

MAINE STATE LEGISLATURE

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LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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
1989

PUBLIC LAWS

OF THE

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AS PASSED AT THE
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1989

ment of regional commanders shall not be dependent upon the parent law enforcement agency, if any, of the person selected. Regional commanders shall be compensated from the budget of the bureau in a manner equivalent to that of a lieutenant in the State Police, with respect to both regular and overtime compensation. If the person selected is currently an employee of any state, county or local law enforcement agency, the person shall be placed on a temporary assignment by the person's employing agency. A regional commander shall report directly to the director or assistant director, notwithstanding any existing command structure of the person's employing agency. Notwithstanding any other provision of law, the person shall retain and continue to accrue seniority and retirement rights and benefits within the person's employing agency for the time in which the person serves as regional commander.

Sec. 3. 25 MRSA §2955, sub-§§3 and 4, as amended by PL 1987, c. 666, §8, are further amended to read:

3. Task force investigative supervisors. Each task force shall be supervised by a task force investigative supervisor. Each supervisor must be an experienced law enforcement officer appointed by the director with the concurrence of the commissioner and shall serve at the pleasure of the director. The appointment of supervisors shall not be dependent upon the parent law enforcement agency, if any, of the person selected. Supervisors shall be compensated from the budget of the bureau in a manner equivalent to that of a sergeant assigned to the ~~Drug Enforcement Unit~~ drug unit of the ~~Maine~~ State Police, with respect to both regular and overtime compensation. If the person selected is currently an employee of any state, county or local law enforcement agency, the person shall be placed on a temporary assignment by the person's employing agency. A supervisor shall report directly to the ~~director or assistant director~~ regional commander, notwithstanding any existing command structure of the person's employing agency. Notwithstanding any other provision of law, the person shall retain and continue to accrue seniority and retirement rights and benefits within the person's employing agency for the time in which the person serves as supervisor.

4. Task force investigative agents. The investigative complement of each task force shall be comprised of task force investigative agents ~~who shall~~. Agents may be selected from municipal, county and state law enforcement agencies within the State and other state agencies, provided the prospective agent has been certified pursuant to section 2803, subsection 1; or may be other experienced law enforcement officers, provided each has been certified pursuant to section 2803, subsection 1. Agents shall be selected and appointed at the discretion of the director with the concurrence of the commissioner from among those ~~officers~~ persons nominated by the chief administrative officer of a prospective agent's employing agency and other experienced law enforcement officers who apply. Agents shall serve at the pleasure of the director. Agents shall receive compensation, paid from the budget of the bureau, equivalent to that of a detective in the ~~Maine~~ State Police ~~assigned to the Drug Enforcement Unit~~, with respect to both regular and overtime compensation with the additional credit given to

seniority based upon law enforcement experience. ~~All personnel~~ If the person selected as agents, whether from an agent is currently an employee of any municipal or county or state law enforcement agency, or any other state agency, the person shall be placed on a temporary assignment by the person's employing agency. An agent shall report directly to the task force supervisor, notwithstanding any existing command structure of the person's employing agency. Notwithstanding any other provisions of law, the person shall retain and continue to accrue seniority and retirement rights and benefits within the person's employing agency for the time in which the person serves as an agent.

Any person employed as a senior agent or special agent investigator within the ~~Maine~~ State Police may be temporarily assigned to the bureau. During such temporary assignment, the ~~Maine~~ State Police shall retain the positions of senior agent and special agent investigator.

Sec. 4. 25 MRSA §2955, sub-§5, as enacted by PL 1987, c. 411, §5, and c. 666, §8, is repealed and the following enacted in its place:

5. Authority of bureau officers. The director, assistant director, regional commanders, supervisors and agents shall be vested at the discretion of the commissioner with the same powers and duties throughout the several counties of the State as sheriffs have in their respective counties to serve criminal processes, to investigate and prosecute violators of any law of this State and to arrest without warrant and detain persons found violating or attempting to violate any other penal law of the State until a warrant can be obtained. They shall have the same rights as sheriffs to require aid in executing the duties of their office.

