

MAINE STATE LEGISLATURE

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**LAWS
OF THE
STATE OF MAINE**

**AS PASSED BY THE
ONE HUNDRED AND FIFTEENTH LEGISLATURE
FIRST REGULAR SESSION**

December 5, 1990 to July 10, 1991

Chapters 1 - 590

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**J.S. McCarthy Company
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PUBLIC LAWS
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available habitat, ~~provided that:~~ if the following conditions are met.

(1) The demarcation of each area ~~shall~~ must follow recognizable physical boundaries such as rivers, roads and railroad rights-of-way;

(2) The determination ~~is~~ must be made and published prior to August 1st of each year;

~~(3) The commissioner may implement an antlerless deer permit system, provided that, by March 1st of the year of implementation, the department shall submit the rules necessary for the system to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife for review, comment and submission of any necessary legislation;~~

~~(4) If an antlerless deer permit system is implemented, the application fee for a permit to take an antlerless deer shall not exceed \$1;~~

(3) The application fee for a permit to take an antlerless deer may not exceed \$1. The application must include a detachable portion on which the applicant shall write the applicant's name and address and to which the applicant shall affix a stamp of adequate postage. The department shall return this portion of the application to the applicant in acknowledgement of the department's receipt of the application.

~~(5) (4) The commissioner may adopt rules necessary for the administration, implementation, enforcement and interpretation of this subsection, except that there shall may not be no an antlerless deer permit system unless otherwise specified in this paragraph; and.~~

~~(6) Subparagraph (3) shall be repealed 30 days after the submission by the department to the committee of the rules necessary for a permit system.~~

See title page for effective date.

CHAPTER 399

H.P. 773 - L.D. 1105

An Act to Encourage Students to Register and Vote

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

Sec. 1. 21-A MRSA §155, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

The registrar shall conditionally accept the registration and enrollment of any person ~~whose age who is between 17 years, 6 months and 18 years of age, and who is otherwise qualified to be a voter, when that person states to the registrar that he will be outside the State, as a student in an educational institution or as a member of the Armed Forces, during the first period at which he would otherwise be able to register.~~ The registrar shall maintain a separate list of these persons, with a notation of their birthdates, and shall place their names on the voting list as soon as they have attained 18 years of age.

Sec. 2. 21-A MRSA §503, sub-§1-A is enacted to read:

1-A. Student election clerks. In addition to the election clerks appointed under subsection 1, the municipal officers may appoint persons who are 17 years of age to serve as student election clerks for a specific election. The student election clerks must be appointed in the same manner as election clerks under subsection 1. A student election clerk may not assist a voter unless the voter specifically requests assistance from the student election clerk.

See title page for effective date.

CHAPTER 400

S.P. 329 - L.D. 885

An Act to Establish a Northern Maine Regional Juvenile Detention Facility

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

34-A MRSA c. 3, sub-c. VIII is enacted to read:

SUBCHAPTER VIII

NORTHERN MAINE REGIONAL JUVENILE DETENTION FACILITY

§4101. Establishment

There is established the Northern Maine Regional Juvenile Detention Facility located in Penobscot County.

§4102. Purposes

The purposes of the Northern Maine Regional Juvenile Detention Facility are:

1. Detention. To detain juveniles prior to juvenile court appearances when a court orders that the juvenile be securely detained;

2. Diagnostic evaluation. To administer court-ordered diagnostic evaluations pursuant to Title 15, section 3309-A and court-ordered examinations pursuant to Title 15, section 3318; and

3. Confinement. To confine juveniles ordered detained pursuant to Title 15, section 3314, subsection 1, paragraph H.

§4103. Director

1. Chief administrative officer. The chief administrative officer of the Northern Maine Regional Juvenile Detention Facility is called the director and is responsible to the commissioner.

2. Duties. In addition to other duties set out in this Title, the director has the following duties.

A. The director shall exercise supervision over the employees, grounds, buildings and equipment at the Northern Maine Regional Juvenile Detention Facility.

B. The director shall supervise and control the juvenile detainees at the Northern Maine Regional Juvenile Detention Facility in accordance with department rules.

3. Powers. In addition to the powers granted in this Title, the director may appoint one assistant director, subject to the Civil Service Law. The assistant director has the powers, duties, obligations and liabilities of the director when the director is absent or unable to perform the director's duties.

§4104. Detention

1. Eligibility. Only a juvenile, as defined in Title 15, section 3003, subsection 14, who is 11 years of age or older at the time of detention may be detained at the Northern Maine Regional Juvenile Detention Facility pursuant to this subchapter and Title 15, Part 6.

2. Limitations. No person may be detained at the Northern Maine Regional Juvenile Detention Facility who is blind or who is a proper subject for any residential services provided by or through the Department of Mental Health and Mental Retardation.

3. Certification. When a person is detained at the Northern Maine Regional Juvenile Detention Facility, the court ordering the detention shall certify on the mittimus the person's birthplace, parentage and legal residence.

