

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
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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

to the Second Regular Session of the 118th Legislature.

See title page for effective date.

CHAPTER 277

H.P. 374 - L.D. 519

An Act to Promote Water Skiing in the State

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

Whereas, these changes to the laws pertaining to water-skiing events must take effect prior to the start of the water-skiing season; 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. 12 MRSA §7802, sub-§3 is enacted to read:

3. Sanctioned water-skiing courses. The prohibition in subsection 1 does not apply to watercraft towing a water-skier on a water-skiing course for slalom, jump or trick events operated under a permit issued by the commissioner under this subsection. The commissioner may issue a permit for a water-skiing course that is located in whole or in part in the water safety zone if the commissioner determines that:

A. The course meets the following minimum dimensional requirements:

(1) Eight hundred and fifty feet in length, plus 500 feet at each end for turning and other maneuvers;

(2) Seventy-five feet in width, except that the course must be at least 125 feet in width if a jump is combined with a slalom or trick ski course; and

(3) A five-foot water depth throughout the course; and

B. The applicant has obtained the written permission of any landowner whose property is less than 75 feet from any course buoy.

The commissioner may issue a permit under this subsection only if notice of the permit application is given to all municipalities that have jurisdiction over the body of water.

All buoys used to mark the water-skiing course must prominently display the permit number. Buoys marking a course may be placed no earlier than April 1st and must be removed no later than November 1st of each year. The number of buoys for any water-skiing course may not exceed 40. Buoys that are part of a permitted course are granted the same legal protection from vandalism as navigational buoys under Title 38, section 329.

Water-skiing tow boats utilizing the course may not travel within 100 feet of the shore at any time. The commissioner, after giving a 10-day advance notice to an applicant, may suspend the use of the water-skiing course for up to 3 days for other permitted events, such as bass tournaments.

A course permitted under this subsection may be used for practice without a permit under section 7797. That use does not violate the provisions of section 7801, subsection 4. A permit under section 7797 is required for any water-skiing exhibition or tournament conducted at a course permitted under this subsection. The provisions of section 7801, subsection 5 do not apply to a course permitted under this subsection unless that course is also permitted under section 7797.

The commissioner may suspend or revoke a permit issued under this subsection if the commissioner determines that the presence of the course creates a safety concern or constitutes a nuisance.

The annual fee for a permit issued under this subsection is \$25.

This subsection is repealed March 31, 1999.

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

Effective May 27, 1997.

CHAPTER 278

H.P. 376 - L.D. 521

An Act to Encourage Collaboration and Cooperation among Agencies in the Interests of Juveniles within the Juvenile Court System

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

Sec. 1. 15 MRSA §3308, sub-§7, ¶B, as amended by PL 1993, c. 354, §6, is further amended to read:

B. Nothing in this section precludes dissemination of any information contained in the records of ~~juvenile court~~ proceedings or other records described in subsection 5 by one criminal justice agency to another criminal justice agency for the purpose of the administration of criminal justice, the administration of juvenile criminal justice and for criminal justice agency employment, as long as:

- (1) The person concerning whom the records are sought has been convicted of a crime as an adult;
- (2) The person concerning whom the records are sought has been adjudicated as having committed a juvenile crime that, if committed by an adult, would be defined as a Class A, B or C crime by Title 17-A, the Maine Criminal Code, or by any other criminal statute outside that code;
- (3) The person concerning whom the records are sought has been adjudicated as having committed a juvenile crime with the use of a dangerous weapon, as defined in Title 17-A, section 2, subsection 9;
- (4) The person concerning whom the records are sought has been adjudicated as having committed 2 or more juvenile crimes that, if committed by an adult, would be defined as Class D or Class E crimes by Title 17-A, the Maine Criminal Code, or by any other criminal statute outside that code; or
- (5) The person seeking the records is the prosecuting attorney in any proceeding and the person concerning whom the records are sought is a defendant in that proceeding.

Sec. 2. 15 MRSA §3308, sub-§7, ¶B-1 is enacted to read:

B-1. Nothing in this section precludes dissemination of any information in the records of court proceedings and in the other records described in subsection 5, if:

- (1) The juvenile has been adjudicated as having committed a juvenile crime;
- (2) The information is disseminated by and to persons who directly supervise or report on the health, behavior or progress of the

juvenile, the superintendent of the juvenile's school and the superintendent's designees, criminal justice agencies or agencies that are or might become responsible for the health or welfare of the juvenile as a result of a court order or by agreement with the Department of Corrections or the Department of Human Services; and

(3) The information is relevant to and disseminated for the purpose of creating or maintaining an individualized plan for the juvenile's rehabilitation.

