the expenditure for the communication and that the communication has been authorized by the political action committee.

A person operating a broadcasting station within this State may not broadcast any such communication without an oral or visual announcement of the name and address of the political action committee that made or financed the expenditure for the communication and statement that reads: "A copy of our report is available from ~~and may be viewed at the office of~~ the Commission on Governmental Ethics and Election Practices."

An expenditure, communication or broadcast ~~which~~ that results in a violation of this section may result in a civil penalty of no more than ~~\$100~~ \$200. Enforcement and collection procedures ~~shall~~ must be in accordance with section 1062-A.

Sec. 10. 21-A MRSA §1056, sub-§1, as amended by IB 1995, c. 1, §16, is further amended to read:

1. Aggregate expenditures. ~~A committee may not make expenditures in support of or opposition to the candidacy of one person or to a political committee in an aggregate amount greater than \$5,000 in any election. Beginning January 1, 1999, a~~ A committee may not make contributions in support of the candidacy of one person aggregating more than \$500 in any election for a gubernatorial candidate, or \$250 in any election for any other candidate.

See title page for effective date.

CHAPTER 431

S.P. 360 - L.D. 1198

An Act to Refine the Subdivision and Redistricting Authority of the Maine Land Use Regulation Commission

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

Sec. 1. 12 MRSA §682, sub-§2, as repealed and replaced by PL 1991, c. 687, §1, is repealed.

Sec. 2. 12 MRSA §682, sub-§2-A is enacted to read:

2-A. Subdivision. Except as provided in section 682-B, "subdivision" means a division of an existing parcel of land into 3 or more parcels or lots within any 5-year period, whether this division is accomplished by platting of the land for immediate or future sale, by sale of the land or by leasing.

The term "subdivision" also includes the division, placement or construction of a structure or structures on a tract or parcel of land resulting in 3 or more dwelling units within a 5-year period.

Sec. 3. 12 MRSA §682-B is enacted to read:

§682-B. Exemption from subdivision definition

A division accomplished by the following does not create a subdivision lot or lots unless the intent of the transfer is to avoid the objectives of this chapter.

1. Gifts to relatives. A division of land accomplished by gift to a spouse, parent, grandparent, child, grandchild or sibling of the donor of the lot or parcel does not create a subdivision lot if the donor has owned the lot or parcel for a continuous period of 5 years immediately preceding the division by gift and the lot or parcel is not further divided or transferred within 5 years from the date of division.

2. Transfer to governmental entity. A lot or parcel transferred to a municipality or county of the State, the State or an agency of the State is not considered a subdivision lot if the following conditions are met:

A. The lot or parcel is held by the governmental entity for the conservation and protection of natural resources, public outdoor recreation or other bona fide public purposes and is not further sold or divided for a period of 20 years following the date of transfer; and

B. At the time of transfer the transferee provides written notice to the commission of transfer of the lot or parcel, including certification that the lot or parcel qualifies for exemption under this subsection.

3. Transfer to conservation organization. A lot or parcel transferred to a nonprofit, tax-exempt nature conservation organization qualifying under the United States Internal Revenue Code, Section 501(c)(3) is not considered a subdivision lot if the following conditions are met:

A. For a period of at least 20 years following the transfer, the lot or parcel must be limited by deed restriction or conservation easement for the protection of wildlife habitat or ecologically sensitive areas or for public outdoor recreation; and