

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

school zones and innovative public school districts, including the number of schools in each zone and district and the number of students served in the schools and zones, expressed as a total number and as a percentage of the students enrolled in the district;

C. An overview of the innovations implemented in each school, zone and district;

D. An overview of the academic performance of the students served in schools, zones and districts, including a comparison between the academic performance of the students before and after implementation of the innovations;

E. Any recommendations for legislative changes based on the innovations implemented or to further enhance the ability of school administrative units and school boards to implement innovations; and

F. Any information requested by the Governor or a member of the joint standing committee of the Legislature having jurisdiction over education matters.

The commissioner shall promptly post the annual report submitted pursuant to this section on the department's publicly accessible website.

Sec. 3. 26 MRSA §962, sub-§7, ¶A, as amended by PL 2005, c. 662, Pt. A, §43 and PL 2007, c. 58, §3, is further amended to read:

A. Any officer, board, commission, council, committee or other persons or body acting on behalf of:

- (1) Any municipality or any subdivision of a municipality;
- (2) Any school, water, sewer, fire or other district;
- (3) The Maine Turnpike Authority;
- (5) Any county or subdivision of a county;
- (6) The Maine Public Employees Retirement System; ~~or~~
- (7) The Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf; ~~or~~
- (8) Any innovative, autonomous public school, innovative public school district or innovative public school zone created and operated under Title 20-A, section 6212 or 6213;

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF

Fund for the Efficient Delivery of Educational Services Z005

Initiative: Provides a base allocation for grants to improve educational opportunities and student achievement through more efficient delivery of educational services.

| OTHER SPECIAL REVENUE FUNDS | 2011-12 | 2012-13 |
|-----------------------------------|---------|---------|
| All Other | \$500 | \$500 |
| OTHER SPECIAL REVENUE FUNDS TOTAL | \$500 | \$500 |

See title page for effective date.

CHAPTER 447

H.P. 1147 - L.D. 1562

An Act To Prohibit the Sale or Possession of So-called Bath Salts Containing Dangerous Synthetic Drugs

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

Whereas, certain synthetic hallucinogenic drugs marketed as bath salts are powerful stimulant drugs that are suspected to have been designed to avoid prosecution and are commonly available on the Internet; and

Whereas, there exists a perception that these so-called bath salts pose a safer alternative to other drugs that are illegal but use of these bath salts is known to produce a number of severe side effects, including organ failure, and death; and

Whereas, prohibiting the use and possession of these so-called bath salts is an urgent public safety matter; 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 §§2390 to 2394 are enacted to read:

§2390. Unlawful possession of certain synthetic hallucinogenic drugs

1. Unlawful possession. It is unlawful for a person to possess certain synthetic hallucinogenic drugs if the person intentionally or knowingly possesses what that person knows or believes to be a certain synthetic hallucinogenic drug, which is in fact a certain synthetic hallucinogenic drug, and the drug is:

- A. 3, 4 - methylenedioxymethcathinone, MDMC;
- B. 3, 4 - methylenedioxypropylvalerone, MDPV;
- C. 4 - methylmethcathinone, 4-MMC;
- D. 4 - methoxymethcathinone, bk-PMMA, PMMC;
- E. 3 - fluoromethcathinone, FMC;
- F. 4 - fluoromethcathinone, FMC;
- G. Naphthylpropylvalerone, NRG-1; and
- H. Beta-keto-N-methylbenzodioxolylpropylamine.

2. Penalties. The following penalties apply.

A. A person who violates this section commits a civil violation for which a fine of not more than \$350 may be adjudged.

B. A person who violates this section after having been previously adjudicated of violating this section commits a civil violation for which a fine of not more than \$500 may be adjudged.

C. A person who violates this section after having been previously adjudicated of violating this section 2 or more times commits a Class E crime.

3. Repeal. This section is repealed June 15, 2013.

§2391. Unlawful trafficking in certain synthetic hallucinogenic drugs

1. Unlawful trafficking. It is unlawful for a person to traffick in certain synthetic hallucinogenic drugs if the person intentionally or knowingly trafficks in what the person knows or believes to be a certain synthetic hallucinogenic drug listed in section 2390. For purposes of this section, "traffick" has the same meaning as in Title 17-A, section 1101, subsection 17.

2. Penalties. The following penalties apply.

A. A person who violates this section commits a Class E crime.

B. A person who violates this section after having been previously adjudicated of violating this section commits a Class D crime.

