

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

practicable the individual intended to be protected by the protection from abuse order. If, when notifying a law enforcement agency, the department is informed by that agency that it cannot notify the individual intended to be protected by the protection from abuse order, the department must continue to make a reasonable effort to notify that individual as quickly as practicable, including through a different law enforcement agency within the county in which the individual resides.

Sec. 2. 19-A MRSA §4012, sub-§10 is enacted to read:

10. Liability for damages. The State, a political subdivision of the State or a law enforcement officer is not liable for damage that may be caused by the failure or inability to inform an individual who is the subject of a protection from abuse order in accordance with subsection 9. This subsection does not prohibit the State or a political subdivision of the State from pursuing legally authorized disciplinary action.

See title page for effective date.

CHAPTER 672

S.P. 312 - L.D. 904

An Act To Create the Maine Asthma and Lung Disease Research Fund

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

Sec. 1. 22 MRSA c. 275, as amended, is amended by repealing the chapter headnote and enacting the following in its place:

CHAPTER 275

ASTHMA AND LUNG DISEASE

Sec. 2. 22 MRSA §1700-A is enacted to read:

§1700-A. Maine Asthma and Lung Disease Research Fund

There is established the Maine Asthma and Lung Disease Research Fund, an interest-bearing account, referred to in this section as "the fund." The fund receives money deposited by the Treasurer of State pursuant to Title 36, section 5290 and any other money contributed voluntarily to the fund. The fund is administered by the Bureau of Health. All money deposited in the fund and the earnings on that money remain in the fund to be used to provide research grants to develop and advance the understanding of lung disease, especially its prevention, causes,

treatment and cure. Areas of research eligible for grants under this section include, but are not limited to, asthma, health effects of indoor and outdoor air pollution, emphysema and chronic obstructive pulmonary disease. Money in the fund may also be used for the necessary administrative and personnel costs associated with the management of the fund but may not be deposited in the General Fund or any other fund except as specifically provided by law.

Sec. 3. 36 MRSA §5290 is enacted to read:

§5290. Maine Asthma and Lung Disease Research Fund; voluntary checkoff

1. Maine Asthma and Lung Disease Research Fund. When filing a return, a taxpayer entitled to a refund under this Part may designate that a portion of that refund be paid into the Maine Asthma and Lung Disease Research Fund established in Title 22, section 1700-A. A taxpayer who is not entitled to a refund under this Part may contribute to the Maine Asthma and Lung Disease Research Fund by including with that taxpayer's return sufficient funds to make the contribution. The contribution may not be less than \$1. Each individual income tax return form must contain a designation in substantially the following form: "Maine Asthma and Lung Disease Research Fund: () \$1, () \$5, () \$10, () \$25 or () Other \$...."

2. Contributions credited to Maine Asthma and Lung Disease Research Fund. The State Tax Assessor shall determine annually the total amount contributed pursuant to subsection 1. Prior to the beginning of the next year, the State Tax Assessor shall deduct the cost, up to \$2,000 annually, of administering the Maine Asthma and Lung Disease Research Fund checkoff and report the remainder to the Treasurer of State, who shall forward that amount to the Maine Asthma and Lung Disease Research Fund.

Sec. 4. Contributions to the Maine Asthma and Lung Disease Research Fund. The Commissioner of Administrative and Financial Services shall seek outside funds to fully fund the fiscal year 2006-07 administrative costs associated with the Maine Asthma and Lung Disease Research Fund income tax checkoff under the Maine Revised Statutes, Title 36, section 5290. Any funds received must be deposited in Maine Revenue Services' Maine Asthma and Lung Research Fund Other Special Revenue Funds account.

Sec. 5. Certification of contributions to the Maine Asthma and Lung Disease Research Fund. The Commissioner of Administrative and Financial Services shall account for all contributions to the Maine Asthma and Lung Disease Research Fund Other Special Revenue Funds account and

certify to the Secretary of State and the Revisor of Statutes when transfers total or exceed \$14,648.

Sec. 6. Application. This Act applies to tax years beginning on and after January 1, 2006.

Sec. 7. Appropriations and allocations. The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

Maine Asthma and Lung Disease Research Fund (new)

Initiative: Allocates funds for the administrative costs associated with the Maine Asthma and Lung Disease Research Fund income tax checkoff.

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
All Other	\$0	\$14,648
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$14,648
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS	2005-06	2006-07
OTHER SPECIAL REVENUE FUNDS	\$0	\$14,648
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$14,648

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Maine Asthma and Lung Disease Research Fund (new)

Initiative: Allocates funds for the newly authorized Maine Asthma and Lung Disease Research Fund.

OTHER SPECIAL REVENUE FUNDS	2005-06	2006-07
All Other	\$0	\$42,500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$42,500
HEALTH AND HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTALS	2005-06	2006-07
OTHER SPECIAL REVENUE FUNDS	\$0	\$42,500
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$42,500
SECTION TOTALS	2005-06	2006-07
OTHER SPECIAL REVENUE FUNDS	\$0	\$57,148
SECTION TOTAL - ALL FUNDS	\$0	\$57,148

Sec. 8. Contingent effective date. With the exception of section 5, this Act takes effect 90 days after the certification pursuant to section 5 occurs.

See title page for effective date, unless otherwise indicated.

CHAPTER 673

H.P. 1224 - L.D. 1717

**An Act Regarding the Sentencing of
Persons Convicted of Gross Sexual
Assault against Victims under 12
Years of Age**

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

Sec. 1. 17-A MRSA §1202, sub-§1-A, ¶C, as enacted by PL 2003, c. 711, Pt. B, §16, is repealed.

Sec. 2. 17-A MRSA §1231, as amended by PL 2003, c. 711, Pt. B, §18, is further amended to read:

§1231. Inclusion of period of supervised release after imprisonment

1. The court, in imposing a sentence of a term of imprisonment that does not include probation for a violation of section 253, may include as part of the sentence a requirement that the defendant be placed on a period of supervised release after imprisonment. The period of supervised release commences on the date the person is released from confinement pursuant to section 1254 to section 1254.

1-A. Notwithstanding subsection 1, the court shall impose as part of the sentence a requirement that a defendant convicted of violating section 253, subsection 1, paragraph C be placed on a period of supervised release after imprisonment. The period of supervised release commences on the date the person is released from confinement pursuant to section 1254 and must include the best available monitoring technology for the duration of the period of supervised release.

2. The authorized period of supervised release is:

A. Any period of years for a person sentenced as a repeat sexual assault offender pursuant to section 1252, subsection 4-B; ~~and~~

B. For a person not sentenced under section 1252, ~~subsection~~ subsections 4-B or 4-E, a period not to exceed 10 years for a Class A violation of section 253 and a period not to exceed 6 years