

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

CHAPTER 413

H.P. 412 - L.D. 557

An Act To Provide Relief from the Cost of Rescue Services to Certain Communities

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

Sec. 1. 30-A MRSA §461 is enacted to read:

§461. State reimbursement for costs of rescue services supported by communities with populations of less than 200

1. Reimbursement for costs. The State may reimburse communities with populations of less than 200 that have no Interstate 95 exit within the town limits of that town for those communities' costs of providing fire, ambulance or other rescue services for accidents that occur on Interstate 95.

2. Reimbursement for Rescue Services Fund. There is established within the Department of Public Safety the Reimbursement for Rescue Services Fund, referred to in this subsection as "the fund," as a dedicated fund to provide reimbursement for costs of rescue services as provided in subsection 1. The Commissioner of Public Safety may accept money into the fund from gifts, grants, bequests and donations and any appropriation or allocation that the commissioner determines necessary to carry out the purposes of this section.

See title page for effective date.

CHAPTER 414

H.P. 1056 - L.D. 1511

An Act Regarding the Budget Process for the Legislative Youth Advisory Council

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

Sec. 1. 3 MRSA §168-A, sub-§10, as amended by PL 2003, c. 20, Pt. F, §3, is further amended to read:

10. Staff. ~~The Edmund S. Muskie School of Public Service~~ Legislative Council shall provide ~~and~~ staff assistance to the council from within its existing budgeted resources or from any grants received by the ~~school~~ Legislative Council for that purpose. ~~The Office of Policy and Legal Analysis staff assigned by the Legislative Council shall draft all~~

legislation submitted to the Legislature by the council. Legislative Council staffing may be curtailed during periods when the Legislature is in regular or special session.

Sec. 2. 3 MRSA §168-A, sub-§11 is enacted to read:

11. Funding. The Legislative Council may seek outside funds to fund costs of the council. Contributions to support the work of the youth council may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied or who would in any way compromise the work of the council. Any person, other than a state agency, desiring to make a financial or in-kind contribution must certify to the Legislative Council or its designee in the manner prescribed by the Legislative Council that the person has no pecuniary or other vested interest in the outcome of the work of the council. All contributions are subject to approval by the Legislative Council or its designee. The Executive Director of the Legislative Council administers any funds received by the youth council. The executive director shall notify the chairs of the youth council of the status of the funding on or before December 1st annually and what funding is available for the immediately following calendar year.

Sec. 3. Budget. The Legislative Youth Advisory Council, established in the Maine Revised Statutes, Title 3, section 168-A, shall work with the Executive Director of the Legislative Council to develop a budget for the youth council. The budget must be submitted to the Executive Director of the Legislative Council within 60 days of the effective date of this Act. The Legislative Council shall pay reasonable expenses of members who are Legislators to attend authorized meetings of the youth council. All other expenses must be paid for from the youth council's budget. The youth council may not incur any expense that would cause the youth council to exceed its budgeted resources.

Sec. 4. Transfer; Other Special Revenue Funds savings; authorization. The Department of Education shall transfer \$30,000 by October 1, 2005 from funds that support the Task Force on Citizenship Education established pursuant to Resolve 2003, chapter 143 to the Legislature to provide funding for the Legislative Youth Advisory Council. The Legislative Council is authorized to allocate these funds to support the operations of the Legislative Youth Advisory Council.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

Legislature 0081

Initiative: Provides funds to pay for staffing and other expenses incurred in support of the Legislative Youth Advisory Council.

OTHER SPECIAL REVENUE

FUNDS	2005-06	2006-07
All Other	\$30,000	\$0
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OTHER SPECIAL REVENUE		
FUNDS TOTAL	\$30,000	\$0

See title page for effective date.

CHAPTER 415

H.P. 490 - L.D. 670

**An Act To Protect Children Using
Maine's Athletic Fields and Parks
from Drug Dealers**

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

Sec. 1. 17-A MRSA §1101, sub-§23 is enacted to read:

23. "Safe zone" means an athletic field, park, playground or recreational facility that is designated as a safe zone by a municipality pursuant to Title 30-A, section 3253.

Sec. 2. 17-A MRSA §1105-A, sub-§1, ¶E, as enacted by PL 2001, c. 383, §119 and affected by §156, is amended to read:

E. At the time of the offense, the person is on a school bus or within 1,000 feet of the real property comprising a private or public elementary or secondary school or a safe zone as defined in section 1101, subsection 23 and the drug is:

- (1) A schedule W drug. Violation of this subparagraph is a Class A crime;
- (2) Marijuana in a quantity of 20 pounds or more. Violation of this subparagraph is a Class A crime;
- (3) A schedule X drug. Violation of this subparagraph is a Class B crime;
- (4) Marijuana in a quantity of more than one pound. Violation of this subparagraph is a Class B crime;
- (5) A schedule Y drug. Violation of this subparagraph is a Class C crime; or
- (6) A schedule Z drug. Violation of this subparagraph is a Class C crime.

For purposes of this paragraph, "school bus" has the same meaning as defined in Title 29-A, section 2301, subsection 5;

Sec. 3. 17-A MRSA §1105-C, sub-§1, ¶E, as enacted by PL 2001, c. 383, §119 and affected by §156, is amended to read:

E. At the time of the offense, the person is on a school bus or within 1,000 feet of the real property comprising a private or public elementary or secondary school or a safe zone as defined in section 1101, subsection 23 and the drug is:

- (1) A schedule W drug. Violation of this subparagraph is a Class B crime;
- (2) A schedule X drug. Violation of this subparagraph is a Class C crime;
- (3) A schedule Y drug. Violation of this subparagraph is a Class C crime; or
- (4) A schedule Z drug. Violation of this subparagraph is a Class C crime.

For purposes of this paragraph, "school bus" has the same meaning as defined in Title 29-A, section 2301, subsection 5;

Sec. 4. 17-A MRSA §1105-D, sub-§1, ¶D, as enacted by PL 2001, c. 383, §119 and affected by §156, is amended to read:

D. At the time of the offense, the person is within 1,000 feet of the real property comprising a private or public elementary or secondary school or a safe zone as defined in section 1101, subsection 23 and the person grows or cultivates:

- (1) Five hundred or more marijuana plants. Violation of this subparagraph is a Class A crime;
- (2) One hundred or more but fewer than 500 marijuana plants. Violation of this subparagraph is a Class B crime;
- (3) More than 5 but fewer than 100 marijuana plants. Violation of this subparagraph is a Class C crime; or
- (4) Five or fewer marijuana plants. Violation of this subparagraph is a Class D crime.

Sec. 5. 30-A MRSA §3253 is enacted to read:

§3253. Safe zones designated by municipality

A municipality may designate an area of the municipality that is frequented by minors as a safe zone