

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

4. Not remediable by regulation or private enterprise. These ~~menaces~~ threats are beyond remedy and control solely by regulatory process in the exercise of police power and cannot be dealt with effectively by the ordinary operation of private enterprise without the aids provided in this chapter;

Sec. 4. 30-A MRSA §5202, sub-§1, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

1. Blighted area. "Blighted area" means:

A. An area in which there ~~is~~ are a ~~predominance~~ substantial number of buildings or improvements ~~which that are conducive to ill health, the transmission of disease, infant mortality, juvenile delinquency or crime and are~~ detrimental to the public health, safety, ~~morals~~ or welfare because of:

- (1) Dilapidation, deterioration, age or obsolescence;
- (2) Inadequate provision for ventilation, light, air, sanitation or open spaces;
- (3) High density of population and overcrowding;
- (4) The existence of conditions ~~which that~~ endanger life or property by fire and other causes; or
- (5) Any combination of these factors; or

B. An area ~~which that~~ is a ~~menace~~ threat to the public health, safety, ~~morals~~ or welfare in its present condition and use because of:

- (1) ~~The predominance of inadequate~~ Inadequate street layout, ~~insanitary~~ unsanitary or unsafe conditions;
- (2) Tax or special assessment delinquency exceeding the fair value of the land;
- (3) The existence of conditions ~~which that~~ endanger life or property by fire and other causes; or
- (4) Any combination of these factors.

See title page for effective date.

CHAPTER 541

H.P. 1636 - L.D. 2287

An Act to Expand the Maine Technology Institute Board

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

Sec. 1. 5 MRSA §15302, sub-§3, as enacted by PL 1999, c. 401, Pt. AAA, §3, is amended to read:

3. Board of Directors of the Maine Technology Institute. The institute is governed and all of its powers exercised by a board of directors, referred to in this chapter as the "board," consisting of ~~44~~ 12 voting members and 3 nonvoting members.

A. The Governor shall appoint 9 voting directors, 7 of whom must be representatives of targeted technologies. The other 2 directors must have demonstrated significant experience in finance, lending or venture capital. In making the appointments from targeted technologies, the Governor shall consider recommendations submitted by representatives of targeted technology sectors. Directors of the board appointed by the Governor are entitled to receive reimbursement at the legislative rate for necessary expenses for their attendance at authorized meetings of the board.

B. The Commissioner of Economic and Community Development or the commissioner's designee, ~~the President of the Maine Technical College System or the president's designee~~ and the Chancellor of the University of Maine System or the chancellor's designee are ex officio voting directors.

C. The President of the Maine Science and Technology Foundation or the president's designee and the Director of the State Planning Office or the director's designee are ex officio nonvoting directors.

D. The Maine Technology Institute Director is a nonvoting director.

See title page for effective date.

CHAPTER 542

H.P. 1624 - L.D. 2271

An Act to Clarify the Laws Governing Service of Protection from Harassment Orders in Court

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

Whereas, it has recently become apparent that the laws governing service of protection from harassment orders were not amended to allow for

service by court security officers when the statutory authority for those officers was established and when the law was amended to clarify the laws governing service of protection from abuse orders in court; and

Whereas, in many counties, court security officers are often the only law enforcement personnel in a courthouse during civil proceedings, including protection from harassment cases; and

Whereas, the best opportunity for service on a defendant is often when the defendant is in court and the opportunity for service may be lost if a court security officer is not authorized to handle this task; and

Whereas, the safety and security of a person who has been issued a protection from harassment order may be at greater risk while the order is unreserved; 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. 5 MRSA §4654, sub-§5, as enacted by PL 1987, c. 515, §1, is amended to read:

5. Service of order. If the court issues a temporary order or orders emergency or interim relief, ~~it~~ the court shall order a law enforcement agency or, if the defendant is present in the courthouse, a court security officer qualified pursuant to Title 4, section 17, subsection 15 to serve the defendant personally with the order, the petition and the summons. To protect the plaintiff, the court may order the omission or deletion of the plaintiff's address from any papers served on the defendant.

Sec. 2. 5 MRSA §4655, sub-§6, as enacted by PL 1987, c. 515, §1, is amended to read:

6. Law enforcement agency to serve defendant. The court shall order a law enforcement agency ~~or, if the defendant is present in the courthouse, a court security officer qualified pursuant to Title 4, section 17, subsection 15~~ to serve the defendant personally with any protective order or consent decree.

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

Effective March 6, 2000.

CHAPTER 543

H.P. 1628 - L.D. 2275

An Act to Amend the Laws Governing the Work Center Product and Services Set Aside

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

Sec. 1. 5 MRSA §1826-B, sub-§2, as enacted by PL 1985, c. 359, §3, is amended to read:

2. Work center. "Work center" means ~~a rehabilitation facility or that part of a rehabilitation facility engaged in production or service operation for the primary purpose of providing gainful employment as an interim step in the rehabilitation process for those who cannot be absorbed readily in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist~~ a program that provides vocational rehabilitation services to individuals with disabilities to enable those individuals to maximize their opportunities for employment, including career advancement. For the purposes of sections 1826-A to 1826-D, a work center ~~shall~~ must meet the following conditions:

~~A. Is certified as a regular work program or work activity center by the wage and hour division of the United States Department of Labor or by the State Department of Labor;~~

B. Has complied with occupational health and safety standards required by the laws of the United States or this State;

C. Employs during the fiscal year in commodity production or service provision disabled persons at a quota of not less than 66% of the total hours of direct labor on all production, whether or not government related; and

D. Has, or is part of, an ongoing placement program ~~which~~ that includes at least preadmission evaluation and annual review to determine each worker's capability for normal competitive employment and maintenance of liaison with the appropriate community services for the placement in the employment of any of its workers who may qualify for that placement.

Sec. 2. 5 MRSA §1826-C, sub-§1, as amended by PL 1995, c. 560, Pt. F, §5 and Pt. K, §82 and affected by Pt. K, §83, is further amended to read:

1. Committee established. There is established the Work Center Purchases Committee, consisting of the State Purchasing Agent, the Director of the Bureau of Rehabilitation Services, a representative of the