

# 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**

**CHAPTER 439**

**S.P. 387 - L.D. 1125**

**An Act To Establish the Disaster Relief Fund**

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

**Sec. 1. 37-B MRSA §745** is enacted to read:

**§745. Disaster Relief Fund**

**1. Fund established.** There is established the Disaster Relief Fund, referred to in this section as "the fund," to be administered by the agency.

**2. Sources of fund.** The following must be paid into the fund:

A. All money appropriated for inclusion in the fund;

B. All interest from investment of the fund; and

C. Any other money deposited in the fund to implement the provisions of this subchapter.

**3. Use of fund.** The fund must be the first resource used when section 742 or 744 is invoked.

See title page for effective date.

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**CHAPTER 440**

**H.P. 804 - L.D. 1161**

**An Act To Provide for Variance Notification in the Shoreland Zoning Law**

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

**Sec. 1. 38 MRSA §438-A, sub-§6-A** is enacted to read:

**6-A. Variances.** A copy of a request for a variance under an ordinance approved or imposed by the commissioner or board under this article must be forwarded by the municipality to the commissioner at least 20 days prior to action by the municipality. The material submitted must include the application and all supporting information provided by the applicant. The commissioner may comment when the commissioner determines that the municipal issuance of the variance would not be in compliance with the requirements of state law for a zoning variance or that the variance would undermine the purposes stated in section 435. These comments, if submitted by the commissioner

prior to the action by the municipality, must be made part of the record and must be considered by the municipality prior to taking action on the variance request.

See title page for effective date.

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**CHAPTER 441**

**H.P. 171 - L.D. 232**

**An Act To Enhance Highway Safety**

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

**Sec. 1. 29-A MRSA §2413, sub-§1-A** is enacted to read:

**1-A. Aggravated punishment category.** Notwithstanding subsection 1, a person commits a Class C crime if, with criminal negligence as defined in Title 17-A, section 35, that person drives a motor vehicle in any place in a manner that endangers the property of another or a person, including the operator or passenger in the motor vehicle being driven, and causes serious bodily injury, as defined in Title 17-A, section 2, subsection 23, to another person.

**Sec. 2. 29-A MRSA §2413, sub-§3,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**3. Penalties.** In addition to any other penalty, the court shall suspend the driver's license of a person convicted under subsection 1 for not less than 30 days nor more than 180 days, which minimum may not be suspended. In addition to any other penalty, the court shall suspend the driver's license of a person convicted under subsection 1-A for not less than 180 days nor more than 2 years, which minimum may not be suspended. If the court fails to suspend the license, the Secretary of State shall impose the minimum period of suspension.

See title page for effective date.

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**CHAPTER 442**

**H.P. 577 - L.D. 812**

**An Act To Make Illegal Possession of Certain Narcotic Drugs a Class C Crime**

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