

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

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

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Augusta, Maine
2000

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

Department of Mental Health, Mental Retardation and Substance Abuse Services, a representative of work centers, ~~a disabled person and~~ a representative of the business community and persons with disabilities. The total number of members with disabilities on the committee must be a minimum of 5.

See title page for effective date.

CHAPTER 544

H.P. 1623 - L.D. 2270

An Act to Amend the Law Regarding Disability License Plates

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

Sec. 1. 29-A MRSA §521, sub-§§2 and 5, as repealed and replaced by PL 1995, c. 482, Pt. A, §4, are amended to read:

2. Disability registration plates. Disability registration plates must bear the International Symbol of Access, which must be in a color that contrasts with the background and is the same size as the letters or numbers on the plate. The Secretary of State may issue ~~a set of~~ disability registration plates to the following:

- A. A person with a disability;
- B. A vehicle owner who is a spouse, parent or legal guardian of a person with a disability when the person with a disability is a resident of this State, a member of the relative's or guardian's household and dependent on the vehicle owner as the primary means of transportation; or
- C. An organization or agency in this State that transports persons with disabilities.

5. Application; issuance. An application for a disability plate or placard must be accompanied by the certificate of a physician attesting to that person's physical disability as defined in subsection 1. The Secretary of State shall issue to an eligible applicant ~~one set of disability plates and one windshield placard or one windshield placard and a 2nd placard~~ placards upon request. Proof of a disability must be submitted every 4 years on a form prescribed by the Secretary of State, except, when the Secretary of State determines the disability to be permanent, the time may be extended. When the applicant's need for the disability placard terminates or the applicant dies, the plate or placard must be immediately returned to the Secretary of State.

See title page for effective date.

CHAPTER 545

H.P. 1654 - L.D. 2323

An Act to Clarify the Requirements for Certifying Driving Time Prior to Obtaining a License

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

Sec. 1. 29-A MRSA §1304, sub-§1, ¶H, as enacted by PL 1997, c. 737, §5, is amended to read:

H. A person under 21 years of age may not apply for a license unless:

- (1) A period of 3 months has passed from the date the person was issued an instruction permit; and
- (2) The person has completed a minimum of 35 hours of driving, including 5 hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age. The parent, stepparent or guardian, or a spouse or employer pursuant to section 1302, subsection 1, paragraphs B and C, must certify the person's driving time on a form prescribed by the Secretary of State.

A person 21 years of age or older is not required to submit certification of driving time to the Secretary of State.

See title page for effective date.

CHAPTER 546

S.P. 861 - L.D. 2259

An Act to Amend the Maine Banking Code Pertaining to Interlocking Directors

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

Whereas, current law prohibits directors from serving on the boards of more than one financial institution in order to lessen the possibility of a monopoly or diminished competition resulting from the influence of common directors; and

Whereas, the enactment of universal bank charter legislation in Public Law 1997, chapter 398 created 3 new limited purpose or specialty banks that