

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

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2013

section within a 3-year period commits a traffic infraction for which a fine of not less than \$500 may be adjudged, and the Secretary of State shall suspend the license of that person without right to hearing. The minimum periods of license suspension are:

(1) Thirty days, if the person has 2 adjudications for a violation of this section within a 3-year period;

(2) Sixty days, if the person has 3 adjudications for a violation of this section within a 3-year period; and

(3) Ninety days, if the person has 4 or more adjudications for a violation of this section within a 3-year period.

For the purposes of this paragraph, an adjudication has occurred within a 3-year period if the date of the new conduct is within 3 years of the date of a docket entry of adjudication of a violation of this section.

See title page for effective date.

CHAPTER 189

H.P. 904 - L.D. 1265

An Act To Strengthen Maine's Assent Language for Participation in the Federal Aid in Wildlife Restoration Act

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

Sec. 1. 12 MRSA §10106, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

1. Commissioner's authority. The State assents to the Federal Aid in Wildlife Restoration Act, Public Law, September 2, 1937, chapter 899, as amended, and the Federal Aid in Fish Restoration Act, Public Law, August 9, 1950, chapter 658, as amended. The commissioner is authorized, empowered and directed to perform such acts as may be necessary to the conduct and establishment of cooperative wildlife and fish restoration projects, as defined in those Acts of Congress, in compliance with those Acts and with rules and regulations promulgated by the United States Secretaries of Agriculture and Interior under those Acts. In accordance with the Constitution of Maine, Article IX, Section 22, the commissioner shall ensure that none of the revenue collected, received or recovered by the department from license and permit fees; fines; the sale, lease or rental of property; penalties; and all other revenue sources pursuant to the laws of the State

administered by the department, is diverted to any purpose other than administration of the department.

See title page for effective date.

CHAPTER 190

H.P. 239 - L.D. 334

An Act To Allow Nonprofit Organizations To Operate Snowmobiles as Trail-grooming Equipment

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

Sec. 1. 12 MRSA §13113, sub-§1, ¶¶A and B, as enacted by PL 2005, c. 93, §3, are repealed.

Sec. 2. 12 MRSA §13113, sub-§1, ¶D, as enacted by PL 2005, c. 93, §3, is amended to read:

D. Is performing ~~winter~~ snowmobile trail maintenance by plowing, leveling or compacting snow by use of a front plow or rear attachments that include but are not limited to rollers, compactor bars or trail drags.

Sec. 3. 12 MRSA §13113, sub-§3, as enacted by PL 2005, c. 93, §3 and amended by PL 2011, c. 657, Pt. W, §§5 and 7, is further amended to read:

3. Application and issuance. The commissioner may register trail-grooming equipment upon application by the owner if the owner is ~~an~~ a nonprofit organization that has an approved contract for snowmobile trail grooming with the Department of Agriculture, Conservation and Forestry, Division of Parks and Public Lands, Off-Road Vehicle Division or a person that can provide proof to the department at the time of application that the person is a member of an organization eligible to register trail-grooming equipment under this section. The commissioner may establish procedures necessary to carry out the purposes of this section.

See title page for effective date.

CHAPTER 191

S.P. 87 - L.D. 251

An Act Criminalizing Trafficking in Contraband in State Hospitals Serving Adults

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

Sec. 1. 17-A MRSA §757-C is enacted to read:

§757-C. Trafficking in contraband in a state hospital

1. A person is guilty of trafficking in contraband in a state hospital if:

A. That person intentionally conveys or attempts to convey a dangerous weapon to any patient at a state hospital. Violation of this paragraph is a Class C crime;

B. That person intentionally conveys or attempts to convey contraband other than a dangerous weapon to any patient at a state hospital. Violation of this paragraph is a Class D crime; or

C. Being a patient at a state hospital, that person intentionally makes, obtains or possesses contraband. Violation of this paragraph is a Class D crime.

2. As used in this section, "contraband" means any tool or other item that may be used to facilitate a violation of section 755, a dangerous weapon or a scheduled drug as defined in section 1101, subsection 11, unless, in the case of a patient at a state hospital, the drug was validly prescribed to the patient and was approved for use by that patient pursuant to the procedures of the state hospital. As used in this section, "state hospital" means the Riverview Psychiatric Center or the Dorothea Dix Psychiatric Center.

See title page for effective date.

CHAPTER 192
H.P. 194 - L.D. 257**An Act To Protect Newborns Exposed to Drugs or Alcohol**

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

Sec. 1. 22 MRSA §4002, sub-§5-B is enacted to read:

5-B. Fetal alcohol spectrum disorders. "Fetal alcohol spectrum disorders" means conditions whose effects include having facial characteristics, growth restriction, central nervous system abnormalities or other characteristics consistent with prenatal alcohol exposure identified in a child from birth to 12 months of age.

Sec. 2. 22 MRSA §4004-B, as enacted by PL 2003, c. 673, Pt. Z, §1, is amended to read:

§4004-B. Infants born affected by substance abuse or after prenatal exposure to drugs or with fetal alcohol spectrum disorders

The department shall act to protect infants born identified as being affected by illegal substance abuse

~~or suffering from, demonstrating~~ withdrawal symptoms resulting from prenatal drug exposure, whether ~~or not~~ the prenatal exposure was to legal or illegal drugs, ~~or having fetal alcohol spectrum disorders,~~ regardless of whether ~~or not~~ the infant is abused or neglected. The department shall:

1. Receive notifications. Receive ~~reports~~ notifications of infants who may be affected by illegal substance abuse or ~~suffering from~~ demonstrating withdrawal symptoms resulting from prenatal drug exposure ~~or who have fetal alcohol spectrum disorders;~~

2. Investigate. Promptly investigate ~~all reports~~ notifications received of infants born who may be affected by illegal substance abuse or ~~suffering from~~ demonstrating withdrawal symptoms resulting from prenatal drug exposure ~~or who have fetal alcohol spectrum disorders as determined to be necessary by the department to protect the infant;~~

3. Determine if infant is affected. Determine whether ~~or not~~ each infant ~~reported for whom the department conducts an investigation~~ is affected by illegal substance abuse ~~or suffers from,~~ demonstrates withdrawal symptoms resulting from prenatal drug exposure ~~or has fetal alcohol spectrum disorders;~~

4. Determine if infant is abused or neglected. Determine whether ~~or not~~ the infant ~~for whom the department conducts an investigation~~ is abused or neglected and, if so, determine the degree of harm or threatened harm in each case;

5. Develop plan for safe care. For each infant whom the department determines to be affected by illegal substance abuse ~~or,~~ to be suffering from ~~demonstrating~~ withdrawal symptoms resulting from prenatal drug exposure ~~or to have fetal alcohol spectrum disorders,~~ develop, with the assistance of any health care provider involved in the mother's or the child's medical or mental health care, a plan for the safe care of the infant and, in appropriate cases, refer the child or mother or both to a social service agency or voluntary substance abuse prevention service; and

6. Comply with section 4004. For each infant whom the department determines to be abused or neglected, comply with section 4004, subsection 2, paragraphs E and F.

Sec. 3. 22 MRSA §4011-B, as enacted by PL 2003, c. 673, Pt. Z, §5, is amended to read:

§4011-B. Notification of prenatal exposure to drugs or having fetal alcohol spectrum disorders

1. Notification of prenatal exposure to drugs or having fetal alcohol spectrum disorders. A health care provider involved in the delivery or care of an infant who the provider knows or has reasonable cause to suspect has been born affected by illegal substance abuse ~~or,~~ is suffering from ~~demonstrating~~ with-