

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.

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Lewiston, Maine
2005

exclusive jurisdiction over all matters referred to in the proviso contained in section 752.

Sec. 2. 12 MRSA §752 is amended to read:

§752. Federal rules and regulations

Power is conferred upon the Congress of the United States to pass such laws and to make or provide for the making of such rules and regulations, of both a civil and criminal nature, not inconsistent with any of the provisions of this section and sections 751 and 754, and provide punishment therefor, as in its judgment may be necessary for the administration, control and protection of such lands as are acquired by the United States under said sections. Such laws, rules and regulations shall may not in any way supersede, invalidate or modify any of the laws of the State of Maine respecting the storage, control, use or development of water resources in the State, or the Mill Act, so called. Said laws of the State of Maine as existing on March 20, 1934, or thereafter enacted, are made applicable to all lands acquired under this section and ~~sections 751 and section~~ section 754, notwithstanding the title thereto shall must be in the United States of America, nor shall may such laws, rules and regulations, nor shall may anything in said sections in any way limit the power of the State through its Legislature to pass any legislation, either general or specific, respecting the storage, control, use or development of the water resources thereon, or respecting the laws of the State pertaining to fishing and hunting, nor shall may it prevent the flowage of lands acquired under this section and ~~sections 751 and section~~ section 754 in accordance with the Mill Act, or special charter, or other general laws of the State, upon payment of compensation therefor, nor shall may any consent of the United States of America be required to enable action to be taken under or in accordance with said laws. The State expressly reserves the jurisdiction of the courts of the State with respect to the determination of questions arising under said laws respecting lands so acquired by the United States of America.

Sec. 3. 12 MRSA §753, as amended by PL 1975, c. 531, §1, is further amended to read:

§753. State consent to acquisition of national forests

Subject to the Act of Congress of March 1, 1911, 36 Statutes 961, known as the Weeks Act, and Acts amendatory thereof and supplemental thereto, the consent of the State of Maine is given for the United States to acquire by purchase, gift or exchange upon the payment of adequate compensation ~~not exceeding 300,000 acres of land within the Counties of Hancock and Washington and that part of Penobscot County easterly of the Penobscot and Mattawamkeag Rivers, and not exceeding 300,000 acres of land in that part of~~

~~Aroostook County which lies south of the following line, to wit: Commencing at the northwest corner of Township 7, Range 5 in Aroostook County, and running thence easterly along the north line of said township and the continuation thereof easterly to the east line of Aroostook County or international boundary line, and such lands within that portion of Oxford County included within purchase unit boundaries of the White Mountain National Forest on July 5, 1935, all in this State as are suitable for national forest purposes, and not over 2,000 acres in Cumberland County for preserves for the protection and conservation of migratory birds; but no such acquisition shall may be made against the protest of any owner. Sections ~~751, 752 and 754~~ shall do not apply to any lands acquired under this section and section 755. This section as it relates to Oxford County shall ~~be~~ is limited to such acquisition as shall ~~have~~ has been actually acquired prior to the effective date of this Act and no further land in Oxford County shall may be acquired after such date, unless such acquisition is approved by the voters of the municipality in which such land, in whole or in part, is located.~~

Sec. 4. 12 MRSA §754 is amended to read:

§754. Limitations on state consent

The consent of the State of Maine to the United States of America to the acquisition of lands within the State by the United States of America for the establishment, consolidation and extension of national forests or any lands of a riparian nature or any lands with riparian rights appurtenant thereto or ~~which that~~ are necessary for any hydraulic development within this State is limited to the consent granted by this section and ~~sections 751 and section~~ section 752, and when such lands are acquired by the United States of America they shall must be held subject to all of the provisions of said sections so long as the ownership thereof is retained by the United States of America.

See title page for effective date.

CHAPTER 259

H.P. 798 - L.D. 1155

**An Act To Prohibit the Sale and Use
of Vaporized Alcohol and Alcohol
Vaporizing Devices**

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

Sec. 1. 28-A MRSA §2088 is enacted to read:

§2088. Vaporized alcohol

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Alcohol vaporizing device" means any device, machine or process that mixes an alcoholic product with pure oxygen or another gas to produce vaporized alcohol for the purpose of consumption through inhalation.

B. "Vaporized alcohol" means an alcoholic product created by mixing alcohol with pure oxygen or another gas to produce a vaporized product for the purpose of consumption through inhalation.

2. Use prohibited. A person may not use vaporized alcohol or an alcohol vaporizing device.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$250 and not more than \$500 must be adjudged.

B. A person who violates this subsection after having been previously adjudicated as violating this subsection commits a civil violation for which a fine of not less than \$500 and not more than \$3,000 must be adjudged.

In addition to a fine imposed under this subsection, a court may make additional orders as described in Title 22, section 2383-C, subsection 6.

3. Selling or furnishing prohibited. A person may not sell, furnish or give away or offer for sale or offer to furnish or give away vaporized alcohol or an alcohol vaporizing device.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$500 and not more than \$1,000 must be adjudged.

B. A person who violates this subsection after having been previously adjudicated as violating this subsection commits a Class E crime for which a fine of not less than \$1,000 and, notwithstanding Title 17-A, section 1301, not more than \$5,000 must be imposed. In addition to a fine imposed under this subsection, if the person is a licensee under chapter 19, 43 or 45, the court may suspend that person's license for up to one year. A violation under this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

4. Exceptions. This section does not apply to vaporized alcohol or alcohol vaporizing devices used for medical or scientific research.

See title page for effective date.

CHAPTER 260

S.P. 205 - L.D. 650

An Act To Protect Maine's Groundfishing Industry

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

Sec. 1. 36 MRSA §2908, first ¶, as repealed and replaced by PL 1987, c. 402, Pt. A, §183, is amended to read:

Any person, association of persons, firm or corporation who ~~shall buy and use~~ buys and uses any internal combustion engine fuel as defined in this chapter for the purpose of operating or propelling commercial motor boats, including commercial groundfishing boats, tractors used for agricultural purposes not operating on public ways, or for registered vehicles operating off the highways of this State, or vehicles owned or operated by railroad companies while operating on rails or tracks, or in stationary engines, or in the mechanical or industrial arts, or for any other commercial use except in nonrailroad motor vehicles operated or intended to be operated upon any of the public highways of this State, or turnpikes operated and maintained by the Maine Turnpike Authority, or except as provided in section 2910, in the operation of aircraft, and who ~~shall have~~ has paid any tax on internal combustion engine fuel levied or directed to be paid as provided by this chapter, either directly by the collection of the tax by the vendor from the consumer, or indirectly by adding the amount of that tax to the price of that fuel and paid by that consumer, ~~shall must~~ must be reimbursed and repaid the amount of the tax paid by ~~him~~ that person less 1¢ per gallon upon presenting to the State Tax Assessor a sworn statement accompanied by the original invoices or other evidence as the State Tax Assessor may require showing those purchases, which statement ~~shall must~~ must show the total amount of the fuel so purchased and used by that consumer other than in nonrailroad motor vehicles operated or intended to be operated upon any of the public highways of the State and in the operation of aircraft. Applications for refunds ~~shall must~~ must be filed with the State Tax Assessor within 15 months from the date of purchase.

See title page for effective date.

CHAPTER 261

H.P. 1009 - L.D. 1445

An Act To Protect the Integrity of Maine State Housing Authority Funds