

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

**CHAPTER 457****H.P. 30 - L.D. 39****An Act to Increase the Deer Hunting Day by 15 Minutes****Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 12 MRSA §7406, sub-§6**, as enacted by PL 1979, c. 420, §1, is amended to read:

**6. Twilight hunting.** A person is guilty of twilight hunting if ~~he~~ that person hunts wild animals, except raccoons as provided in chapters 701 to 721, between 15 minutes after sunset and 1/2 hour after sunset during the open firearm season on deer.

See title page for effective date.

**CHAPTER 458****H.P. 341 - L.D. 457****An Act to Increase the Sanctions for Criminal Mischief Within a Correctional Facility****Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 17-A MRSA §1256, sub-§1**, as amended by PL 1993, c. 522, §1, is further amended to read:

**1.** Other provisions of this section notwithstanding, when a person subject to an undischarged term of imprisonment is convicted of a violation of section 752-A, 755 or 757 or of any other crime against the person of a member of the staff of the institution in which the convicted person was imprisoned or of a violation of section 806 involving government property in the institution in which the convicted person was imprisoned or any other crime against government property in the institution in which the convicted person was imprisoned, or of an attempt to commit any of the crimes mentioned in this subsection, the sentence is not concurrent with the undischarged terms of imprisonment. The court may order that the undischarged terms of imprisonment be tolled and service of the nonconcurrent sentence commence immediately and the court shall so order if any undischarged term of imprisonment is a split sentence. No portion of the nonconcurrent sentence may be suspended. All sentences that the convicted person receives as a result of the crimes mentioned in this

subsection must be nonconcurrent with all other sentences.

See title page for effective date.

**CHAPTER 459****S.P. 455 - L.D. 1330****An Act Concerning Corrections Employees****Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 34-A MRSA §1403, sub-§2, ¶A**, as amended by PL 1995, c. 502, Pt. F, §18, is further amended to read:

A. The commissioner may appoint, subject to the Civil Service Law and except as otherwise provided, any employees who may be necessary, including those intermittent employees as defined in Title 5, section 7053 needed to offset the overtime costs related to unscheduled, unanticipated overtime. These intermittent positions ~~may only be used at specific posts or work sites to be identified through an agreed upon discussion process with labor in the institutional services unit must be identified through a separate agreement with labor and may be used only at preidentified posts and work sites. Use of intermittent employees for the purposes of overtime must be governed by an agreement between the parties.~~

**Sec. 2. Intermittent positions.** Notwithstanding the Maine Revised Statutes, Title 5, section 1583-A or any other provision of law, the Department of Corrections for fiscal year 1999-00 only may establish, providing funds are available, intermittent positions for the purpose of performing duties for which unbudgeted overtime would otherwise be incurred.

Notwithstanding any other restriction on funds appropriated or allocated to the Department of Corrections, the State Budget Officer may, after determining that funds are available, either approve the use of the funds or recommend appropriate action to the Governor when the Governor's approval is required.

Available funds may include amounts appropriated or allocated to the Department of Corrections for Personal Services, including funds in any salary account or special account for state employee salary increases, All Other and Capital Expenditures or unallocated funds.

**Sec. 3. Report.** The Commissioner of Corrections shall report to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Criminal Justice by January 14, 2000 concerning the department's utilization of the authority granted in section 2.

See title page for effective date.

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## CHAPTER 460

H.P. 1118 - L.D. 1577

### An Act to Amend the Liability Limit under the Maine Tort Claims Act

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

**Sec. 1. 14 MRSA §8105, sub-§1,** as amended by PL 1987, c. 740, §5, is further amended to read:

**1. Limit established.** In any claim or cause of action permitted by this chapter, the award of damages, including costs, against either a governmental entity or its employees, or both, shall ~~may~~ not exceed ~~\$300,000~~ \$400,000 for any and all claims arising out of a single occurrence.

See title page for effective date.

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## CHAPTER 461

S.P. 657 - L.D. 1879

### An Act to Increase Access to Basic Needs for Low-income Maine Children and Families

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

**Sec. 1. 22 MRSA §3769-C** is enacted to read:  
**§3769-C. Adjustment to amount of assistance;  
report**

**1. Amount of assistance.** It is the goal of this section to provide low-income families with children sufficient income to meet their most basic needs. If the commissioner determines that unexpended funds are available within the Department of Human Services ASPIRE or TANF accounts, the commissioner may, by rule, use those funds to increase the maximum levels of assistance in the TANF Program.

**2. Report required.** If the department has not increased benefits to low-income families with

children by at least 5% pursuant to this section by January 1, 2001, the commissioner shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs by February 1, 2001, comparing the State's TANF benefits to those of the other New England states and to the nonfarm income official poverty line. This report must identify the amount of funding required to raise benefit levels over periods of 3 years and 5 years to the average of the maximum benefit amounts for a family of 3 in all of the other New England states. This report must be made by the last business day in January of each subsequent year following a year in which maximum assistance levels were not increased by at least 5%, as long as the State's maximum assistance levels remain lower than the average of the New England states.

See title page for effective date.

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## CHAPTER 462

S.P. 692 - L.D. 1938

### An Act to Provide Equity for Veterans of the Vietnam War and the Persian Gulf Conflict

**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.

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

**Sec. 1. 5 MRSA §7054, sub-§1, ¶D,** as amended by PL 1995, c. 115, §1, is further amended to read:

D. "War, campaign or expedition" means any of the following periods:

- (1) April 6, 1917 to November 10, 1918;
- (2) December 7, 1941 to September 1, 1945;
- (3) June 27, 1950 to January 31, 1955;
- (4) February 28, 1961 to May 7, 1975 in the case of a veteran who served in the Republic of Vietnam during that period or