

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

Annually, the 5 6 appointive members of the board shall choose one of their members as chairman.

Sec. 2. 32 MRSA §2401, as amended by PL 1979, c. 569, §12, is further amended to read:

§2401. License required

~~No~~ An installation or servicing of oil and solid fuel burner equipment ~~shall~~ may not be made, except as provided in this chapter, unless made by a person licensed by the board.

The board may issue a limited license to a manufactured housing mechanic as defined and licensed in Title 10, chapter 951 for the limited purpose of allowing the mechanic to install outside residential heating oil tanks at manufactured housing defined by Title 10, section 9002, subsection 7, paragraph A. Requirements for attaining the limited license must include training for proper installation of an outside oil tank of at least 4 hours at an education course approved by the board.

Sec. 3. 32 MRSA §2402-B, as repealed and replaced by PL 1999, c. 685, §3, is amended to read:

§2402-B. Fees

The Director of the Office of Licensing and Registration may establish by rule fees for purposes authorized under this subchapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$350 biennially. The fee for the limited license for a manufactured housing mechanic may not exceed \$50 biennially. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Licensing and Enforcement

Initiative: Allocates funds for the per diem and travel expenses for one additional member to the Oil and Solid Fuel Board and for the costs associated with developing an approved course to provide training for the proper installation of an outside oil tank.

Other Special Revenue Funds	2001-02	2002-03
Personal Services	\$0	\$920
All Other	<u>0</u>	<u>20,000</u>
Total	\$0	\$20,920

See title page for effective date.

CHAPTER 634

S.P. 801 - L.D. 2160

An Act to Amend the Maine Criminal Code to Address Terrorism

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

Sec. 1. 15 MRSA §101-B, sub-§4, ¶A, as amended by PL 2001, c. 354, §3 and c. 471, Pt. D, §15, is further amended to read:

A. Commit the defendant to the custody of the Commissioner of Behavioral and Developmental Services to be placed in an appropriate institution for the mentally ill or the mentally retarded for observation, care and treatment. At the end of 30 days or sooner, and again in the event of recommitment, at the end of 60 days and one year, the State Forensic Service shall forward a report to the Commissioner of Behavioral and Developmental Services relative to the defendant's competence to stand trial and its reasons therefor. The commissioner shall without delay file the report with the court having jurisdiction of the case. The court shall without delay set a date for and hold a hearing on the question of the defendant's competence to stand trial and receive all relevant testimony bearing on the question. If the court determines that the defendant is not competent to stand trial, but there does exist a substantial probability that the defendant will be competent to stand trial in the foreseeable future, it shall recommit the defendant to the custody of the Commissioner of Behavioral and Developmental Services to be placed in an appropriate institution for the mentally ill or the mentally retarded for observation, care and treatment. If the defendant is charged with an offense under Title 17-A, chapter 9, 11 or 13 or Title 17-A, section 506-A, 802 or ~~803~~ 803-A, and the court determines that the defendant is not competent to stand trial and there does not exist a substantial probability that the defendant can be competent in the foreseeable future, the court shall dismiss all charges against the defendant and order the Commissioner of Behavioral and Developmental Services to commence involuntary commitment proceedings pursuant to Title 34-B, chapter 3, subchapter IV or chapter 5, subchapter III. If the defendant is charged with offenses not listed in the previous sentence, and the court determines that the defendant is not competent to stand trial and there does not exist a substantial probability that the defendant can be competent in the foreseeable future, the court shall dismiss all charges against the defendant and notify the appropriate

authorities who may institute civil commitment procedures for the individual; or

Sec. 2. 17-A MRSA §2, sub-§§6-A, 21-A to 21-C and 25 are enacted to read:

6-A. "Critical infrastructure" means critical public or private infrastructure resource systems involved in providing services necessary to ensure or protect the public health, safety and welfare, including, but not limited to, a public water system or a public water source; an emergency, governmental, medical, fire or law enforcement response system; a public utility system; a financial system; an educational system; or a food or clothing distribution system.

21-A. "Public utility system" includes any pipeline, gas, electric, steam, water, oil, transportation, sanitation, communication or other system operated for public use regardless of ownership.

21-B. "Public water source" has the same meaning as in Title 22, section 2641.

21-C. "Public water system" has the same meaning as in Title 22, section 2601, subsection 8.

25. "Terroristic intent" means the intent to do any of the following for the purpose of intimidating or coercing a civilian population or to affect the conduct of government:

A. Cause serious bodily injury or death to multiple persons;

B. Cause substantial damage to multiple structures; or

C. Cause substantial damage to critical infrastructure.

Sec. 3. 17-A MRSA §208-B, sub-§1, as enacted by PL 1997, c. 461, §1, is amended to read:

1. A person is guilty of elevated aggravated assault if that person:

A. Intentionally or knowingly causes serious bodily injury to another person with the use of a dangerous weapon; or

B. Engages in conduct that manifests a depraved indifference to the value of human life and that in fact causes serious bodily injury to another person with the use of a dangerous weapon; or

C. With terroristic intent engages in conduct that in fact causes serious bodily injury to another person.

Sec. 4. 17-A MRSA §213 is enacted to read:

§213. Aggravated reckless conduct

1. A person is guilty of aggravated reckless conduct if the person with terroristic intent engages in conduct that in fact creates a substantial risk of serious bodily injury to another person.