3. Use of a motor vehicle. If a person uses a motor vehicle to facilitate the trafficking in a certain synthetic hallucinogenic drug listed in section 2390, the court may, in addition to other authorized penalties, suspend the person's driver's license or permit or privilege to operate a motor vehicle or right to apply for or obtain a license for a period not to exceed 5 years. A suspension may not begin until after any period of incarceration is served. If the court suspends a person's driver's license or permit, privilege to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the Secretary of State of the suspension and the court shall take physical custody of the person's license or permit. The Secretary of State may not reinstate the person's driver's license or permit or privilege to operate a motor vehicle or right to apply for or obtain a license unless the person demonstrates that, after having been released and discharged from any period of incarceration that may have been ordered, the person has served the period of suspension ordered by the court.

4. Repeal. This section is repealed June 15, 2013.

§2392. Aggravated trafficking in certain synthetic hallucinogenic drugs

1. Unlawful aggravated trafficking. A person is guilty of aggravated trafficking in certain synthetic hallucinogenic drugs if the person violates section 2391 and:

A. The person trafficks in a certain synthetic hallucinogenic drug with a child who is in fact less than 18 years of age;

B. At the time of the offense, the person has one or more prior adjudications for any violation under this chapter or for engaging in substantially similar conduct in another jurisdiction;

C. At the time of the offense, the person possesses a firearm in the furtherance of the offense, uses a firearm, carries a firearm or is armed with a firearm;

D. At the time of the offense, the person is on a school bus or within 1,000 feet of the real property comprising a private or public elementary or secondary school or a safe zone as defined in Title 17-A, section 1101, subsection 23. For purposes of this paragraph, "school bus" has the same meaning as defined in Title 29-A, section 2301, subsection 5; or

E. At the time of the offense, the person enlists or solicits the aid of or conspires with a child who is in fact less than 18 years of age to traffick in a certain synthetic hallucinogenic drug.

2. Penalty. Violation of this section is a Class C crime.

3. Use of a motor vehicle. If a person uses a motor vehicle to facilitate the aggravated trafficking in a certain synthetic hallucinogenic drug, the court may, in addition to other authorized penalties, suspend the person's driver's license or permit or privilege to operate a motor vehicle or right to apply for or obtain a license for a period not to exceed 5 years. A suspension may not begin until after any period of incarceration is served. If the court suspends a person's driver's license or permit or privilege to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the Secretary of State of the suspension and the court shall take physical custody of the person's license or permit. The Secretary of State may not reinstate the person's driver's license or permit or privilege to operate a motor vehicle or right to apply for or obtain a license unless the person demonstrates that, after having been released and discharged from any period of incarceration that may have been ordered, the person has served the period of suspension ordered by the court.

4. Repeal. This section is repealed June 15, 2013.

§2393. Unlawfully furnishing certain synthetic hallucinogenic drugs

1. Unlawful furnishing. It is unlawful for a person to furnish certain synthetic hallucinogenic drugs if the person intentionally or knowingly furnishes what the person knows or believes to be a certain synthetic hallucinogenic drug, which is in fact a certain synthetic hallucinogenic drug listed in section 2390.

2. Penalties. The following penalties apply.

A. A person who violates this section commits a Class E crime.

B. A person who violates this section after having been previously adjudicated as violating this section commits a Class D crime.

3. Use of a motor vehicle. If a person uses a motor vehicle to facilitate the unlawful furnishing of a certain synthetic hallucinogenic drug, the court may, in addition to other authorized penalties, suspend the person's driver's license or permit or privilege to operate a motor vehicle or right to apply for or obtain a license for a period not to exceed 5 years. A suspension may not begin until after any period of incarceration is served. If the court suspends a person's driver's license or permit or privilege to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the Secretary of State of the suspension and the court shall take physical custody of the person's license. The Secretary of State may not reinstate the person's driver's license or permit or privilege to operate a motor vehicle or right to apply for or obtain a license unless the person demonstrates that, after having been released and discharged from any period of incarceration that may have been ordered, the per-

son has served the period of suspension ordered by the court.

4. Repeal. This section is repealed June 15, 2013.

§2394. Aggravated furnishing of certain synthetic hallucinogenic drugs

1. Aggravated furnishing. A person is guilty of aggravated furnishing of certain synthetic hallucinogenic drugs if the person violates section 2393 and:

A. The person furnishes a certain synthetic hallucinogenic drug to a child who is in fact less than 18 years of age;

B. At the time of the offense, the person has one or more prior adjudications for any violation under this chapter or for engaging in substantially similar conduct in another jurisdiction;

C. At the time of the offense, the person possesses a firearm in the furtherance of the offense, uses a firearm, carries a firearm or is armed with a firearm;

D. At the time of the offense, the person is on a school bus or within 1,000 feet of the real property comprising a private or public elementary or secondary school or a safe zone as defined in Title 17-A, section 1101, subsection 23. For purposes of this paragraph, "school bus" has the same meaning as defined in Title 29-A, section 2301, subsection 5; or

E. At the time of the offense, the person enlists or solicits the aid of or conspires with a child who is in fact less than 18 years of age to furnish a certain synthetic hallucinogenic drug.

