

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

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
OTHER SPECIAL REVENUE FUNDS TOTAL	\$10,000	\$10,000
ATTORNEY GENERAL, DEPARTMENT OF THE DEPARTMENT TOTALS		
OTHER SPECIAL REVENUE FUNDS	\$10,000	\$10,000
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)
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)
DEPARTMENT TOTAL - ALL FUNDS	(\$10,000)	(\$10,000)
SECTION TOTALS		
OTHER SPECIAL REVENUE FUNDS	\$0	\$0
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.

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

See title page for effective date.

CHAPTER 225

H.P. 714 - L.D. 1029

An Act To Allow Municipalities To Acquire Title to Abandoned Cemeteries

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

Sec. 1. 30-A MRSA §3107 is enacted to read:

§3107. Abandoned cemeteries

1. Abandoned cemetery. For purposes of this section, "abandoned cemetery" means a cemetery in which no burial has been made in the previous 40 years and the lots or grave sites of which have not been maintained within the previous 10 years, except for maintenance rendered by the municipality in which the cemetery is located.

2. Acquisition by municipality. A municipality may acquire an abandoned cemetery, including ownership of any unoccupied lots or grave sites in the cemetery. The municipality shall use due diligence in identifying any owners of the abandoned cemetery or any of the cemetery's unoccupied lots or grave sites and provide notice to the owners of the municipality's intention to acquire the abandoned cemetery. If a municipality cannot locate an owner pursuant to this subsection, the municipality shall publish notice of its intention to acquire the abandoned cemetery for 3 successive weeks in a newspaper having general circulation in the county in which the municipality is located.

3. Notice. The notice required in subsection 2 must give a basic description of the abandoned cemetery by referencing the municipality's tax maps, set a date and place where objections to the acquisition of the abandoned cemetery by the municipality will be received and heard and, if there are unoccupied lots or grave sites in the abandoned cemetery, state the municipality's intention to acquire the unoccupied lots or grave sites.

4. Reassertion by owner. If an owner who receives notice under subsection 2 objects to the municipality's acquisition of the abandoned cemetery or an unoccupied lot or grave site in the cemetery, the owner must in writing object and reassert the owner's

right of ownership over the abandoned cemetery or unoccupied lot or grave site within 14 days of the date of the notice. An owner who reasserts ownership rights under this subsection shall promptly conform to all municipal ordinances concerning the abandoned cemetery or unoccupied lot or gravesite.

5. Reversion to municipality. Title to an abandoned cemetery and any unoccupied lots or grave sites described in the notice required under subsection 2 reverts to the municipality if an objection by an owner of the abandoned cemetery or unoccupied lot or grave site within the cemetery is not received by the 15th day after notice is sent to an identified owner or the last notice is published in a newspaper of general circulation as required under subsection 2. After title has reverted pursuant to this subsection, the municipality shall record a confirmation of the acquisition of the abandoned cemetery, including a basic description of the cemetery referencing the municipality's tax maps, in the registry of deeds in the county in which the cemetery is located.

6. Maintenance of title and characteristics. Once title to an abandoned cemetery has been recorded by a municipality, that municipality shall maintain the title in perpetuity and may never transfer title to the cemetery. The municipality shall also maintain the characteristics of the cemetery with no change in use of the cemetery land.

7. Survey and preservation plan. Prior to acquiring an abandoned cemetery under this section, a municipality may cause a survey to be done of the cemetery for which it is acquiring title in order to ascertain the true extent of the cemetery. The municipality may develop a preservation plan with guidance from a local cemetery corporation or association and local or state archaeologists.

See title page for effective date.

CHAPTER 226

H.P. 139 - L.D. 188

An Act To Promote the Uniform Implementation of the Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas

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

Sec. 1. 12 MRSA §685-A, sub-§12, as enacted by PL 2003, c. 335, §1, is repealed and the following enacted in its place: