

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION
July 29, 2005

SECOND REGULAR SESSION
January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 23, 2006

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2006

28-A. "Payday loan" means a supervised loan or other credit transaction in which a cash advance is made to a consumer in exchange for the consumer's personal check or in exchange for the consumer's authorization to debit the consumer's deposit account and when the parties agree either that the check will not be cashed or deposited or that the consumer's deposit account will not be debited until a designated future date.

See title page for effective date.

CHAPTER 605

H.P. 1495 - L.D. 2105

An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs Regarding the Telecommunications Relay Services Advisory Council Pursuant to Reviews Conducted under the State Government Evaluation Act

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

Sec. 1. 3 MRSA §959, sub-§1, ¶E, as amended by PL 2003, c. 600, §1, is further amended to read:

E. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs shall use the following list as a guideline for scheduling reviews:

- ~~(1) Telecommunications Relay Services Advisory Council in 2005;~~
- (2) Department of Education in 2005;
- (2-A) State Board of Education in 2005;
- (3) Maine Arts Commission in 2007;
- (5) Maine Historic Preservation Commission in 2007;
- (5-A) Notwithstanding section 952, Maine Historical Society in 2007;
- (6) Maine Library Commission in 2007;
- (6-A) Maine State Cultural Affairs Council in 2007;
- (6-B) Maine State Library in 2007;
- (6-C) Maine State Museum in 2007;

- (7) Maine State Museum Commission in 2007;
- (8) Office of State Historian in 2007;
- (9) Board of Trustees of the Maine Maritime Academy in 2009;
- (10) Board of Trustees of the University of Maine System in 2009;
- (12) Maine Community College System in 2009;
- (13) Maine Health and Higher Educational Facilities Authority in 2011; and
- (14) Maine Educational Loan Authority in 2011.

Sec. 2. 3 MRSA §959, sub-§1, ¶P, as amended by PL 2003, c. 600, §1, is further amended to read:

P. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters shall use the following list as a guideline for scheduling reviews:

- (1) Public Advocate in 2005;
- (2) Board of Directors, Maine Municipal and Rural Electrification Cooperative Agency in 2007;
- (3) Public Utilities Commission in 2007; ~~and~~
- (4) The Emergency Services Communication Bureau within the ~~Department of Public Safety~~ Public Utilities Commission in 2009; ~~and~~
- (5) Telecommunications Relay Services Advisory Council in 2013.

Sec. 3. 5 MRSA §12004-G, sub-§30-C is enacted to read:

<u>30-C.</u>	<u>Telecommuni-</u>	<u>Not</u>	<u>35-A</u>
<u>Public</u>	<u>cations Relay</u>	<u>Authorized</u>	<u>MRSA</u>
<u>Utilities</u>	<u>Services</u>		<u>§8704</u>
	<u>Advisory</u>		
	<u>Council</u>		

Sec. 4. 5 MRSA §12004-I, sub-§74-A-1, as enacted by PL 1989, c. 851, §2, is repealed.

Sec. 5. 35-A MRSA §8704, first ¶, as enacted by PL 1989, c. 851, §7, is amended to read:

The Telecommunications Relay Services Advisory Council, as established by Title 5, section

~~12004-I~~ 12004-G, subsection ~~74-A-1~~ 30-C, shall evaluate telecommunications relay services in this State and provide advice to providers of telecommunications relay services.

Sec. 6. 35-A MRSA §8704, sub-§5, as enacted by PL 1989, c. 851, §7, is amended to read:

5. Powers and duties. The advisory council shall evaluate telecommunications relay services in this State and shall advise providers of telecommunications relay services regarding telecommunications relay service matters, including, but not limited to, the development of training standards and an evaluation of the service being provided, including the quality and availability of that service. The advisory council may enter into contracts with telecommunications relay service providers for the purpose of providing telecommunications relay services.

See title page for effective date.

CHAPTER 606

H.P. 1347 - L.D. 1906

An Act To Safeguard Maine's Highways

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

PART A

Sec. A-1. 29-A MRSA §2411, sub-§1-A, ¶D, as amended by PL 2003, c. 633, §8, is further amended to read:

D. Violates paragraph A, B or C and:

(1) In fact causes serious bodily injury as defined in Title 17-A, section 2, subsection 23 to another person ~~or in fact causes the death of another person; or~~

(1-A) In fact causes the death of another person; or

(2) Has either a prior conviction for a Class C crime under this section or former Title 29, section 1312-B or a prior criminal homicide conviction involving or resulting from the operation of a motor vehicle while under the influence of intoxicating liquor or drugs or with a blood-alcohol level of 0.08% or greater.

Sec. A-2. 29-A MRSA §2411, sub-§5, ¶D-1, as amended by PL 2003, c. 673, Pt. TT, §4, is further amended to read:

D-1. A violation of subsection 1-A, paragraph D, subparagraph (1) is a Class C crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. The sentence must include a period of incarceration of not less than 6 months, a fine of not less than \$2,100 and a court-ordered suspension of a driver's license for a period of 6 years. These penalties may not be suspended;

Sec. A-3. 29-A MRSA §2411, sub-§5, ¶D-2 is enacted to read:

D-2. A violation of subsection 1-A, paragraph D, subparagraph (1-A) or (2) is a Class B crime, which is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. The sentence must include a period of incarceration of not less than 6 months, a fine of not less than \$2,100 and a court-ordered suspension of a driver's license for a period of 10 years. These penalties may not be suspended;

Sec. A-4. 29-A MRSA §2411, sub-§5, ¶G, as amended by PL 2003, c. 452, Pt. Q, §82 and affected by Pt. X, §2, is further amended to read:

G. The court shall order an additional period of license suspension of 275 days for a person sentenced under paragraph A, B, C, D ~~or~~ D-1 or D-2 if the person was operating the motor vehicle at the time of the offense with a passenger under 21 years of age.

Sec. A-5. 29-A MRSA §2464 is enacted to read:

§2464. Causing serious bodily injury or death while license is suspended or revoked

1. Accident involving injury; penalty. A person who, while knowingly operating with a suspended or revoked license, in fact causes serious bodily injury as defined in Title 17-A, section 2, subsection 23 to another person commits a Class C crime.

2. Accident involving death; penalty. A person who, while knowingly operating with a suspended or revoked license, in fact causes the death of another person commits a Class B crime.

3. Pleading and proof. The State must prove that the defendant's operation of the motor vehicle caused the serious bodily injury under subsection 1 or death under subsection 2. The court shall apply Title 17-A, section 33 in assessing any causation under this section.

4. License suspension. Upon receipt of notice of conviction, the Secretary of State shall immediately suspend the license of a person who violates subsec-