

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

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:**

Sec. 1. 17-A MRSA §855, as enacted by PL 1981, c. 245, §2, is repealed and the following enacted in its place:

§855. Patronizing prostitution of minor

1. A person is guilty of patronizing prostitution of a minor if:

A. The person, in return for another's prostitution, gives or agrees to give a pecuniary benefit either to the person whose prostitution is sought or to a 3rd person and the person whose prostitution is sought has not in fact attained 18 years of age. Violation of this paragraph is a Class D crime; or

B. The person violates paragraph A and that person knows that the person whose prostitution is sought has not yet attained 18 years of age. Violation of this paragraph is a Class C crime.

See title page for effective date.

CHAPTER 445

H.P. 711 - L.D. 1026

An Act To Provide Uniform Voter Verification and Recount Requirements for Voting Machines

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

Sec. 1. 21-A MRSA §812, sub-§10, as enacted by PL 2003, c. 651, §7, is amended to read:

10. Paper audit trail. ~~Unless excluded pursuant to~~ Except for accessible voting equipment that must be provided by 2006 in compliance with the federal Help America Vote Act of 2002 as provided in section 812-A, subsection 1, it must produce or employ permanent paper records of the votes cast that are able to be verified by individual voters before their votes are cast and that provide a manual audit capacity for the machine. In the case of direct recording electronic voting machines, those records must also identify the individual machines that produced them without revealing the identities of the voters who cast the ballots. In all cases, these records must be reviewed in the event of a recount and considered in conjunction with the machine-produced tally.

Sec. 2. 21-A MRSA §812-A, sub-§1, as enacted by PL 2003, c. 651, §8, is amended to read:

1. Accessible voting equipment at each polling place. The Secretary of State, in compliance with the voting accessibility requirements of the federal Help

America Vote Act of 2002, shall provide one direct recording electronic voting machine, or other voting system equipped for individuals with disabilities, for use at each polling place used in the conduct of state elections. Such machines must produce permanent paper records that provide a manual audit capacity for the machines and must also provide voters with audio functions that enable the voters to verify their ballots aurally before the votes are cast, and all such machines ~~are exempt from~~ must meet the requirements of section 812, subsection 10 ~~unless the Secretary of State is unable to procure machines that the Secretary of State determines are adequate to meet the requirements of this section and section 812 in time to comply with the Help America Vote Act of 2002.~~

Additional accessible voting machines may be used in the conduct of state elections, but those machines must meet the requirements set forth in section 812.

See title page for effective date.

CHAPTER 446

H.P. 988 - L.D. 1424

An Act To Simplify Implementation of the Maine Learning Results

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

Sec. 1. 20-A MRSA §4504, sub-§2, as repealed and replaced by PL 2001, c. 454, §17, is amended to read:

2. Comprehensive review. The commissioner shall conduct a comprehensive review of a school administrative unit in accordance with the school assistance process established in section 6210, based on a review of the school administrative unit's comprehensive education plan and the local assessment system, or as part of an inspection in accordance with section 258-A.

Sec. 2. 20-A MRSA §4722, sub-§3, as amended by PL 2001, c. 454, §24 and PL 2003, c. 545, §6, is further amended to read:

3. Satisfactory completion. A diploma may be awarded ~~only~~ to secondary school students who have satisfactorily completed all diploma requirements in accordance with the academic standards of the school administrative unit, ~~and effective with the class of 2007, with the requirements specified in section 6202-A, subsection 3 and this chapter. All secondary school students must work toward achievement of the content standards of the system of learning results. Exceptional students, as defined in section 7001, subsection 2, who successfully meet the content~~