

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2008 to June 13, 2009**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 12, 2009**

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

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**Augusta, Maine**  
**2009**

**CHAPTER 64**  
**S.P. 246 - L.D. 672**

**An Act To Add Maine  
Maritime Academy  
Representation to the State  
Employee Health Commission**

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

**Sec. 1. 5 MRSA §285-A, sub-§2**, as amended by PL 2001, c. 636, §1 and PL 2003, c. 20, Pt. OO, §2 and affected by §4 and amended by PL 2007, c. 58, §3, is further amended to read:

**2. Membership.** The State Employee Health Commission consists of ~~22~~ 24 labor and management members as follows:

- A. One labor member from each bargaining unit recognized under Title 26, chapter 9-B, appointed by the employee organization certified to represent the unit;
- B. One labor member from the largest bargaining unit recognized under Title 26, chapter 14, appointed by the employee organization authorized to represent the unit;
- C. One labor member appointed by the retiree chapters of the Maine State Employees Association;
- C-1. One labor member from Maine Turnpike Authority employees appointed by the employee organization authorized to represent the employees;
- C-2. One labor member from Maine Public Employees Retirement System employees, appointed by the employee organization authorized to represent the employees;
- C-3. One labor member from Maine Maritime Academy employees, appointed by the employee organization authorized to represent the employees;
- D. Four management members appointed by the Commissioner of Administrative and Financial Services;
- E. One management member appointed by the Court Administrators;
- F. The Executive Director of Health Insurance, ex officio;
- G. One member representing retirees appointed by the Maine Association of Retirees;
- H. One labor member from the Maine Community College System faculty or administrative unit, appointed by the employee organization authorized to represent the units;

I. One management member from the Maine Community College System appointed by the President of the Maine Community College System;

J. One management member appointed by the Executive Director of the Maine Turnpike Authority; ~~and~~

K. One management member appointed by the Executive Director of the Maine Public Employees Retirement System; ~~and~~

L. One management member appointed by the President of the Maine Maritime Academy.

All appointed or elected members serve at the pleasure of their appointing or electing authorities.

See title page for effective date.

**CHAPTER 65**  
**S.P. 26 - L.D. 67**

**An Act To Protect Maine's  
State Parks and State Historic  
Sites**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, this legislation needs to take effect before the 2009 summer recreational season begins; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 22 MRSA §1580-E** is enacted to read:

**§1580-E. Smoking in state parks and state historic sites**

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

- A. "Enclosed area" has the same meaning as in section 1541, subsection 2;
- B. "Public place" has the same meaning as in section 1541, subsection 4;
- C. "Smoking" has the same meaning as in section 1541, subsection 6;

D. "State historic site" has the same meaning as "historic site" in Title 12, section 1801, subsection 5; and

E. "State park" has the same meaning as "park" in Title 12, section 1801, subsection 7.

**2. Smoking prohibited.** A person may not smoke tobacco or any other substance in, on or within 20 feet of a beach, playground, snack bar, group picnic shelter, business facility, enclosed area, public place or restroom in a state park or state historic site.

**3. Signs; public education.** To the extent possible within existing budgeted resources, the Maine Center for Disease Control and Prevention shall erect signs and undertake public education initiatives regarding the prohibition on smoking in certain areas of state parks and state historic sites.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 1, 2009.

**CHAPTER 66**

**H.P. 541 - L.D. 790**

**An Act To Waive Public Utilities Commission Approval of Special Contracts When the Contracts Apply to Detariffed Rates or Terms**

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

**Sec. 1. 35-A MRSA §703, sub-§3-A,** as enacted by PL 1995, c. 254, §3, is repealed and the following enacted in its place:

**3-A. Special contracts.** A public utility, subject to the commission's approval, may make a contract for a definite term for its product or service, but the published rates for the product or service may not be changed during the term of the contract without the commission's consent. If the commission grants to a telephone utility or a group of telephone utilities an exemption pursuant to section 307-A from the requirement to file rate schedules or terms and conditions, that telephone utility or group of telephone utilities is exempt from the requirements for commission approval and consent under this subsection to the same extent as the exemption granted by the commission pursuant to section 307-A.

See title page for effective date.

**CHAPTER 67**

**H.P. 196 - L.D. 250**

**An Act To Streamline and Clarify Laws Pertaining to the Civil and Criminal Possession of Marijuana**

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

**Sec. 1. 17-A MRSA §1106, sub-§3, ¶A,** as enacted by PL 1989, c. 924, §12, is amended to read:

A. More than ~~4 1/4~~ 2 1/2 ounces of marijuana;

**Sec. 2. 17-A MRSA §1107-A, sub-§1, ¶F,** as enacted by PL 2001, c. 383, §127 and affected by §156, is amended to read:

F. A schedule Z drug. Violation of this paragraph is a Class E crime: ~~unless the drug is marijuana, in which case a violation of this paragraph is:~~

(1) For possession of over 2 1/2 ounces to 8 ounces of marijuana, a Class E crime;

(2) For possession of over 8 ounces to 16 ounces of marijuana, a Class D crime;

(3) For possession of over one pound to 20 pounds of marijuana, a Class C crime; and

(4) For possession of over 20 pounds of marijuana, a Class B crime.

**Sec. 3. 22 MRSA §2383, sub-§1,** as amended by PL 2005, c. 386, Pt. DD, §3, is further amended to read:

**1. Marijuana.** Except as provided in section 2383-B, subsection 5, a person may not possess marijuana.

A. A person who possesses a usable amount of marijuana commits a civil violation for which a fine of not less than \$350 and not more than \$600 must be adjudged for possession of up to 1 1/4 ounces of marijuana and a fine of not less than \$700 and not more than \$1,000 must be adjudged for possession of over 1 1/4 ounces to 2 1/2 ounces of marijuana, none of which may be suspended.

~~B. A person who possesses a usable amount of marijuana after having previously violated this subsection within a 6 year period commits a civil violation for which a fine of \$550 must be adjudged, none of which may be suspended.~~

See title page for effective date.