2. Penalty. Violation of this section is a Class D crime.

3. Use of a motor vehicle. If a person uses a motor vehicle to facilitate the aggravated furnishing of a certain synthetic hallucinogenic drug, the court may, in addition to other authorized penalties, suspend the person's driver's license or permit or privilege to operate a motor vehicle or right to apply for or obtain a license for a period not to exceed 5 years. A suspension may not begin until after any period of incarceration is served. If the court suspends a person's driver's license or permit or privilege to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the Secretary of State of the suspension and the court shall take physical custody of the person's license or permit. The Secretary of State may not reinstate the person's driver's license or permit or privilege to operate a motor vehicle or right to apply for or obtain a license unless the person demonstrates that, after having been released and discharged from any period of incarceration that may have been or-

dered, the person has served the period of suspension ordered by the court.

4. Repeal. This section is repealed June 15, 2013.

Sec. 2. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 22, chapter 558, in the chapter headnote, the words "marijuana, scheduled drugs, imitation scheduled drugs and hypodermic apparatuses" are amended to read "marijuana, scheduled drugs, imitation scheduled drugs, certain synthetic hallucinogenic drugs and hypodermic apparatuses" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

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

Effective July 6, 2011.

CHAPTER 448

H.P. 835 - L.D. 1123

An Act To Amend the Motor Vehicle Laws

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

Sec. 1. 29-A MRSA §1768, sub-§8 is enacted to read:

8. Performance of inspections, issuance of inspection certificate by a person with a suspended or revoked inspection mechanic license. A person commits a Class E crime if, at a time when the person's inspection mechanic license is suspended or revoked pursuant to section 1763, the person:

A. Performs a state motor vehicle inspection or federally approved motor vehicle inspection in order for a certificate of inspection or report to be issued by a 3rd party; or

B. Issues a state or federally approved certificate of inspection or report.

Sec. 2. 29-A MRSA §2054, sub-§2, ¶C, as amended by PL 2009, c. 251, §10, is further amended to read:

C. The use of amber lights on vehicles is governed by the following.

(1) A vehicle engaged in highway maintenance or in emergency rescue operations by civil defense and public safety agencies and a public utility emergency service vehicle may be equipped with auxiliary lights that emit an amber light.

(1-A) A Department of Labor motor vehicle operated by a workplace safety inspector may be equipped with auxiliary lights that emit an amber light.

(2) A wrecker must be equipped with a flashing light mounted on top of the vehicle in such a manner as to emit an amber light over a 360° angle. The light must be in use on a public way or a place where public traffic may reasonably be anticipated when servicing, freeing, loading, unloading or towing a vehicle.

(3) A vehicle engaged in snow removal or sanding operations on a public way must be equipped with and display an auxiliary light that provides visible light coverage over a 360° range. The light must emit an amber beam of light and be equipped with a blinking or strobe light function and have sufficient intensity to be visible at 500 feet in normal daylight. When the left wing of a plow is in operation and extends over the center of the road, an auxiliary light must show the extreme end of the left wing. That light may be attached to the vehicle so that the beam of light points at the left wing. The light illuminating the left wing may be controlled by a separate switch or by the regular lighting system and must be in operation at all times when the vehicle is used for plowing snow on public ways.

(4) A vehicle equipped and used for plowing snow on other than public ways may be equipped with an auxiliary rotary flashing light that must be mounted on top of the vehicle in such a manner as to emit an amber beam of light over a 360° angle, or an amber strobe, or combination of strobes, that emits at a minimum a beam of 50 candlepower and provides visible light coverage over a 360° range. The light may be in use on a public way only when the vehicle is entering the public way in the course of plowing private driveways and other off-highway locations.

(5) A rural mail vehicle may be equipped with auxiliary lights.

(a) The lights used to the front must be white or amber, or any shade between white and amber.

(b) The lights used to the rear must be amber or red, or any shade between amber and red.

(c) The lights, whether used to the front or rear, must be mounted at the same level and as widely spaced laterally as possible.