2. Aggravated reckless conduct is a Class B crime.

Sec. 5. 17-A MRSA §803, as amended by PL 1987, c. 361, §1, is repealed.

Sec. 6. 17-A MRSA §803-A is enacted to read:

§803-A. Causing a catastrophe

1. A person is guilty of causing a catastrophe if the person recklessly causes a catastrophe by explosion, fire, flood, avalanche, collapse of a structure, release or dissemination of poison, toxin, radioactive material, bacteria, virus or other biological agent or vector or other such force or substance that is dangerous to human life and difficult to confine.

2. A person is guilty of causing a catastrophe if the person with terroristic intent violates subsection 1.

3. As used in this section, the following definitions apply.

A. "Biological agent" means any microorganism, virus, infectious substance, product of biotechnology or component of any such agent, either naturally occurring or bioengineered.

B. "Catastrophe" means:

(1) For purposes of subsection 1, death or serious bodily injury to 10 or more persons or substantial damage to 5 or more structures, whether or not occupied; and

(2) For purposes of subsection 2, death or serious bodily injury to more than one person, substantial damage to 3 or more structures, whether or not occupied, or substantial physical damage sufficient to disrupt the normal functioning of a critical infrastructure.

C. "Poison" means toxic or poisonous chemicals or precursors of toxic or poisonous chemicals.

D. "Toxin" means the toxic material of plants, animals, microorganisms, viruses, fungi or infectious substances or a recombinant molecule, whatever its origin or method of production, including:

(1) Any poisonous substance or biological product of biotechnology produced by a living organism; or

(2) Any poisonous isomer or biological product, homolog or derivative of such a substance.

E. "Vector" means a living organism or molecule, including a recombinant molecule or any biological product of biotechnology, capable of carrying a biological agent or toxin to a host.

4. Causing a catastrophe is a Class A crime.

See title page for effective date.

CHAPTER 635

H.P. 1661 - L.D. 2166

An Act to Provide Flexibility in the Rate of Interest Charged on Delinquent Taxes

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

Whereas, the current rate of interest charged on delinquent property taxes is so low that it does not serve as a deterrent to paying property taxes late; and

Whereas, the failure to pay property taxes on time causes municipalities hardship through the loss of expected revenue; and

Whereas, the tax year for many municipalities begins in April or May; action after that date would not be in time for the upcoming tax year; 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 §505, sub-§4, as amended by PL 1983, c. 480, Pt. A, §40, is further amended to read:

4. When interest collected. The date or dates from and after which interest ~~shall~~ must accrue, which ~~shall~~ must also be the date or dates on which taxes ~~shall~~ become delinquent. The rate of interest ~~shall~~ must be specified in the vote and ~~shall~~ must apply to delinquent taxes committed during the taxable year

until those taxes are paid in full. ~~The~~ Except as provided in subsection 4-A, the rate of interest ~~shall~~ may not exceed the highest conventional rate of interest charged for commercial unsecured loans by Maine banking institutions on the first business day of the calendar year the vote is taken. The highest conventional rate of interest charged for commercial unsecured loans by Maine banking institutions on the first business day of each calendar year ~~shall~~ must be determined ~~in his best judgment~~ by the Treasurer of State, who shall send a written notice of ~~such~~ that rate of interest on or before January 20th of each year to the chief municipal officer of each municipality. The interest ~~shall~~ must be added to and become part of the taxes.

Sec. 2. 36 MRSA §505, sub-§4-A is enacted to read:

4-A. Alternate calculation of interest. For any tax year for which the maximum interest rate established by the Treasurer of State under subsection 4 is 2 percentage points or more lower than the maximum rate established by the Treasurer of State for the previous tax year, the municipality may adopt an interest rate that is up to 2 percentage points over the rate established by the Treasurer of State for the tax year under subsection 4.

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

Effective April 8, 2002.

CHAPTER 636

S.P. 817 - L.D. 2198

An Act to Provide Maine State Retirement System Representation on the State Employee Health Commission

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

Sec. 1. 5 MRSA §285-A, sub-§2, as amended by PL 1997, c. 77, §1, is further amended to read:

2. Membership. The State Employee Health Commission consists of ~~20~~ 22 labor and management members as follows:

A. One labor member from each bargaining unit recognized under Title 26, chapter 9-B, appointed by the employee organization certified to represent the unit;