

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

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

Penmor Lithographers
Lewiston, Maine
2007

Initiative: Provides a base allocation in the event that funds are received to fund the comprehensive cancer screening, detection and prevention program.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

See title page for effective date.

**CHAPTER 342
S.P. 601 - L.D. 1694**

**An Act To Establish the
Publicly Supported Private
Secondary School Advisory
Council**

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

Sec. 1. 5 MRSA §12004-I, sub-§13-A is enacted to read:

13-A.

Education	Publicly Supported Private Secondary School Advisory Council	Not Authorized	20-A MRSA §3061

Sec. 2. 20-A MRSA c. 117, sub-c. 5 is enacted to read:

SUBCHAPTER 5

**PUBLICLY SUPPORTED PRIVATE
SECONDARY SCHOOL ADVISORY COUNCIL**

**§3061. Publicly Supported Private Secondary
School Advisory Council**

The Publicly Supported Private Secondary School Advisory Council is established within the department to advise the commissioner and the Legislature on matters related to the development of policies concerning the education of public tuition students at publicly supported private secondary schools. For the purposes of this subchapter, "publicly supported private secondary school" means a private secondary school approved for the receipt of funds under sections 2951 and 2955 that enrolls 60% or more publicly funded students, but does not include special purpose private schools requiring approval pursuant to the State's special education rules.

1. Members. The Publicly Supported Private Secondary School Advisory Council, established under Title 5, section 12004-I, subsection 13-A and referred to in this subchapter as "the council," consists of the commissioner or the commissioner's designee and 7 members appointed by the Governor:

A. Three heads of publicly supported private secondary schools nominated by a statewide association representing publicly supported private secondary schools;

B. A trustee of a publicly supported private secondary school;

C. An elected member of a school board for a school administrative unit served by a publicly supported private secondary school; and

D. Two representatives of a statewide association of public school superintendents, nominated by that association, who have at least 2 years' experience working with a publicly supported private secondary school.

2. Duties. The council shall:

A. Provide advice to the commissioner regarding all rules and legislation proposed by the commissioner that refer or relate to publicly supported private secondary schools;

B. Facilitate communication among publicly supported private secondary schools, the department and school superintendents; and

C. Meet no less than twice each year to perform its duties.

3. Quorum. Four members of the council constitute a quorum.

4. Terms of office. Except for initial appointees and the commissioner or the commissioner's designee, each member serves for a term of 3 years or until the member's successor has been appointed. Except for the commissioner or the commissioner's designee, a member may not serve more than 2 consecutive terms. In the case of a vacancy for any reason, the Governor shall appoint a member representing the same interest to fill the unexpired term.

Sec. 3. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 20-A, section 3061, subsection 4, initial appointments made to the Public Supported Private Secondary School Advisory Council are as set out in this section.

1. Of the 3 appointments made under Title 20-A, section 3061, subsection 1, paragraph A, one is for a term of one year, one for 2 years and one for 3 years.

2. The appointment made under Title 20-A, section 3061, subsection 1, paragraph B is for a term of 2 years.

3. The appointment made under Title 20-A, section 3061, subsection 1, paragraph C is for a term of one year.

4. One of the appointments made under Title 20-A, section 3061, subsection 1, paragraph D is for a term of 2 years and one is for a term of 3 years.

See title page for effective date.

CHAPTER 343

H.P. 1200 - L.D. 1717

An Act To Promote Recycling of Cellular Telephones

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

Sec. 1. 38 MRSA §2143 is enacted to read:

§2143. Cellular telephone recycling

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Cellular telephone" means a mobile wireless telephone device that is designed to send or receive transmissions through a cellular radiotelephone service as defined in 47 Code of Federal Regulations, Section 22.99 (2005). "Cellular telephone" does not include a wireless telephone device that is integrated into the electrical architecture of a motor vehicle.

B. "Cellular telephone service provider" means a provider of wireless voice or data retail service.

C. "Retailer" means a person, firm or corporation that sells or offers to sell a cellular telephone to a consumer at retail.

2. Collection system. Effective January 1, 2008, a retailer shall accept, at no charge, used cellular telephones from any person. A retailer required to accept used cellular telephones under this subsection shall post, in a prominent location open to public view, a notice printed in boldface type and containing the following language: "We accept used cellular telephones at no charge."

3. Disposal ban. Effective January 1, 2008, a person may not dispose of a cellular telephone in solid waste for disposal in a solid waste disposal facility.

4. Reports. By January 1, 2009, and every year thereafter until January 1, 2013, a cellular telephone service provider shall report to the department the number of cellular telephones collected pursuant to this section and how the collected cellular telephones were disposed of, reused or recycled. By February 1, 2009 and every year thereafter until February 1, 2013,

the department shall report on the collection system to the joint standing committee of the Legislature having jurisdiction over natural resources matters.

See title page for effective date.

CHAPTER 344

H.P. 1219 - L.D. 1736

An Act To Amend the Laws Relating to Probation and Supervised Release for Sex Offenders and To Make Necessary Changes to the Maine Criminal Code

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

Sec. 1. 17-A MRSA §1201, sub-§1, ¶A-1, as amended by PL 2005, c. 265, §7, is further amended to read:

A-1. The conviction is for a Class D or Class E crime other than:

(1) A Class D or Class E crime relative to which, based upon both the written agreement of the parties and a court finding, the facts and circumstances of the underlying criminal episode giving rise to the conviction generated probable cause to believe the defendant had committed a Class A, Class B or Class C crime in the course of that criminal episode and, as agreed upon in writing by the parties and found by the court, the defendant has no prior conviction for murder or for a Class A, Class B or Class C crime and has not been placed on probation pursuant to this subparagraph on any prior occasion;

(2) A Class D crime that the State pleads and proves was committed against a family or household member under chapter 9 or 13 or section 506-B, 554, 555 or 758. As used in this subparagraph, "family or household member" has the same meaning as in Title 19-A, section 4002, subsection 4;

(3) A Class D or Class E crime in chapter 11 or 12;

(4) A Class D crime under section 210-A;

(5) A Class D or Class E crime under section 556, section 854, excluding subsection 1, paragraph A, subparagraph (1), or section 855;

(6) A Class D crime in chapter 45 relating to a schedule W drug; or