

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

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FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

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TITLE 3, SECTION 163-A, SUBSECTION 4.

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.

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.

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.

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:

Sec. 1. 17-A MRSA §1107-A, sub-§1, ¶B, as enacted by PL 2001, c. 383, §127 and affected by §156, is amended to read:

B. A schedule W drug that is:

- (1) Heroin (diacetylmorphine);
- (2) Cocaine in the form of cocaine base and at the time of the offense the person has been convicted of any offense under this chapter or under any law of the United States, another state or a foreign country relating to scheduled drugs, as defined in this chapter. For the purposes of this paragraph, a person has been convicted of an offense on the date the judgment of conviction was entered by the court; ~~or~~
- (3) Methamphetamine;
- (4) Oxycodone;
- (5) Hydrocodone; or
- (6) Hydromorphone.

Violation of this paragraph is a Class C crime;

See title page for effective date.

CHAPTER 443

H.P. 944 - L.D. 1361

An Act To Refine and Study Substance Abuse Testing Procedures and Treatment

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

Sec. 1. 26 MRSA §683, sub-§5-A, ¶C is enacted to read:

C. A person who performs a point of collection screening test or a confirmation test may release the results of that test only as follows.

- (1) For a point of collection screening test that results in a preliminary positive or negative test result, the person performing the test shall release the test result to the employee who is the subject of the test immediately.
- (2) For a point of collection screening test that results in a preliminary positive test result, the person performing the test may not release the test result to the employer until

after the result of the confirmation test has been determined.

(3) For a point of collection screening test that results in a preliminary negative test result, the person performing the test may not release the test result to the employer until after the result of a confirmation test would have been determined if one had been performed.

(4) For a confirmation test, the person performing the test shall release the result immediately to the employee who is the subject of the test and to the employer.

Sec. 2. Department of Labor to establish task force. The Department of Labor shall establish a task force on substance abuse testing and treatment. The task force shall review the following issues relating to substance abuse testing and treatment in the workplace:

1. Substance abuse testing and treatment after workplace accidents or other incidents;
2. Point of collection screening testing; and
3. Substance abuse treatment as it relates to small businesses.

Sec. 3. Membership; report. The Department of Labor shall include on its task force on substance abuse testing and treatment the following members: one representative of large businesses; one representative of small businesses; one representative of organized labor; one representative of a civil liberties advocacy organization; one representative of the Department of Health and Human Services, Office of Substance Abuse; and the legislative sponsor of Legislative Document 1361 of the 122nd Legislature. The task force shall submit a report detailing its findings to the Joint Standing Committee on Labor by December 7, 2005.

See title page for effective date.

CHAPTER 444

H.P. 163 - L.D. 212

An Act To Amend the Laws Governing Patronizing Prostitution of a Minor

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