

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
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ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

CHAPTER 152

S.P. 494 — L.D. 1510

AN ACT to Allow the Use of Electronic Recording in Superior Court Cases in Limited Circumstances.

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

4 MRSA §651, 3rd ¶, as amended by PL 1981, c. 647, §3, is repealed and the following enacted in its place:

The Supreme Judicial Court shall prescribe rules and requirements, not inconsistent with this Title or other laws of the State, which will ensure the production of a reviewable record by stenographic methods or any other suitable means, including, but not limited to, electronic recording equipment, of proceedings before:

1. District Court. The District Court; and
2. District and Administrative Court Judges in Superior Court cases. A judge or an active retired judge of the District Court or Administrative Court sitting as a Superior Court Judge in a District Court or Administrative Court facility.

Effective September 29, 1987.

CHAPTER 153

S.P. 495 — L.D. 1511

AN ACT to Extend the Time for Trust Land Designation.

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

Sec. 1. 30 MRSA §6205, sub-§1, ¶B, as amended by PL 1985, c. 747, §2, is further amended to read:

B. The first 150,000 acres of land acquired by the secretary for the benefit of the Passamaquoddy Tribe from the following areas or lands to the extent that those lands are acquired by the secretary prior to ~~April 1, 1988~~ January 31, 1991, are not held in common with any other person or entity and are certified by the secretary by ~~April 1, 1988~~ January 31, 1991, as held for the benefit of the Passamaquoddy Tribe:

The lands of Great Northern Nekoosa Corporation located in T.1, R.8, W.B.K.P. (Lowelltown), T.6, R.1, N.B.K.P. (Holeb), T.2, R.10, W.E.L.S. and T.2, R.9, W.E.L.S.; the land of Raymidga Company located in T.1, R.5, W.B.K.P. (Jim Pond), T.4, R.5, B.K.P.W.K.R. (King and Bartlett), T.5, R.6, B.K.P.W.K.R. and T.3, R.5, B.K.P.W.K.R.; the land of the heirs of David Pingree

located in T.6, R.8, W.E.L.S.; any portion of Sugar Island in Moosehead Lake; the lands of Prentiss and Carlisle Company located in T.9, S.D.; any portion of T.24, M.D.B.P.P.; the lands of Bertram C. Tackeff or Northeastern Blueberry Company, Inc. in T.19, M.D.B.P.P.; any portion of T.2, R.8, N.W.P.; any portion of T.2, R.5, W.B.K.P. (Alder Stream); the lands of Dead River Company in T.3, R.9, N.W.P., T.2, R.9, N.W.P., T.5, R.1, N.B.P.P. and T.5, N.D.B.P.P.; any portion of T.3, R.1, N.B.P.P.; any portion of T.3, N.D.; any portion of T.4, N.D.; any portion of T.39, M.D.; any portion of T.40, M.D.; any portion of T.41, M.D.; any portion of T.42, M.D.B.P.P.; the lands of Diamond International Corporation, International Paper Company and Lincoln Pulp and Paper Company located in Argyle; and the lands of the Dyer Interests in T.A.R.7 W.E.L.S., T.3 R.9 N.W.P., T.3 R.3. N.B.K.P. (Alder Brook Township), T.3 R.4 N.B.K.P. (Hammond Township), T.2 R.4 N.B.K.P. (Pittston Academy Grant), T.2 R.3 N.B.K.P. (Soldiertown Township), and T.4 R.4 N.B.K.P. (Prentiss Township).

Sec. 2. 30 MRSA §6205, sub-§2, ¶B, as amended by PL 1985, c. 639, §§1 and 2, is further amended to read:

B. The first 150,000 acres of land acquired by the secretary for the benefit of the Penobscot Nation from the following areas or lands to the extent that those lands are acquired by the secretary prior to ~~April 1, 1988~~ January 31, 1991, are not held in common with any other person or entity and are certified by the secretary by ~~April 1, 1988~~ January 31, 1991, as held for the Penobscot Nation:

