

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

there is no obligation to account for any surplus upon a subsequent sale by the mortgagee. Any rights of the mortgagee to a deficiency claim against the mortgagors are limited to the amount established as of the date of the public sale. The date of the public sale is the date on which bids are received to establish the sales price, no matter when the sale is completed by the delivery of the deed to the highest bidder.

See title page for effective date.

CHAPTER 292

S.P. 311 - L.D. 903

An Act To Strengthen the Penalties for Furnishing Alcohol to or Allowing Consumption of Alcohol by Minors

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

**Sec. 1. 28-A MRSA §2081, sub-§1, ¶¶A
and B**, as amended by PL 2003, c. 452, Pt. P, §9 and
affected by Pt. X, §2, are further amended to read:

A. Procure, or in any way aid or assist in procuring, furnish, give, sell or deliver liquor for or to a minor. The following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph commits a Class D crime.

(2) A person who violates this paragraph commits a Class D crime for which ~~the a~~ a fine may of not be less than \$500 and may be imposed, none of which may not be suspended, if the violation involves a minor who is less than ~~44~~ 18 years of age.

(3) A person who violates this paragraph after having been previously convicted of violating this paragraph or paragraph B within a 6-year period commits a Class D crime for which ~~the a~~ a fine may of not be less than \$500 and \$1,000 may be imposed, none of which may not be suspended.

(4) A person who violates this paragraph after having been previously convicted of violating this paragraph or paragraph B 2 or more times within a 6-year period commits a Class D crime for which ~~the a~~ a fine may of not be less than \$1,000 and \$1,500 may be imposed, none of which may not be suspended.

(5) A person who violates this paragraph commits a Class C crime if the consumption of liquor by the minor in fact causes serious bodily injury to or death of the minor or any other individual. For purposes of this subsection, "serious bodily injury" has the same meaning as set out in Title 17-A, section 2, subsection 23;

B. Allow a minor under that person's control or in a place under that person's control to possess or consume liquor. The following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph commits a Class D crime.

(2) A person who violates this paragraph commits a Class D crime for which ~~the a~~ a fine may of not be less than \$500 and \$1,000 may not be imposed, none of which may be suspended, if the violation involves a minor who is less than ~~44~~ 18 years of age.

(3) A person who violates this paragraph after having been previously convicted of violating this paragraph or paragraph A within a 6-year period commits a Class D crime for which ~~the a~~ a fine may of not be less than \$500 and \$2,000 may not be imposed, none of which may be suspended.

~~(4) A person who violates this paragraph after having been previously convicted of violating this paragraph or paragraph A 2 or more times within a 6-year period commits a Class D crime for which the fine may not be less than \$1,000 and may not be suspended.~~

(5) A person who violates this paragraph commits a Class C crime if the consumption of liquor by the minor in fact causes serious bodily injury to or death of the minor or any other individual. For purposes of this subsection, "serious bodily injury" has the same meaning as set out in Title 17-A, section 2, subsection 23;

See title page for effective date.

CHAPTER 293

S.P. 479 - L.D. 1380

An Act To Protect Use of Municipal Seals

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

Sec. 1. 30-A MRSA §2006 is enacted to read:

§2006. Misuse of municipal seal

A person may not use or display an imitation, likeness, imprint, representation, facsimile or copy of a seal of a municipality except by written permission of the municipality from the municipal clerk. A municipality may file an action in Superior Court applying for an order to enjoin a person from using or displaying the municipal seal in violation of this section. A violation of this section is a Class E crime.

See title page for effective date.

CHAPTER 294

H.P. 1082 - L.D. 1537

An Act To Repeal Certain Boards and Commissions

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

Sec. 1. 3 MRSA §959, sub-§1, ¶C, as amended by PL 2003, c. 600, §1, is further amended to read:

C. The joint standing committee of the Legislature having jurisdiction over business, research and economic development matters shall use the following list as a guideline for scheduling reviews:

- (1) Maine Development Foundation in 2005;
- (5) Department of Professional and Financial Regulation, in conjunction with the joint standing committee of the Legislature having jurisdiction over banking and insurance matters, in 2007;
- (19) Department of Economic and Community Development in 2005;
- (23) Maine State Housing Authority in 2007;
- (32) Finance Authority of Maine in 2009;
- ~~(33) Petroleum Advisory Committee in 2009;~~
- (36) Board of Dental Examiners in 2011;
- (37) Board of Osteopathic Licensure in 2011;

- (38) Board of Licensure in Medicine in 2011;
- (41) State Board of Nursing in 2011;
- (42) State Board of Optometry in 2011;
- (45) State Board of Registration for Professional Engineers in 2011; and
- (50) Maine Science and Technology Foundation in 2007.

Sec. 2. 5 MRSA §56, as amended by PL 2003, c. 681, §2, is repealed.

Sec. 3. 5 MRSA §12004-G, sub-§26-A, as enacted by PL 1993, c. 392, §1, is repealed.

Sec. 4. 5 MRSA §12004-G, sub-§31-B, as enacted by PL 1989, c. 875, Pt. L, §§1 and 4, is amended to read:

31-B.	Maine Small Business	Not Authorized	5 MRSA §13032
	<u>and Entrepreneurship</u>		
	Commission		

Sec. 5. 5 MRSA §12004-H, sub-§6, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. 6. 5 MRSA §12004-I, sub-§2-D, as renumbered by RR 1991, c. 2, §11, is repealed.

Sec. 7. 5 MRSA §12004-I, sub-§2-F, as enacted by PL 2001, c. 96, §2, is repealed.

Sec. 8. 5 MRSA §12004-I, sub-§50-A, as enacted by PL 1997, c. 792, §1, is repealed.

Sec. 9. 5 MRSA §12004-I, sub-§52-B, as enacted by PL 1995, c. 694, Pt. A, §1, is repealed.

Sec. 10. 5 MRSA §12004-I, sub-§72-B, as enacted by PL 1993, c. 381, §7, is repealed.

Sec. 11. 5 MRSA §12004-K, sub-§11-A, as enacted by PL 1997, c. 411, §1, is repealed.

Sec. 12. 5 MRSA §12004-L, sub-§12, as enacted by PL 1999, c. 785, §1, is repealed.

Sec. 13. 5 MRSA c. 438, as amended, is repealed.

Sec. 14. 5 MRSA §19135, as enacted by PL 1999, c. 785, §3, is amended to read:

§19135. Annual report

The cabinet shall provide an annual report to the joint standing committee of the Legislature having