

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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

J.S. McCarthy Company
Augusta, Maine
1997

CHAPTER 141**H.P. 363 - L.D. 508****An Act to Increase the Certification Fee Cap for the Board of Geologists and Soil Scientists**

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

Sec. 1. 32 MRSA §4912, 2nd ¶, as amended by PL 1995, c. 502, Pt. H, §34, is further amended to read:

The initial and renewal fees for certification as a geologist or soil scientist are set by the board in an amount not to exceed ~~\$65~~ \$80 annually.

Sec. 2. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

| | 1997-98 | 1998-99 |
|---|---------|---------|
| PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF | | |
| Licensing and Enforcement | | |
| All Other | \$3,870 | \$3,870 |
| Allocates additional funds for the State Board of Certification for Geologists and Soil Scientists for additional administrative costs. | | |

**PROFESSIONAL AND
FINANCIAL
REGULATION,
DEPARTMENT OF**

Licensing and Enforcement

| | | |
|---|---------|---------|
| All Other | \$3,870 | \$3,870 |
| Allocates additional funds for the State Board of Certification for Geologists and Soil Scientists for additional administrative costs. | | |

See title page for effective date.

CHAPTER 142**H.P. 280 - L.D. 344****An Act to Amend the Report Criteria for a Municipality's Annual Postaudit**

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

Sec. 1. 30-A MRSA §5823, sub-§3, ¶A, as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed and the following enacted in its place:

A. The report must contain the following items:

(1) A management letter, if applicable;

(2) A letter of transmittal;

(3) The independent auditor's report on the financial statements; and

(4) Financial statements that contain at a minimum:

(a) A balance sheet;

(b) A statement of revenues and expenditures;

(c) A statement of budgeted revenues and expenditures versus actual revenues and expenditures; and

(d) All other financial statements required by governmental accounting and financial reporting standards.

Sec. 2. 30-A MRSA §5823, sub-§3, ¶B, as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

B. Within 30 days after the postaudit is completed, the auditor shall send to the State Auditor:

(1) A certified copy of the postaudit report, excluding the management letter; and

(2) A certified copy of the audit procedural form prescribed by the State Auditor for governmental audits.

See title page for effective date.

CHAPTER 143**H.P. 448 - L.D. 598****An Act to Create the Crime of Sexual Misconduct with a Child under 14 Years of Age**

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

Sec. 1. 17-A MRSA §258 is enacted to read:

§258. Sexual misconduct with a child under 14 years of age

1. A person is guilty of sexual misconduct with a child under 14 years of age if that person, having in fact attained 18 years of age knowingly displays any sexually explicit materials to another person, not the actor's spouse, who has not in fact attained the age of 14 years, with the intent to encourage the other person to engage in a sexual act or sexual contact.

2. As used in this section, "sexually explicit materials" means any book, magazine, print, negative, slide, motion picture, videotape or other mechanically reproduced visual material that the person knows or should know depicts a person, minor or adult, engaging in sexually explicit conduct, as that term is defined in Title 17, section 2921, subsection 5.

3. Sexual misconduct with a child under 14 years of age is a Class D crime.

See title page for effective date.

CHAPTER 144

H.P. 380 - L.D. 525

An Act to Increase the Availability and Reduce the Cost of Escorts for Over-limit Movements on the State's Roads

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

Whereas, vehicles or a combination of vehicles that are 125 feet or more in length or 16 feet or more in width require a police escort; and

Whereas, travel through this State of over-limit loads increases during the summer months; and

Whereas, delay in implementing this legislation would interfere with the smoother flow of traffic in this State; 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 §2382, sub-§9, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

9. Pilot vehicles. Pilot vehicles required by a permit must be equipped with warning lights and signs as required by the Secretary of State with the advice of the Department of Transportation.

Warning lights may only be operated and lettering on the signs may only be visible on a pilot vehicle while it is escorting on a public way a vehicle with a permit.

~~The Secretary of State shall require a State Police escort for a single vehicle or a combination of vehicles of 125 feet or more in length or 16 feet or more in width. The Secretary of State, with the advice of the Commissioner of Transportation, may require vehicles of lesser dimensions to be escorted by the State Police.~~

~~The Bureau of State Police shall establish a fee for State Police escorts.~~

~~All fees collected must be used to defray the cost of services provided.~~

With the advice of the Commissioner of Transportation and the Chief of the State Police, the Secretary of State shall establish rules for the operation of pilot vehicles.

Sec. 2. 29-A MRSA §2382, sub-§9-A is enacted to read:

9-A. Police escort. A person may not operate a single vehicle or a combination of vehicles of 125 feet or more in length or 16 feet or more in width on a public way unless the vehicle or combination of vehicles is accompanied by a police escort. The Secretary of State, with the advice of the Commissioner of Transportation, may require a police escort for vehicles of lesser dimensions.

A. The Bureau of State Police shall establish a fee for state police escorts to defray the costs of providing a police escort. A county sheriff or municipal police department may establish a fee to defray the costs of providing police escorts.

B. The Bureau of State Police shall provide a police escort if a request is made by a permittee. A county sheriff or municipal police department may refuse a permittee's request for a police escort.

C. A vehicle or combination of vehicles for which a police escort is required must be accompanied by a state police escort when operating on the interstate highway system.

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

Effective May 7, 1997.

CHAPTER 145

H.P. 753 - L.D. 1030

An Act to Require That the Attorney General Be an Attorney in Good Standing in Maine