§4105. Juvenile detainees generally

All juvenile detainees at the Northern Maine Regional Juvenile Detention Facility must be detained in accordance with the orders of the court and the rules of the department.

§4106. Powers of employees

Employees of the Northern Maine Regional Juvenile Detention Facility have the same power as sheriffs in their respective counties to search for and apprehend escapees from the facility, when authorized to do so by the director.

§4107. Transportation

All court-ordered and court-related transportation of juvenile detainees to and from the Northern Maine Regional Juvenile Detention Facility is the responsibility of the sheriff of the county in which the court is located.

§4108. Observation

1. Generally. When the behavior of a juvenile residing at the Northern Maine Regional Juvenile Detention Facility presents a high likelihood of imminent harm to that juvenile or to others, presents a substantial and imminent threat of destruction of property or demonstrates a proclivity to be absent from the facility without leave as evidenced by a stated intention to escape from the facility or by a recent attempted or actual escape from any detention or correctional facility, the juvenile may be placed under observation if the juvenile demonstrates that anything less restrictive would be ineffectual for the control of the juvenile's behavior.

2. Conditions. Placing a juvenile under observation is subject to the following conditions.

A. Placement under observation must first be approved by the director.

B. The conditions under which a juvenile is placed under observation must conform with all applicable federal and state standards relating to the health and safety of clients in detention facilities.

C. Placement under observation may not exceed the period of time necessary to alleviate and prevent the reoccurrence of the behavior described in subsection 1 and it may not be used as punishment.

D. When placement under observation exceeds 12 hours, the director shall direct the facility physician or a member of the facility medical staff to visit the juvenile immediately and at least once in each succeeding 24-hour period the juvenile remains under observation to examine the juvenile's state of health.

(1) The director shall give full consideration to recommendations of the physician or medical staff member concerning the juvenile's dietary needs and the conditions of the juvenile's confinement required to maintain the juvenile's health. If the recommendations of the physician or medical staff member are not carried out, the director shall immediately convey the reasons and circumstances for this decision to the commissioner for review and final disposition.

(2) Placement under observation must be discontinued if the director, on the advice of the physician, determines that placement under observation is harmful to the mental or physical health of the juvenile, except that placement under observation may be continued if the behavior of the juvenile presents a high likelihood of imminent physical harm to that juvenile or others and there is no less restrictive setting in which that juvenile's safety or that of others can be ensured. If placement under observation is continued, the physician or a member of the medical staff shall visit the juvenile at least once every 12 hours.

E. When placement under observation exceeds 24 hours, the director shall direct appropriate facility staff to develop a plan for the further care of the juvenile. The plan must be revised as needed to meet the changing needs of the juvenile.

F. Placement under observation may not exceed 72 hours without the commissioner's approval, which must:

- (1) Be in writing;
- (2) State the reasons for that approval; and
- (3) Be kept on file.

G. If the recommendations of the physician or medical staff member regarding the juvenile's dietary or other health needs while under observation are not carried out, the director shall send a written justification to the commissioner.

H. A juvenile held under observation must be under constant sight and sound supervision by facility staff.

§4109. Limit on number of juveniles

The population of the Northern Maine Regional Juvenile Detention Facility may not exceed 40 juveniles, unless there are no other appropriate beds available for housing juveniles. Exceeding 40 juveniles in such an emergency situation may be done only for the length of time necessary to resolve the emergency.

§4110. State responsible for detention

Notwithstanding any other provision of law, on the date that the Northern Maine Regional Juvenile Detention Facility begins operating, the State is responsible for all physically restrictive juvenile detention statewide.

See title page for effective date.

CHAPTER 401

H.P. 1087 - L.D. 1587

An Act to Require Minimum Training Standards for Construction Flaggers

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

23 MRSA §707 is enacted to read:

§707. Construction flaggers; minimum training standards

All privately employed flaggers at highway construction sites on public ways must have training in controlling traffic at construction sites in a manner consistent with the standards set forth in the American National Standards Institute, Manual on Uniform Traffic Control Devices for Streets and Highways. That training may consist of video instruction, instruction in a classroom setting, distribution of informational handbooks or other educational materials or other training activities determined appropriate by the employer. Municipalities are encouraged to provide the same training as is required for privately employed flaggers to flaggers whom they employ.

See title page for effective date.

CHAPTER 402

S.P. 672 - L.D. 1786

An Act to Improve the Execution and Administration of Arrest Warrants and Implement the Recommendations of the Warrants Subcommittee of the Commission to Implement the Computerization of Criminal History Record Information

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

Sec. 1. 14 MRSA §5532, sub-§2, as enacted by PL 1987, c. 639, is amended to read:

2. Other prisoners. In the case of any prisoner other than a sentenced prisoner, the copy of the warrant or process, which need not be a true and attested copy, must be delivered within 4 hours of the demand.

Sec. 2. 15 MRSA Pt. 2, first 2 lines are repealed and the following enacted in their place: