

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

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

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
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Whereas, the United States Consolidated Omnibus Budget Reconciliation Act of 1985 extended for a limited period the rights for health insurance coverage to certain former employees; and

Whereas, Maine laws now require an adjustment so that state employee eligibility for health insurance coverage into retirement continues to be based on a direct transition from employment status to retirement status; 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Sec. 1. 5 MRSA §285, sub-§1, ¶C, as enacted by PL 1983, c. 692, §1, is repealed.

Sec. 2. 5 MRSA §285, sub-§1, ¶G, as amended by PL 1985, c. 695, §§6 and 7, and c. 609, is repealed and the following enacted in its place:

G. Subject to subsection 1-A, employees in any of the categories denominated in paragraphs A to F-1 who:

(1) On April 26, 1968, have retired and who were covered under plans of insurance which by virtue of Public Law 1967, chapter 543, were terminated;

(2) After April 26, 1968, retire and who on the date of their retirement are currently enrolled in this group accident and sickness or health insurance plan as an employee;

(3) After December 2, 1986, and after reaching normal retirement age, cease to be members of the Legislature and are recipients of retirement allowances from the Maine State Retirement System based upon creditable service as teachers, as defined by section 1001, subsection 25. This paragraph shall also apply to former members who were members on December 2, 1986; or

(4) After December 2, 1986, and not yet normal retirement age, cease to be members of the Legislature and are recipients of retirement allowances from the Maine State Retirement System based upon creditable service as teachers, as defined by section 1001, subsection 25. This paragraph also applies to former members who were members on December 2, 1986.

Sec. 3. 5 MRSA §285, sub-§1-A, ¶B, as amended by PL 1985, c. 391, §§2 and 7, is further amended to read:

B. If not retiring on a disability retirement, have participated, as an employee, in the group accident and

sickness or health insurance plan for at least one year immediately prior to retirement; or

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

Effective June 4, 1987.

CHAPTER 222

S.P. 425 — L.D. 1305

AN ACT to Modify the Statute of Limitations' Provision of the Maine Criminal Code and Maine Juvenile Code so they Clearly Cross-reference One Another.

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

Sec. 1. 15 MRSA §3105, as enacted by PL 1977, c. 664, §12, is repealed.

Sec. 2. 15 MRSA §3105-A is enacted to read:

§3105-A. Statute of limitations

1. Expiration of limitation; defense. It is a defense that prosecution was commenced after the expiration of the applicable period of limitations provided in this section, provided that a prosecution for the juvenile crime of murder or criminal homicide in the first or 2nd degree may be commenced at any time.

2. Limitations. Prosecution for juvenile crimes other than murder or criminal homicide in the first or 2nd degree are subject to the following periods of limitations.

A. A prosecution for conduct which, if committed by an adult, is a Class A, Class B or Class C crime, shall be commenced within 6 years after it is committed.

B. A prosecution for conduct which, if committed by an adult, is a Class D or Class E crime shall be commenced within 3 years after it is committed.

C. A prosecution for conduct specified in section 3103, subsection 1, paragraph B, C, D or E, shall be commenced within one year after it is committed.

3. Limitations not to run. The periods of limitations shall not run:

A. During any time when the accused is absent from the State, but in no event shall this provision extend the period of limitation otherwise applicable by more than 5 years;

B. During any time when a prosecution against the accused for the same juvenile crime based on the same

conduct is pending in the Juvenile Court of this State; or

C. During any time when, notwithstanding that the court lacks jurisdiction for a reason stated in Title 17-A, section 10-A, subsection 1, an adult prosecution against the accused for the adult offense based on the same conduct is pending in the District Court or the Superior Court.

4. Commencement after dismissal. If a timely juvenile petition is dismissed for any error, defect, insufficiency or irregularity, a new prosecution for the same juvenile crime based on the same conduct may be commenced within 3 months after the dismissal, even though the period of limitation has expired at the time of the dismissal or will expire within the period of time.

5. Elements; commencement of prosecution. For purposes of this section:

A. A juvenile crime is committed when every element of the crime has occurred, or if the juvenile crime consists of a continuing course of conduct, at the time when the course of conduct or the defendant's complicity in the conduct is terminated; and

B. A prosecution is commenced when a juvenile petition is filed.

6. Lesser included crime; effect. The defense established by this section does not bar a conviction of a juvenile crime included in the juvenile crime charged, notwithstanding that the period of limitation has expired for the included juvenile crime, if, as to the juvenile crime charged, the period of limitation has not expired or there is no such period, and there is evidence which sustains an adjudication for the juvenile crime charged.

Sec. 3. 17-A MRSA §8, sub-§3, as enacted by PL 1975, c. 499, §1, is amended to read:

3. The periods of limitations shall not run:

A. During any time when the accused is absent from the State, but in no event shall this provision extend the period of limitation otherwise applicable by more than 5 years; ~~or~~

B. During any time when a prosecution against the accused for the same crime based on the same conduct is pending in this State; or

C. During any time when a prosecution against the accused for the corresponding juvenile crime based on the same conduct is pending in the Juvenile Court. For purposes of this section, pending includes any appeal period and, if an appeal is taken, any period pending its final disposition.

Sec. 4. 17-A MRSA §8, sub-§6, ¶B, as enacted by PL 1975, c. 499, §1, is repealed and the following enacted in

its place:

B. A prosecution is commenced whenever one of the following occurs:

(1) A criminal complaint is filed;

(2) An indictment is returned; or

(3) Following waiver of an indictment, an information is filed.

Effective September 29, 1987.

CHAPTER 223

S.P. 377 — L.D. 1142

AN ACT Amending the Service of Process Laws.

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

Sec. 1. 14 MRSA §702 is amended to read:

§702. Duty of sheriffs and deputies; fees

Every sheriff and each of his deputies shall serve and execute, within his county, all writs and precepts issued by lawful authority to him directed and committed, including those in which a town, plantation, parish, religious society or school district, of which he is at the time a member, is a party or interested, but his legal fees for service shall first be paid or secured to him; ~~and if they are not.~~ If the fees are not paid or secured to him when the process is delivered to him, he shall ~~forthwith~~ immediately return it to the plaintiff or attorney offering it; or if sent to him by mail or otherwise, he shall put it into some post office within 24 hours, directed to the person sending it; otherwise he waives his right to his fees before service.

Sec. 2. 30 MRSA §1051, as amended by PL 1983, c. 74, §§1 to 3, is further amended by adding at the end a new paragraph to read:

The county commissioners of each county may require that the fees collected under subsections 1, 2, 3, 5, 7, 10, 19 and 20 be increased by \$1. The sheriff or deputy shall collect this additional dollar and pay it to the county treasurer for the use and benefit of the county.

Effective September 29, 1987.

CHAPTER 224

S.P. 360 — L.D. 1095