The lands of Great Northern Nekoosa Corporation located in T.1, R.8, W.B.K.P. (Lowelltown), T.6, R.1, N.B.K.P. (Holeb), T.2, R.10, W.E.L.S. and T.2, R.9, W.E.L.S.; the land of Raymidga Company located in T.1, R.5, W.B.K.P. (Jim Pond), T.4, R.5, B.K.P.W.K.R. (King and Bartlett), T.5, R.6, B.K.P.W.K.R. and T.3, R.5, B.K.P.W.K.R.; the land of the heirs of David Pingree located in T.6, R.8, W.E.L.S.; any portion of Sugar Island in Moosehead Lake; the lands of Prentiss and Carlisle Company located in T.9, S.D.; any portion of T.24, M.D.B.P.P.; the lands of Bertram C. Tackeff or Northeastern Blueberry Company, Inc. in T.19, M.D.B.P.P.; any portion of T.2, R.8, N.W.P.; any portion of T.2, R.5, W.B.K.P. (Alder Stream); the lands of Dead River Company in T.3, R.9, N.W.P., T.2, R.9, N.W.P., T.5, R.1, N.B.P.P. and T.5, N.D.B.P.P.; any portion of T.3, R.1, N.B.P.P.; any portion of T.3, N.D.; any portion of T.4, N.D.; any portion of T.39, M.D.; any portion of T.40, M.D.; any portion of T.41, M.D.; any portion of T.42, M.D.B.P.P.; ~~and~~ the lands of Diamond International Corporation, International Paper Company and Lincoln Pulp and Paper Company located in Argyle, ~~and~~ any land acquired in Williamsburg T.6, R.8, N.W.P.; ~~prior to January 1, 1988~~; and any 300 acres in Old Town mutually agreed upon by the City of Old Town and the Penobscot Nation Tribal Government, provided that the mutual agreement must be finalized prior to August 31, 1991.

Sec. 3. Effective date. Section 1 of this Act shall not be effective unless, within 60 days of the adjournment of the Legislature, the Secretary of State receives written certification by the Joint Tribal Council of the Passamaquoddy Tribe that the tribe has agreed to the provision of this Act pursuant to the United States Code, Title 25, Section 1725 (e) (1), copies of which shall be submitted by the Secretary of State, the Secretary of the Senate and the Clerk of the House, provided that in no event may this Act become effective until 90 days after adjournment of the Legislature.

Section 2 of this Act shall not be effective unless, within 60 days of the adjournment of the Legislature, the Secretary of State receives written certification by the Governor and council of the Penobscot Nation that the nation has agreed to the provision of this Act pursuant to the United States Code, Title 25, Section 1725 (e) (1), copies of which shall be submitted by the Secretary of State, the Secretary of the Senate and the Clerk of the House, provided that in no event may this Act become effective until 90 days after adjournment of the Legislature.

Effective September 29, 1987, as indicated.

CHAPTER 154

H.P. 324 — L.D. 423

AN ACT to Establish Pilot Indigency Screening Units for Court-appointed Counsel.

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

Sec. 1. 34-A MRSA §5405 is enacted to read:

§5405. Indigency screening units for court-appointed counsel; pilot program

The director, with the approval of the commissioner, shall establish a pilot program to screen defendants requesting court-appointed counsel. The program shall include 2 indigency screening units located in the probation and parole district offices of 2 counties. Each unit shall have one indigency investigator appointed by the director who shall be supervised by the district supervisor.

1. Duties of the indigency investigator. The indigency investigator for each unit shall not be required to perform other responsibilities of probation and parole officers during the duration of the pilot program, except as follows:

A. Assist the defendant in completion of a financial disclosure affidavit;

B. Determine the degree of investigation required and conduct the investigation;

C. Recommend that the defendant be declared indigent, partially indigent or nonindigent, based upon guidelines adopted by the Supreme Judicial Court;

D. Submit the recommendation, accompanied by supporting material, to a justice or judge;

E. Notify defendants and counsel when the defendant is determined to be partially indigent or nonindigent after counsel has already been appointed;

F. Establish and monitor payment arrangements for partially indigent defendants and for defendants determined to be nonindigent after having received the services of court-appointed counsel; or

G. Maintain detailed records and compile statistical reports as required.

2. Establishment of indigency guidelines. Guidelines or rules shall be promulgated by the Supreme Judicial Court to provide the investigator with standards against which the defendant's financial situation may be measured.

3. Establishment of advisory committee. An advisory committee shall be appointed by the Supreme Judicial Court to serve as a project planning committee during the early stages of the project and to provide oversight and guidance to the screening units throughout the duration of the project. The committee shall also determine the location of the 2 pilot screening units. Prior to the end of the 2-year project, the committee shall provide a report with recommendations to the Legislature concerning the effectiveness of the program and the desirability of the program expansion. The committee shall be composed of members of the judiciary, court administrative staff, Division of Probation and Parole and other appropriate participants, in such numbers and composition as determined by the Supreme Judicial Court.

Sec. 2. Legislative intent. This pilot program shall be implemented by utilizing the staff of the Intensive Supervision Unit within the Division of Probation and Parole.

Effective September 29, 1987.

CHAPTER 155

H.P. 679 — L.D. 912

AN ACT Regarding the Maine Agricultural Marketing and Bargaining Act of 1973.

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

Sec. 1. 5 MRSA §12004, sub-§3, ¶A, sub-¶(4), as amended by PL 1985, c. 785, Pt. B, §39, is further amended to read: