

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

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
OF THE
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1991

2. Exemption. A person who has a valid electrology license from the department as of January 1, 1991 is exempt from the requirements of subsection 1.

3. Reciprocity. Except as provided in section 1233 and notwithstanding the requirements of subsection 1, the department shall register any applicant under this chapter who provides the department with evidence that the applicant has 3 years of experience as an electrologist. That proof must consist of notarized copies of the license or registration issued by the state where the applicant last practiced electrology.

Sec. 4. 32 MRSA §1242, sub-§2, as enacted by PL 1979, c. 87, §1, is amended to read:

2. Practices of electrology. Rules governing the practice of electrology relating to training, health, safety, sanitation, equipment, electrolysis procedures and record keeping. ~~The department shall not adopt rules relating to personal qualification, including, but not limited to, a person's age, education, training, experience or residency.~~

Sec. 5. 32 MRSA §1243, as repealed and replaced by PL 1981, c. 703, Pt. A, §43, is amended to read:

§1243. Inspections

Upon any person's request and payment of a \$50 license fee, the department shall inspect that person's training, place of practice and equipment for compliance with the rules adopted by the department under this chapter. All fees collected by the department ~~shall~~ must be deposited in the General Fund.

See title page for effective date.

CHAPTER 417

H.P. 1186 - L.D. 1729

An Act Relating to the Maine Criminal Justice Commission

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

Sec. 1. 5 MRSA c. 316 is enacted to read:

CHAPTER 316

MAINE CRIMINAL JUSTICE COMMISSION

§3358. Maine Criminal Justice Commission

1. Establishment. In order to monitor and evaluate the State's criminal justice system on an ongoing basis and to provide recommendations regarding changes in that system to the appropriate state departments and the

Legislature, there is established, pursuant to Title 5, section 12004-J, subsection 10, an independent commission known as the Maine Criminal Justice Commission.

2. Composition. The commission consists of 25 members appointed as follows:

A. Two members from the Senate appointed by the President of the Senate;

B. Three members from the House of Representatives appointed by the Speaker of the House of Representatives;

C. One member from the Juvenile Justice Advisory Group appointed by the Governor;

D. One member from the Criminal Law Advisory Commission appointed by the Attorney General;

E. The Attorney General or the Attorney General's designee;

F. The Commissioner of Corrections or the commissioner's designee;

G. The Commissioner of Public Safety or the commissioner's designee;

H. The Director of the Maine Criminal Justice Academy or the director's designee;

I. One member from the Maine Chiefs of Police Association appointed by the Governor;

J. One member from the Maine Sheriffs' Association appointed by the Governor;

K. One member from the Maine Prosecutors Association appointed by the Governor;

L. One attorney experienced in criminal defense appointed by the Governor;

M. One member from the faculty of the University of Maine School of Law appointed by the Governor;

N. One member representing the Maine Correctional Advisory Commission appointed by the Governor; and

O. Eight other persons appointed by the Governor, consisting of:

(1) One member representing the Governor's office;

(2) One full-time nonadministrative employee from the Department of Corrections;

- (3) One former offender;
- (4) Two nongovernmental service providers to the State's criminal justice system;
- (5) Two persons who have a demonstrated interest in the State's criminal justice system; and
- (6) One representative of a nongovernmental victims' organization.

P. The commission shall request that the Chief Justice of the Maine Supreme Judicial Court serve as an advisor to the commission or designate a member of the Judicial Council to serve as an advisor.

3. Chair. The Governor shall designate the first chair from among the Governor's appointees. The first chair shall call the first meeting of the commission as soon as funding permits. At the first meeting or a subsequent meeting, the commission shall select a chair from among its members and may select a new chair annually.

4. Terms of appointment. The terms of appointment are as follows.

A. Of the initial gubernatorial appointments, 5 must be for terms of 3 years, 5 must be for terms of 2 years and 5 must be for terms of one year.

B. Subsequent gubernatorial appointments must be for terms of 3 years. Members may serve beyond their designated terms until their successors are appointed.

C. Terms of appointment for Legislators must be for the legislative term of office of the person appointed.

D. Other appointed members who are neither Legislators nor gubernatorial appointees shall serve for terms of 3 years.

5. Meetings. The commission may meet as often as necessary but, if funding permits, must meet at least quarterly. If funding permits, a meeting may be called by the chair or by any 4 members. Minutes of all meetings must be taken and maintained by the commission.

6. Staffing. If funding permits, the commission may employ a full-time executive director and set the executive director's salary. The executive director serves at the pleasure of the commission. The executive director shall perform duties as assigned by the commission. If funding permits, the commission may employ other staff as needed. The staffs of the departments represented on the commission may assist the commission in carrying out its functions and duties within their existing resources. The executive director may make recommendations to the commission. The commission may contract for administrative, professional and clerical services if funding permits.

7. Funding. The commission is authorized to seek, accept and expend outside sources of funding to carry out the commission's activities. Expenditures may not be incurred that have an impact on the General Fund.

8. Duties. The commission shall:

A. Regularly advise the Governor and executive officers, the Legislature, the Judicial Department, the Attorney General and any other parties affected by its recommendations regarding criminal justice policy;

B. Submit a report containing the results of its studies, findings and recommendations to the Governor and committees of the Legislature having jurisdiction over criminal justice matters by December 31st of each year. As resources permit, the report must include:

(1) A detailed assessment of existing and needed resources within the State's criminal justice system, to include an evaluation of population growth management with respect to appropriate utilization of institutional and community resources, including law enforcement, prosecution, judicial, corrections and community corrections resources;

(2) An evaluation of existing programs for incarcerated and nonincarcerated offenders, including recommendations for improvements or new programs;

(3) An evaluation of the method used to determine the needs of offenders and the risks they present when arrested, detained, prosecuted, sentenced, placed in community programs or institutionalized;

(4) Recommendations for effective management of the resources within the State's criminal justice system;

(5) Recommendations regarding an offender-based tracking system to provide current and historical offender data at all levels of the State's criminal justice system;

(6) Recommendations for appropriate prevention strategies at all levels of the State's criminal justice system;

(7) Recommendations regarding evaluation methodology for the State's criminal justice system; and

(8) Evaluation and recommendations with respect to provision of criminal legal defense assistance to indigent criminal defendants;

C. Develop rules of procedure necessary to carry out its duties;

D. Conduct public hearings, conferences, workshops and other such meetings to obtain information about, discuss and publicize the needs of and solutions to, problems concerning the State's criminal justice system; and

E. Prepare legislation for submission to the Legislature to implement any recommendations of the commission.

Sec. 2. 5 MRSA §12004-J, sub-§10 is enacted to read:

<u>10.</u>	<u>Maine Criminal</u>	<u>As Autho-</u>	<u>5 MRSA</u>
<u>Criminal</u>	<u>Justice</u>	<u>rized by</u>	<u>§3358</u>
<u>Justice</u>	<u>Commission</u>	<u>Commission</u>	

See title page for effective date.

CHAPTER 418

H.P. 1042 - L.D. 1515

An Act Concerning the Sale of Surplus State Property

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

Sec. 1. 5 MRSA §1813, sub-§6, as amended by PL 1989, c. 596, Pt. O, §1, is further amended to read:

6. **Surplus property.** Providing for transfer of supplies, materials and equipment ~~which that~~ are surplus from one state department or agency to another ~~which that~~ may need them, and for the disposal by private and public sale of supplies, materials and equipment ~~which that~~ are obsolete and unusable; ~~provided, however, that if any political subdivision in the State or any educational institution or homeless shelter sponsor enumerated in section 1813-A requests to purchase any such obsolete and unusable items, then the disposal shall be by private sale to that political subdivision, homeless shelter sponsor or educational institution; that. Political subdivisions, educational institutions or qualifying nonprofit organizations, as defined in section 1813-A, must be given an opportunity to purchase the surplus items through private sale. If 2 or more political subdivisions, educational institutions or qualifying nonprofit organizations are interested in any item, the sale must be the result of competitive bid. Any equipment to so purchased must be retained for a period of at least one year in a current ongoing program. Any item purchased by a political subdivision, homeless shelter sponsor or educational institution or qualifying nonprofit organization under~~

this section ~~shall may~~ not be sold or transferred by that political subdivision, ~~homeless shelter sponsor or educational institution or qualifying nonprofit organization~~ for a period of 6 months from the date of the private sale and the State reserves the right to refuse to sell additional equipment to a political subdivision, ~~homeless shelter sponsor or educational institution or qualifying nonprofit organization~~ if it is determined that the political subdivision, ~~homeless shelter sponsor or educational institution or qualifying nonprofit organization~~ has not retained the equipment for the required period of 6 months;

Sec. 2. 5 MRSA §1813-A, sub-§1, ¶B, as enacted by PL 1989, c. 596, Pt. O, §2, is repealed.

Sec. 3. 5 MRSA §1813-A, sub-§1, ¶C is enacted to read:

C. "Qualifying nonprofit organization" means a public or private nonprofit entity that owns or operates a project or facility for the homeless or a nonprofit organization that has been determined to be exempt from taxation under the United States Internal Revenue Code, Section 501 (c) and that provides services to persons with physical or mental handicaps as defined in section 4553, subsection 7-A.

See title page for effective date.

CHAPTER 419

H.P. 709 - L.D. 1014

An Act to Amend the Shoreland Zoning Laws

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

38 MRSA §438-A, sub-§1-A is enacted to read:

1-A. Minimum guidelines; limitations. The minimum guidelines adopted under subsection 1 may not require a municipality, in adopting an ordinance, to:

A. Treat an increase in hours or days of operation of a nonconforming use as an expansion of a nonconforming use; or

B. Treat as a single lot, 2 or more contiguous lots, at least one of which is nonconforming, owned by the same person or persons on the effective date of the municipal ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with state subsurface wastewater disposal rules, and;