

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Lewiston, Maine
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value of not less than \$1,000,000 that makes a commitment to spend on need-based scholarships an amount equal to 100% of the contributions that are eligible for the tax credit received during the preceding calendar year and to spend no more than 2% of the value of the endowment or endowments of the organization on administrative expenses related to the distribution of scholarships, exclusive of investment management fees and awarded grants.

Sec. 3. 10 MRSA §1100-Y, sub-§2, ¶C is enacted to read:

C. A qualified scholarship organization must demonstrate that it encourages scholarship recipients to stay in this State or to return to this State upon completion of education. The organization may meet this requirement by demonstrating that it requires scholarship recipients to sign a statement of intent to reside in this State upon graduation from institutions of higher education or by providing organized community service opportunities, fellowships, job assistance, professional development or other activities designed to connect Maine students with businesses and communities in this State.

See title page for effective date.

CHAPTER 474

H.P. 77 - L.D. 69

An Act To Clarify the Intent of School Budget Referendum Language

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

Sec. 1. 20-A MRSA §15614, sub-§1, ¶A, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to read:

A. An article in substantially the following form ~~shall~~ must be used when a school administrative unit is considering the appropriation of the foundation allocation.

(1) "Article : To see what sum the municipality/district will appropriate from the foundation allocation for school purposes (Recommend \$) and to see what sum the municipality/district will raise as the local share of the foundation allocation (Recommend \$). Explanation: The local share of the foundation allocation is the amount of

money determined by state law to be the minimum amount that a municipality/district must raise in order to receive the full amount of state dollars."

Sec. 2. 20-A MRSA §15614, sub-§2, ¶A, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to read:

A. An article in substantially the following form ~~shall~~ must be used when a school administrative unit is considering the appropriation for debt service allocation.

(1) "Article : To see what sum the municipality/district will raise as the local share of debt service (Recommend \$). Explanation: Debt service is the amount of money needed to repay the municipality/district's long-term debt for construction. In this municipality/district, the total debt owed is (\$). The local share of that debt is (\$) and the state-reimbursed share of that debt is (\$)."

Sec. 3. 20-A MRSA §15614, sub-§3, as amended by PL 1999, c. 710, §12, is further amended to read:

3. Additional local appropriation. A school administrative unit may raise and expend funds for educational purposes in addition to the funds under subsections 1 and 2. An article in substantially the following form must be used when a school administrative unit is considering the appropriation of additional local funds:

"Article : To see what sum the municipality/district will raise and to appropriate the sum of (Recommend \$) in additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15614. Explanation: The additional local funds are those locally raised funds over and above the total of local amounts raised that are described in the foundation and debt service budget articles that will help achieve the municipality/district's budget for educational programs."

See title page for effective date.

CHAPTER 475

S.P. 317 - L.D. 976

An Act To Ensure Effective Prosecution of Certain Repeat Offenders

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

Sec. 1. 17-A MRSA §1252, sub-§4-A, as amended by PL 2003, c. 1, §10, is further amended to read:

4-A. If the State pleads and proves that, at the time any crime, excluding murder, under chapter 9, 11, 13 or 27 or section 402-A, subsection 1, paragraph A was committed, the defendant had been convicted of 2 or more crimes violating chapter 9, 11, 13 or 27 or section 402-A, subsection 1, paragraph A or essentially similar crimes in other jurisdictions, the sentencing class for the crime is one class higher than it would otherwise be. In the case of a Class A crime, the sentencing class is not increased, but the prior record must be given serious consideration by the court when imposing a sentence. Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this subsection, for violations under chapter 11, the dates of prior convictions may have occurred at any time.

See title page for effective date.

CHAPTER 476

H.P. 701 - L.D. 944

**An Act To Increase Penalties for
Furnishing or Trafficking Scheduled
Drugs That Cause Death or Serious
Bodily Injury**

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

Sec. 1. 17-A MRSA §1105-A, sub-§1, ¶¶I and J, as enacted by PL 2001, c. 667, Pt. D, §25 and affected by §36, are amended to read:

I. At the time of the offense, the person trafficks in 300 or more pills, capsules, tablets, vials, ampules, syringes or units containing any narcotic drug other than heroin, or any quantity of pills, capsules, tablets, units, compounds, mixtures or substances that, in the aggregate, ~~contains con-~~ tain 8,000 milligrams or more of oxycodone or 1,000 milligrams or more of hydromorphone; ~~or~~

J. At the time of the offense, the person trafficks in a quantity of 300 or more pills, capsules, tablets or units containing 3, 4-methylenedioxymethamphetamine, MDMA, or any other drug listed in section 1102, subsection 1, paragraph O-;

Sec. 2. 17-A MRSA §1105-A, sub-§1, ¶¶K and L are enacted to read:

K. Death is in fact caused by the use of that scheduled drug and the drug is a schedule W drug. A violation of this paragraph is a Class A crime; or

L. Serious bodily injury is in fact caused by the use of that scheduled drug and the drug is a schedule W drug. A violation of this paragraph is a Class B crime.

Sec. 3. 17-A MRSA §1105-B, sub-§1, ¶B, as enacted by PL 2001, c. 383, §119 and affected by §156, is amended to read:

B. At the time of the offense, the person has been convicted of any offense under this chapter punishable by a term of imprisonment of more than one year or under any law of the United States, of another state or of a foreign country relating to scheduled drugs or counterfeit drugs, as defined in this chapter, and punishable by a term of imprisonment of more than one year. Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this paragraph, the date of each prior conviction may precede the commission of the offense being enhanced by more than 10 years; ~~or~~

Sec. 4. 17-A MRSA §1105-B, sub-§1, ¶C, as repealed and replaced by PL 2001, c. 667, Pt. D, §26 and affected by §36, is amended to read:

C. At the time of the offense, the person possesses a firearm in the furtherance of the offense, uses a firearm, carries a firearm or is armed with a firearm-; or

Sec. 5. 17-A MRSA §1105-B, sub-§1, ¶D is enacted to read:

D. Death or serious bodily injury is in fact caused by the use of that counterfeit drug.

Sec. 6. 17-A MRSA §1105-C, sub-§1, ¶¶I and J, as amended by PL 2003, c. 1, §8, are further amended to read:

I. At the time of the offense, the person furnishes 300 or more pills, capsules, tablets, vials, ampules, syringes or units containing any narcotic drug other than heroin, or any quantity of pills, capsules, tablets, units, compounds, mixtures or substances that, in the aggregate, contains 8,000 milligrams or more of oxycodone or 1,000 milligrams or more of hydromorphone. Violation of this paragraph is a Class B crime; ~~or~~

J. At the time of the offense, the person furnishes a quantity of 300 or more pills, capsules, tablets or units containing 3,