

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2012 to July 10, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 9, 2013**

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

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**Augusta, Maine**  
**2013**

stituted in the ring system by one or more other univalent substituents;

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

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

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

**Sec. 9. 17-A MRSA §1102, sub-§5**, as enacted by PL 1975, c. 499, §1, is repealed.

**Sec. 10. 17-A MRSA §§1119 to 1123**, as enacted by PL 2011, c. 465, §6, are repealed.

**Sec. 11. 17-A MRSA §1201, sub-§1, ¶A-1**, as amended by PL 2011, c. 640, Pt. B, §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 or a dating partner under chapter 9 or 13 or section 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; "dating partner" has the same meaning as in Title 19-A, section 4002, subsection 3-A;

(2-A) A Class D crime under Title 5, section 4659, subsection 1, Title 15, section 321, subsection 6 or Title 19-A, section 4011, subsection 1;

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

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

(4-A) A Class E crime under section 552;

(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;

(7) A Class D or Class E crime under Title 29-A, section 2411, subsection 1-A, paragraph B;

(8) A Class D crime under Title 17, section 1031; or

~~(9) A Class D crime under Title 17-A, section 1119, subsection 1; or~~

(10) A Class E crime under Title 15, section 1092, subsection 1, paragraph A, if the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) and the underlying crime involved domestic violence.

**Sec. 12. 22 MRSA §2383-B, sub-§2-A**, as enacted by PL 2011, c. 465, §8, is repealed.

**Sec. 13. 22 MRSA §2383-B, sub-§3, ¶D-1**, as enacted by PL 2011, c. 465, §9, is repealed.

**Sec. 14. 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, certain synthetic hallucinogenic drugs and hypodermic apparatuses" are amended to read "marijuana, scheduled drugs, imitation scheduled drugs and hypodermic apparatuses" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

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## CHAPTER 195

### H.P. 1065 - L.D. 1484

#### An Act To Amend the Laws Governing Weight Tolerance for Certain Vehicles

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

**Whereas**, the Maine Revised Statutes, Title 29-A, section 2357, subsection 2, paragraph E contains language that repeals that paragraph October 1, 2013, and this legislation removes that language; and

**Whereas**, the date of adjournment of the First Regular Session of the 126th Legislature is uncertain,

and this legislation needs to take effect by October 1, 2013; 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. 29-A MRSA §2357, sub-§2, ¶E**, as enacted by PL 2007, c. 652, §3, is amended to read:

E. On the tri-axle unit of a 4-axle single-unit vehicle registered as a farm truck under section 505 and hauling potatoes, 64,000 pounds. ~~This paragraph is repealed October 1, 2013.~~

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

Effective June 4, 2013.

## CHAPTER 196

### H.P. 486 - L.D. 714

#### An Act To Clarify the Laws Governing the Rule-making Authority of the Maine Forest Service

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

**Sec. 1. 12 MRSA §8306, sub-§1**, as enacted by PL 2001, c. 547, §1 and amended by PL 2011, c. 657, Pt. W, §6, is further amended to read:

**1. Quarantines.** ~~The Notwithstanding any other provision of law, the~~ director may establish by rule a quarantine to restrict or prohibit the transportation within, into or from the State or any portion of the State of any forest or shade tree or part of any forest or shade tree, including, but not limited to, logs, bark, branches, seeds or scion material, or alternate host materials capable of supporting a disease or insect infestation when the following conditions are met:

A. The director finds that there exists within the State or in any other state, country or province a plant disease caused by a plant pathogen not native to the State or an infestation of insects not native to the State that, in the opinion of the director, is likely to kill or seriously injure forest or shade trees in large numbers; and

B. A quarantine to protect against the plant disease or insect infestation has not been established by the Commissioner of Agriculture, Conserva-

tion and Forestry or the Secretary of Agriculture of the United States or is not in effect.

**Sec. 2. 12 MRSA §8306, sub-§2, ¶B**, as enacted by PL 2001, c. 547, §1 and amended by PL 2011, c. 657, Pt. W, §6, is repealed and the following enacted in its place:

B. A process for the seizure, inspection, destruction or other mitigation of any forest or shade tree or any material that:

(1) Exists within the State and harbors a plant pathogen or insect that is the subject of a quarantine;

(2) Is in proximity to a tree or material that exists within the State and harbors a plant pathogen or insect that is the subject of a quarantine; or

(3) Is transported into the State in violation of a quarantine established by the director, the Commissioner of Agriculture, Conservation and Forestry or the Secretary of Agriculture of the United States.

**Sec. 3. Report.** By December 15, 2013, the Director of the Maine Forest Service within the Department of Agriculture, Conservation and Forestry shall report on the rules adopted pursuant to this Act to the Joint Standing Committee on Agriculture, Conservation and Forestry.

See title page for effective date.

## CHAPTER 197

### H.P. 584 - L.D. 833

#### An Act To Allow Municipalities To Place Liens for Failure To Pay Storm Water Assessments

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

**Sec. 1. 30-A MRSA §3406**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6 and c. 9, §2 and c. 104, Pt. C, §§8 and 10, is further amended to read:

**§3406. Service charges for sewage or storm water disposal**

The municipal officers may establish a schedule of service charges from time to time upon improved real estate connected with a municipal sewer or sewer system or storm water disposal system for the use of the system. These service charges ~~shall~~ must include reserve fund contributions. For purposes of this section, "storm water disposal system" means storm water and flood control devices, structures, conveyances,