

# 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**

C. Explosive materials such as dynamite or fireworks.

**§1316-P. Prohibition; penalties**

A person commits a civil violation for which a fine of not more than \$500 may be assessed if, with respect to any dangerous or unsafe material that the person knows is dangerous or unsafe, that person knowingly:

1. Conceals. Conceals that material by placing it inside other waste material or covering it with other waste material; and

2. Disposes at solid waste facility. Disposes or causes another to dispose of such material in a solid waste facility.

**Sec. 2. Rulemaking.** The Department of Environmental Protection shall adopt rules to define "dangerous or unsafe material" under the Maine Revised Statutes, Title 38, section 1316-O, subsection 1. In developing proposed rules under this section, the department shall consider for inclusion as dangerous or unsafe materials those materials and items that the United States Department of Homeland Security, Transportation Security Administration has prohibited on passenger airplanes in a passenger's carry-on baggage. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 17, 2005.

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**CHAPTER 407**

**S.P. 628 - L.D. 1683**

**An Act To Clarify Entities Eligible for Funding by the Maine Health and Higher Educational Facilities Authority**

**Emergency preamble.** Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** questions have arisen as to the ability of the Maine Health and Higher Educational Facilities Authority to finance the acquisition of air ambulances as an eligible entity or facility; and

**Whereas,** it is vitally necessary to the health, safety and welfare of the citizens of Maine that the State enjoy a coordinated air ambulance system; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 22 MRSA §2053, sub-§3-A,** as amended by PL 2001, c. 596, Pt. B, §7 and affected by §25, is further amended to read:

**3-A. Health care facility.** "Health care facility" means a nursing home that is, or will be upon completion, licensed under chapter 405; a residential care facility that is, or will be upon completion, licensed under chapter 1663; a continuing care retirement community that is, or will be upon completion, licensed under Title 24-A, chapter 73; an assisted living facility that is, or will be upon completion, licensed under chapter 1664; a hospital; a community mental health facility; a scene response air ambulance licensed under Title 32, chapter 2-B and the rules adopted thereunder; or a community health center.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 17, 2005.

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**CHAPTER 408**

**H.P. 201 - L.D. 262**

**An Act To Protect Pregnant Women from Acts of Violence**

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

**Sec. 1. 17-A MRSA §208-C** is enacted to read:

**§208-C. Elevated aggravated assault on pregnant person**

1. A person is guilty of elevated aggravated assault on a pregnant person if that person intentionally or knowingly causes serious bodily injury to a person the person knows or has reason to know is pregnant. For the purposes of this subsection, "serious bodily injury" includes bodily injury that results in the termination of a pregnancy. This subsection does not apply to acts committed by:

A. Any person relating to an abortion for which the consent of the pregnant person, or a person