

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

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

Augusta, Maine
2012

DEPARTMENT TOTAL -	\$0	\$5,000
ALL FUNDS		

See title page for effective date.

CHAPTER 578

H.P. 1370 - L.D. 1852

An Act To Provide a More Comprehensive Ban on the Possession of Synthetic Hallucinogenic Drugs

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

Sec. 1. ~~17-A MRSA §1101, sub-§16-A, ¶¶ G and H,~~ as enacted by PL 2011, c. 465, §5, are amended to read:

G. Naphthylpyrovalerone, NRG-1; ~~¶~~

H. Beta-keto-N-methylbenzodioxolylpropylamine; ~~;~~

Sec. 2. ~~17-A MRSA §1101, sub-§16-A, ¶¶ I to O~~ are enacted to read:

I. 4 - methylethcathinone, 4-MEC;

J. Butylone;

K. Eutylone;

L. Pentedrone;

M. Pentylone;

N. 2, 5 - dimethoxy-4-ethylphenethylamine; or

O. A derivative of cathinone, including any compound, material, mixture, preparation or other product, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl or thiophene ring systems, whether or not the compound is further modified in any of the following ways:

(1) By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;

(2) By substitution at the 3-position with an acyclic alkyl substituent; or

(3) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl or methoxy-benzyl groups or by inclusion of the 2-amino nitrogen atom in a cyclic structure.

This paragraph does not include a drug listed in section 1102 or a drug approved by the United States Food and Drug Administration.

See title page for effective date.

CHAPTER 579

H.P. 1395 - L.D. 1892

An Act To Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry 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, ¶A,~~ as amended by PL 2009, c. 552, §1, is further amended to read:

A. The joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters shall use the following list as a guideline for scheduling reviews:

- (1) Baxter State Park Authority in 2017;
- (2) Department of Conservation in ~~2011~~ 2019;
- (3) ~~Blueberry Advisory Committee in 2011;~~
- (4) Board of Pesticides Control in ~~2011~~ 2019;
- (5) Wild Blueberry Commission of Maine in ~~2011~~ 2019;
- (6) ~~Seed Potato Board in 2011;~~
- (7) Maine Dairy and Nutrition Council in 2015;
- (8) Maine Dairy Promotion Board in 2015;
- (9) Maine Milk Commission in 2015;
- (10) State Harness Racing Commission in 2015;
- (11) Maine Agricultural Bargaining Board in 2017;
- (12) Department of Agriculture, Food and Rural Resources in 2017; and
- (14) Land for Maine's Future Board in 2015.

Sec. 2. ~~36 MRSA §4312-C, sub-§4,~~ as enacted by PL 1997, c. 511, §21 and affected by §25, is repealed and the following enacted in its place:

4. Term. Members are appointed to staggered 4-year terms so that the terms of 2 members expire on

August 31st of every year. If the Commissioner of Agriculture, Food and Rural Resources fails to make an appointment prior to the expiration of a member's term, that member continues to serve until the commissioner makes an appointment for the remainder of that term. If a vacancy occurs prior to the expiration of a specified term, the Commissioner of Agriculture, Food and Rural Resources shall appoint an individual to serve only the remainder of that term.

Sec. 3. Report from Maine Potato Board. No later than January 15, 2013, the Maine Potato Board shall report to the joint standing committee of the Legislature having jurisdiction over agricultural matters regarding the activities of the Seed Potato Board. The report must include a summary of the production, distribution and sales of seed potatoes in 2010, 2011 and 2012.

Sec. 4. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 36, section 4312-C, subsection 4, the terms of members serving on the Wild Blueberry Commission of Maine on the effective date of this Act expire at the discretion of the Commissioner of Agriculture, Food and Rural Resources to accommodate the transition to terms beginning on September 1st. No later than August 15, 2012, the commissioner shall appoint 2 members to begin 4-year terms on September 1, 2012. In subsequent years, the commissioner shall appoint 2 members whose terms begin on September 1, 2013; 2 whose terms begin on September 1, 2014; and 2 whose terms begin on September 1, 2015.

See title page for effective date.

CHAPTER 580

H.P. 1203 - L.D. 1597

**An Act To Make Certain
Juvenile Case Records
Confidential**

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

Sec. 1. 15 MRSA §3301, sub-§6, as amended by PL 2007, c. 196, §2, is further amended to read:

6. Review by attorney for the State. If the juvenile community corrections officer decides not to request the attorney for the State to file a petition, the juvenile community corrections officer shall inform the attorney for the State, the complainant, the law enforcement officer and the victim of the decision and of the reasons for the decision as soon as practicable. The juvenile community corrections officer shall advise the complainant, the law enforcement officer and the victim that they may submit their complaint to the attorney for the State for review.

If the juvenile community corrections officer makes a determination pursuant to subsection 5, paragraph A or B and decides not to request the attorney for the State to file a petition for a violation of Title 22, section 2389, subsection 2 or Title 28-A, section 2052, the juvenile community corrections officer shall inform the Secretary of State of the violation. The Secretary of State shall suspend for a period of 30 days that juvenile's license or permit to operate a motor vehicle, right to operate a motor vehicle and right to apply for and obtain a license. After the suspension is terminated, any record of the suspension is confidential and may be released only to a law enforcement officer or the courts for prosecution of violations of Title 29-A, section 2412-A.

The attorney for the State on that attorney's own motion or upon receiving a request for review by the law enforcement officer, the complainant or the victim, shall consider the facts of the case, consult with the juvenile community corrections officer who made the initial decision and then make a final decision as to whether to file the petition. The attorney for the State shall notify the juvenile community corrections officer of the final decision within 30 days of being informed by the juvenile community corrections officer of the initial decision. If a juvenile community corrections officer has not yet made an initial decision, the attorney for the State may file a petition at any time more than 30 days after the juvenile community corrections officer has been given notice pursuant to section 3203-A.

See title page for effective date.

CHAPTER 581

S.P. 301 - L.D. 955

**An Act To Establish a Dental
Adjudicatory Panel System**

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

Sec. 1. 32 MRSA §1077, sub-§1, as corrected by RR 2009, c. 2, §87, is amended to read:

1. Disciplinary proceedings and sanctions. Regarding noncompliance with or violation of this chapter or of rules adopted by the board, the board shall investigate a complaint on its own motion or upon receipt of a written complaint filed with the board.

The board shall notify the licensee of the content of a complaint filed against the licensee as soon as possible, but no later than 60 days from receipt of this information. The licensee shall respond within 30 days. If the licensee's response to the complaint satisfies the board that the complaint does not merit further inves-