

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

staffing and support services for the advisory ~~group~~ commission. The State Planning Office shall designate an individual as the intergovernmental coordinator. The purpose of the coordinator is to encourage improved governmental cooperation, efficiencies in service delivery and coordination of regional and cooperative efforts initiated through state departments and agencies.

8. Funding. The advisory ~~group~~ commission is authorized to seek, accept and expend funding to carry out the advisory ~~group's~~ commission's program activities, subject to approval by the Director of the State Planning Office within the Executive Department. All funds accepted must be forwarded to the Director of the State Planning Office, who shall administer all funds received by the advisory ~~group~~ commission. The State Planning Office must transfer sufficient funds to the Legislature for the payment of per diem and expenses to Legislators for their attendance at any additional meetings.

9. Compensation. Legislative members of the advisory ~~group~~ commission are entitled to receive the legislative per diem as defined in Title 3, section 2 and reimbursement for expenses according to Title 5, section 12004-I, subsection 75-C. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings of the advisory ~~group~~ commission from the Executive Department, State Planning Office, subject to the approval of the Director of the State Planning Office.

10. Quorum; actions. A quorum is a majority of the members of the advisory ~~group~~ commission. An affirmative vote of the majority of the members present at a meeting is required for any action.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

Legislature - Intergovernmental Advisory Commission 0081

Initiative: Allocates funds for the per diem and expenses for the legislative members of the commission for 6 additional meetings.

OTHER SPECIAL REVENUE

FUNDS	2005-06	2006-07
Personal Services	\$660	\$660
All Other	\$600	\$600
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,260	\$1,260

Sec. 4. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "Intergovernmental Advisory Group" appears or reference is made to that entity or

those words, those words are amended to read or mean, as appropriate, "Intergovernmental Advisory Commission" or "commission," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

CHAPTER 223

S.P. 293 - L.D. 885

An Act To Discourage Further the Sale of Tobacco to Minors

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

Sec. 1. 22 MRSA §1541, sub-§7 is enacted to read:

7. Tobacco specialty store. "Tobacco specialty store" means a retail business under 2,000 square feet in which at least 60% of the business's gross revenue for the last calendar year was derived from the sale of tobacco or tobacco-related products.

Sec. 2. 22 MRSA §1542, sub-§2, ¶L, as enacted by PL 1993, c. 342, §1 and affected by §9, is amended to read:

L. Smoking is not prohibited in a ~~retail store under 2,000 square feet that primarily sells tobacco or tobacco-related products~~ tobacco specialty store.

Sec. 3. 22 MRSA §1547 is enacted to read:

§1547. Tobacco specialty store; entry prohibited for persons under 18 years of age

A person under 18 years of age is prohibited from entering a business licensed as a tobacco specialty store unless accompanied by a parent or legal guardian, regardless of whether smoking is allowed in that store.

Sec. 4. 22 MRSA §1555-B, sub-§1, as enacted by PL 1997, c. 305, §5, is amended to read:

1. Retail sales. Tobacco products may be sold at retail only in a direct, face-to-face exchange in which the purchaser may be clearly identified and through the mail under procedures approved by the department to provide reliable verification that the purchaser is not a minor. For direct, face-to-face sales, employees who sell tobacco products must be at least 17 years of age. An employee who is at least 17 years of age but less than 21 years of age may sell tobacco products only in the presence of an employee

who is at least 21 years of age and is in a supervisory capacity.

Sec. 5. 22 MRSA §1558, sub-§8, ¶A, as enacted by PL 1995, c. 470, §9 and affected by §19 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

A. The District Court shall maintain a record of all fines received by the court. Any fines received must be credited as follows: 1/2 to the Department of Health and Human Services in ~~the a nonlapsing account established in section 1552, subsection 4~~ to be used by the department to defray administrative costs of retail tobacco licensing and 1/2 to a nonlapsing account to be distributed twice a year to law enforcement agencies used by the Attorney General to support enforcement and responsible retailing education programs. Annually, the court shall report to the Office of Substance Abuse the total amount of fines collected and to whom and in what amounts the collected fines were dispersed.

Sec. 6. Appropriations and allocations.

The following appropriations and allocations are made.

ATTORNEY GENERAL, DEPARTMENT OF THE Administration - Attorney General 0310

Initiative: Allocates funds to support enforcement and responsible retailing education programs.

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
All Other	\$10,000	\$10,000
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$10,000	\$10,000
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ATTORNEY GENERAL, DEPARTMENT OF THE DEPARTMENT TOTALS	2005-06	2006-07
OTHER SPECIAL REVENUE FUNDS	\$10,000	\$10,000
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DEPARTMENT TOTAL - ALL FUNDS	\$10,000	\$10,000

PUBLIC SAFETY, DEPARTMENT OF Criminal Justice Academy 0290

Initiative: Deallocates funds to reflect the loss of certain dedicated revenues.

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
All Other	(\$10,000)	(\$10,000)
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OTHER SPECIAL REVENUE FUNDS TOTAL	(\$10,000)	(\$10,000)

PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS	2005-06	2006-07
OTHER SPECIAL REVENUE FUNDS	(\$10,000)	(\$10,000)
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DEPARTMENT TOTAL - ALL FUNDS	(\$10,000)	(\$10,000)
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SECTION TOTALS	2005-06	2006-07
OTHER SPECIAL REVENUE FUNDS	\$0	\$0
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SECTION TOTAL - ALL FUNDS	\$0	\$0

See title page for effective date.

CHAPTER 224

S.P. 354 - L.D. 1037

An Act To Authorize Exemptions for Montessori Schools from Certain Requirements

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

Sec. 1. 22 MRSA §8301-A, sub-§9 is enacted to read:

9. Exemption from certain requirements for accredited Montessori schools. Notwithstanding any provision of this chapter or rules adopted pursuant to this chapter, a child care facility that is accredited as a Montessori school by a national or international accreditation organization may apply to the commissioner for an exemption from those requirements of this chapter or rules adopted pursuant to this chapter that conflict with the recognized tenets of the Montessori philosophy.

The commissioner shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 22 MRSA §8405 is enacted to read:

§8405. Exemption from certain requirements for accredited Montessori schools

Notwithstanding any provision of this chapter or chapter 1673 or rules adopted pursuant to this chapter or chapter 1673, a nursery school that is accredited as a Montessori school by a national or international accreditation organization may apply to the commissioner for an exemption from those requirements of this chapter or chapter 1673 or rules adopted pursuant to this chapter or chapter 1673 that conflict with the recognized tenets of the Montessori philosophy.