Any information received under this paragraph is confidential and may not be further disseminated, except as otherwise provided by law.

Sec. 3. 34-A MRSA §3003, sub-§1, ¶D, as amended by PL 1995, c. 368, Pt. R, §9, is further amended to read:

D. To any criminal justice agency if necessary to carry out the administration of criminal justice, the administration of juvenile criminal justice or for criminal justice agency employment; ~~and~~

Sec. 4. 34-A MRSA §3003, sub-§1, ¶E, as amended by PL 1995, c. 368, Pt. R, §10, is further amended to read:

E. To persons engaged in research if:

- (1) The research plan is first submitted to and approved by the commissioner;
- (2) The disclosure is approved by the commissioner; and
- (3) Neither original records nor identifying data are removed from the facility or office that prepared the records.

The commissioner and the person doing the research shall preserve the anonymity of the person receiving services from the department and may not disseminate data that refer to that person by name, number or in any other way that might lead to the person's identification; and

Sec. 5. 34-A MRSA §3003, sub-§1, ¶F is enacted to read:

F. To persons who directly supervise or report on the health, behavior or progress of a juvenile, to the superintendent of a juvenile's school and the superintendent's designees and to agencies that are or might become responsible for the health or welfare of a juvenile, if the information is relevant to and disseminated for the purpose of

creating or maintaining an individualized plan for the juvenile's rehabilitation.

See title page for effective date.

CHAPTER 279

H.P. 1135 - L.D. 1591

An Act to Amend the Washington County Budget Process

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, county budget preparation for the following calendar year must begin in early fall; and

Whereas, immediate enactment of this change in the Washington County budget approval process is necessary for the preparation of the 1998 county budget; 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. 30-A MRSA §900, as enacted by PL 1991, c. 777, §1, is amended to read:

§900. Budget; appropriations; approval

Notwithstanding sections 2, 701 and 702, in Washington County the county commissioners may appropriate money; according to a budget that must be approved by a majority of the county commissioners or as otherwise provided in this article.

Sec. 2. 30-A MRSA §900-B, sub-§1, ¶A, as enacted by PL 1991, c. 777, §1, is amended to read:

A. Before September 15th of every year, the county commissioners shall notify all municipal officers in the county to caucus by county com-

missioner districts at a specified date, time and place for the purpose of electing at least one municipal officer from each district as a member of the budget advisory committee; except that, in 1992, at least 3 municipal officers must be selected from each district unless the municipal officers of a district decide that another person from that district would be better qualified. A municipality may not be represented by more than one officer at a time. The county commissioner shall serve as nonvoting moderator for that district caucus. Nominations must be received from the floor. The nominee receiving the most votes is approved as a budget advisory committee member except that, in 1992, each caucus shall elect 3 members. The names of those elected by the caucus must be recorded and forwarded to the county commissioners.

Sec. 3. 30-A MRSA §900-B-1 is enacted to read:

§900-B-1. Prior year's budget available

Annually by September 15th, the county commissioners shall publish, deliver to the budget advisory committee and make available to the public copies of a financial statement for the preceding county fiscal year showing funds authorized, including but not limited to revenues, unappropriated fund balances and reserve accounts, and expenditures made for each department, account and program and showing the balance in each account at the end of the fiscal year.

Sec. 4. 30-A MRSA §900-D, as enacted by PL 1991, c. 777, §1, is amended to read:

§900-D. Budget estimate; submission to advisory committee; legislative delegation role

The Washington County commissioners shall submit a budget estimate to the budget advisory committee no later than October 1st for the coming year. The budget advisory committee shall review the budget estimate and make recommendations to the commissioners before November 15th. The county commissioners shall act on the budget in a timely fashion and, in any event, not later than December 15th of the budget year. If county commissioners wish to make changes in the budget recommended by the budget advisory committee, the county commissioners shall schedule one or more meetings with the budget advisory committee before December 15th for the purpose of negotiating a final budget.

If, following negotiations, a final budget that is acceptable to the budget advisory committee is not approved by the county commissioners by December 15th, the budget advisory committee shall adopt a final budget and transmit that budget to the county