

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

Sec. 23. 30-A MRSA §5953-D, sub-§3, ¶D, as amended by PL 2001, c. 406, §16, is further amended to read:

D. In the case of a public service infrastructure grant or loan, the Department of Economic and Community Development affirms that the applicant has met the conditions of this paragraph.

(1) A municipality is eligible to receive a grant or a loan, or a combination of both, if that municipality has adopted a ~~local~~ growth management program certified under section 4347-A that includes a capital improvement program composed of the following elements:

(a) An assessment of all public facilities and services, such as, but not limited to, roads and other transportation facilities, sewers, schools, parks and open space, fire and police;

(b) An annually reviewed 5-year plan for the replacement and expansion of existing public facilities or the construction of such new facilities as are required to meet expected growth and economic development. The plan must include projections of when and where those facilities will be required; and

(c) An assessment of the anticipated costs for replacement, expansion or construction of public facilities, an identification of revenue sources available to meet these costs and recommendations for meeting costs required to implement the plan.

(2) A municipality is eligible to receive a loan if that municipality:

(a) Has adopted a comprehensive plan that is determined by the Executive Department, State Planning Office to be consistent with section 4326, subsections 1 to 4.

Subject to the limitations of this subsection, 2 or more municipalities that each meet the requirements of ~~subparagraphs~~ subparagraph (1) or (2) may jointly apply for assistance under this section; and

See title page for effective date.

CHAPTER 579

S.P. 799 - L.D. 2154

An Act to Change the Standard for Requesting an Adjustment to State Valuation Because of a Sudden and Severe Disruption of Valuation

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

Whereas, some municipalities have experienced a significant decrease in municipal valuation; and

Whereas, there is a 2-year lag between a decrease in municipal valuation and its incorporation into state valuation; and

Whereas, this lag presents a significant problem for those municipalities' ability to raise sufficient revenues to fund municipal services; and

Whereas, the law provides a mechanism for municipalities to request an adjustment to their state valuation if the reduction in municipal valuation exceeds 5%; and

Whereas, the 5% threshold for requesting adjustments to state valuation is too high to provide relief to some municipalities; and

Whereas, it is necessary to change the threshold in time to permit some municipalities to seek an adjustment this year under a lower threshold; 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:

Sec. 1. 36 MRSA §208-A, sub-§2, ¶A, as enacted by PL 1997, c. 688, §1, is amended to read:

A. The municipality experiences an equalized net reduction in valuation of at least 2% from the equalized valuation that would apply without adjustment under this section. ~~The net reduction must be at least 2% for valuations based on the status of property on April 1, 1998 and 5% for valuations in subsequent years;~~

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

Effective March 28, 2002.

CHAPTER 580

S.P. 183 - L.D. 611

**An Act to Aid Implementation of the
Maine Medical Marijuana Act of
1998**

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

Sec. 1. 22 MRSA §2383-B, sub-§3, ¶A-1, as enacted by IB 1999, c. 1, §7, is amended to read:

A-1. "Designated care giver" means a person over 18 years of age who:

(1) Is a family member or other person who has consistently assumed responsibility for ~~a person's~~ the housing, health or safety of a person authorized to possess marijuana for medical use pursuant to subsection 5, paragraph A or B or who is a member of the same household as a person authorized to possess marijuana for medical use pursuant to subsection 5, paragraph A or B; and

(2) Is named in a written individual instruction or power of attorney for health care as defined in Title 18-A, section 5-801 by, or is the parent or legal guardian of, a person authorized to possess marijuana for medical use pursuant to subsection 5.

Sec. 2. 22 MRSA §2383-B, sub-§3, ¶E, as enacted by IB 1999, c. 1, §9, is amended to read:

E. "Usable amount of marijuana for medical use" means ~~4-4/4~~ 2 1/2 ounces or less of harvested marijuana and a total of 6 plants, of which no more than 3 may be mature, flowering plants.

Sec. 3. 22 MRSA §2383-B, sub-§5, ¶¶G and H are enacted to read:

G. It is an affirmative defense to prosecution for possession, use or cultivation of a usable amount of marijuana under section 2383, Title 15, section 3103 or Title 17-A, chapter 45 that the defendant was an eligible patient under this subsection.

H. It is an affirmative defense to prosecution for possession, possession with the intent to furnish,

furnishing or cultivation of a usable amount of marijuana under section 2383, Title 15, section 3103 or Title 17-A, chapter 45 that the defendant was a designated care giver under this subsection if the person to whom the marijuana was to be furnished or for whom it was cultivated was an eligible patient.

See title page for effective date.

CHAPTER 581

H.P. 1493 - L.D. 1996

**An Act to Establish Educational
Requirements for Granting
Noncommercial Lobster Licenses**

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

Sec. 1. 12 MRSA §6421, sub-§5-B is enacted to read:

5-B. Noncommercial lobster and crab fishing license eligibility. Beginning with license year 2003, a noncommercial lobster and crab fishing license may be issued only to a person who has:

A. Successfully completed a lobster and crab fishing written examination, as provided in section 6423; or

B. Held a Class I, Class II or Class III lobster and crab fishing license and has landed lobster under that license.

Once a person successfully completes the examination, that person need not repeat the examination to renew the license.

Sec. 2. 12 MRSA §6423 is enacted to read:

§6423. Lobster and crab fishing education program

The commissioner shall establish an education program in accordance with this section for training applicants for noncommercial lobster and crab fishing licenses.

1. Pamphlet. The department shall issue a pamphlet of all the laws and rules relating to a noncommercial lobster and crab fishing license to each applicant for a noncommercial lobster and crab fishing license who has not successfully completed a written examination pursuant to subsection 2 or met the requirements of section 6421, subsection 5-B, paragraph B.