

# 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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**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

**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

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

**Sec. 1. 30-A MRSA §4722, sub-§1, ¶X**, as amended by PL 2003, c. 704, §5, is further amended to read:

X. Advise the Governor and other officials of State Government on matters relating to energy conservation; ~~and~~

**Sec. 2. 30-A MRSA §4722, sub-§1, ¶Y**, as enacted by PL 2003, c. 704, §6, is amended to read:

Y. Expand access to housing for young professionals and young families. The Maine State Housing Authority shall develop recommendations to create or modify programs with the goal of expanding access to housing for young professionals and young families. The Maine State Housing Authority shall specifically consider strategies to assist renters and first-time home buyers who are under 35 years of age and explore options for linking assistance levels to student loan obligations. The Maine State Housing Authority shall collaborate with the Maine Community College System, vocational high schools and community action programs to encourage the development of affordable housing in high-cost housing areas of the State.

(1) The Maine State Housing Authority shall report its findings and recommendations regarding expanded access to housing for young professionals and young families to the Future for Youth in Maine State Work Action Tactics Team established in Title 5, section 13161 and to the joint standing committee of the Legislature having jurisdiction over housing matters no later than January 15, 2005 and annually thereafter; and

**Sec. 3. 30-A MRSA §4722, sub-§1, ¶Z** is enacted to read:

Z. Condition approval of funding of a housing project upon an applicant's compliance with municipal health, safety and sanitation standards. The Maine State Housing Authority may condition approval of funding for a housing project upon a municipality's representation that the applicant, an affiliate of the applicant or any owner controlled by the applicant has no record of a material municipal code violation of health, safety or sanitation standards.

See title page for effective date.

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**CHAPTER 262**

**S.P. 505 - L.D. 1480**

**An Act Regarding Licensing Boards**

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

**PART A**

**Sec. A-1. 32 MRSA §502, first ¶**, as amended by PL 1999, c. 214, §3, is further amended to read:

The board shall meet at least twice each year at such times and places as its chair may designate to consider applications, examine applicants and consider such other business as may properly come before the board. At its first meeting in each calendar year, the board shall elect one of its members as chair for a term of one year and one of its members as secretary to hold office at the pleasure of the board. Special meetings may be called at the pleasure of the chair and, in case of the death or inability of the chair, the secretary may call special meetings. The board shall keep correct records of all proceedings. The chair and secretary are empowered to administer oaths in matters connected with the duties of the board. The records, or duplicates of the records, must be open to inspection and are prima facie evidence of all matters recorded in the records. Four members of the board constitute a quorum for the transaction of business, but a license to practice chiropractic may not be granted except on an affirmative vote of at least 4 members of the board. The board has the power to make and adopt rules and a code of ethics consistent with law necessary for the enforcement of its authority, the performance of its duties and the governing of the practice of chiropractic, but a rule or code of ethics may not be made that is unreasonable or contravenes this chapter. The board shall adopt rules, which are routine technical rules pursuant to Title 5, chapter 375, subchapter ~~H-A~~ 2-A, authorizing and governing the use of chiropractic acupuncture by certified licensees. The rules must set forth the requirements for chiropractic acupuncture certification, which must include, but are not limited to, a minimum number of classroom hours of education in acupuncture theory and techniques; a component of supervised clinical acupuncture training or documented clinical acupuncture experience for licensees practicing chiropractic acupuncture prior to April 30, 1999; and instruction in exposure control for blood-borne pathogens and registration as a biomedical waste generator pursuant to Title 38, section 1319-O, subsection 3. Licensees who can prove to the satisfaction of the board that they were engaged in the practice of chiropractic acupuncture prior to April 30, 1999 may continue to practice chiropractic acupuncture but must comply with all of