Sec. 5. 25 MRSA §2955, sub-§6, as enacted by PL 1987, c. 411, §5, is amended to read:

6. Task force attorneys. The Attorney General, the United States Attorney for the District of Maine and the respective district attorneys may assign as many of their assistants and special assistants as they determine to be appropriate to each of the task forces. The attorneys shall be available to the regional commanders and supervisors for purposes of ongoing consultation and advice and shall be responsible for coordinating, with the regional commander or supervisor, the prosecutorial and investigative priorities of the task force in conformity with the advice, consultation and direction provided by the board and the policies, practices and procedures of the bureau.

See title page for effective date.

CHAPTER 523

H.P. 89 - L.D. 124

An Act to Establish an Exemption from the Seaweed Permit for Certain Noncommercial Harvesting

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

Sec. 1. 12 MRSA §6802, as amended by PL 1985, c. 379, §5, is repealed.

Sec. 2. 12 MRSA §6803 is enacted to read:

§6803. Seaweed permit

1. Permit required. It is unlawful for any person to harvest, possess, ship, transport or sell seaweed without a current seaweed permit or supplemental seaweed permit. An employee or immediate relation of a seaweed permit holder may harvest, possess, ship, transport or sell seaweed for commercial purposes with a supplemental seaweed permit.

2. Exceptions. The requirement of a permit shall not apply to:

A. The holder of a current marine worm dealer's license;

B. The holder of a current wholesale seafood license;

C. Any person who harvests, possesses, ships or transports no more than 50 pounds of seaweed a day for noncommercial purposes;

D. Charitable or municipal organizations that harvest, possess, ship or transport seaweed for noncommercial use by that organization; or

E. Anyone harvesting, possessing, shipping, transporting or selling seaweed which has detached naturally and is dead.

3. Fees. The fee schedule for seaweed permits is as follows:

A. Six dollars for a resident seaweed permit;

B. Fifty dollars for a nonresident seaweed permit; and

C. Two dollars for a supplemental seaweed permit.

See title page for effective date.

CHAPTER 524

S.P. 294 - L.D. 767

An Act to Amend the School Finance Act to Include Transportation as a Supportive Service to Special Education for State Agency Clients

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

Sec. 1. 20-A MRSA §15613, sub-§5, ¶¶B and D, as enacted by PL 1985, c. 789, §4, are amended to read:

B. The commissioner shall approve special education costs and supportive services, including transportation, for all state agency clients placed in residential placements by an authorized agent of a state agency.

D. In the fiscal year beginning July 1, 1987, and every fiscal year thereafter, the commissioner shall pay only approved special education costs and supportive services, including transportation, authorized by this subsection for state agency clients and shall not allocate for those special education costs and supportive services, including transportation, incurred by the administrative unit for state agency clients in the base years starting July 1, 1985, and every base year thereafter.

Sec. 2. 20-A MRSA §15613, sub-§5, ¶E is enacted to read:

E. Transportation costs for state agency clients, when provided in accordance with rules established by the commissioner under section 7204, shall be paid by the department in the year of allocation at 100% of actual costs.

Sec. 3. Effective date. This Act shall be effective with respect to expenditures made in the fiscal year beginning July 1, 1989.

See title page for effective date, unless otherwise indicated.

CHAPTER 525

S.P. 487 - L.D. 1329

An Act to Amend the Law Concerning the Collection of Fees for General Educational High School Equivalency Certificates

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

Whereas, the Department of Educational and Cultural Services has an ongoing program to supervise high school equivalency courses and examinations; and

Whereas, the department's revenues from the examination fees do not cover the total cost of the department's responsibilities for the program and will result in a shortfall of between \$22,000 and \$25,000 if changes do not take effect before 90 days after the close of the Legislature; 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