

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

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J.S. McCarthy Company
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became liquidated and whether any postliquidation events have affected the liability.

3. Finalization of setoff. If, within 90 days of the notice to the taxpayer of the intended setoff ~~or setoffs~~, the agency ~~or agencies~~ requesting setoff ~~certifies~~ certify to the State Tax Assessor either that the taxpayer did not make a timely request for hearing or that a hearing was held and a liquidated debt was determined after hearing to be due to that agency, the State Tax Assessor shall set off the liquidated debt against the refund due to the taxpayer. Otherwise, the State Tax Assessor shall release the entire refund to the taxpayer.

7. Priority. In the event that claims from more than one agency are received by the State Tax Assessor with respect to one taxpayer, the ~~claims shall be set off in the order of their receipt by the State Tax Assessor; shall set off against the refund due the taxpayer as many claims of the agencies as is possible in the following order of priority:~~

A. Liquidated child support debts owed to the Department of Human Services;

B. Fines owed to any of the courts; and

C. All other claims in the order of their receipt by the State Tax Assessor.

See title page for effective date.

CHAPTER 565

H.P. 854 - L.D. 1220

An Act to Broaden the Crime of Criminal Mischief

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

17-A MRSA §806, sub-§1, as amended by PL 1979, c. 289, is further amended to read:

1. A person is guilty of criminal mischief if; that person intentionally ~~or~~, knowingly; ~~he~~ or recklessly:

A. Damages or destroys the property of another, having no reasonable ground to believe that ~~he~~ the person has a right to do so; damages or destroys property to enable any person to collect insurance proceeds for the loss caused; or tampers with the property of another, having no reasonable grounds to believe that ~~he~~ the person has the right to do so, and thereby impairs the use of that property; or

B. Damages, destroys or tampers with property of a law enforcement agency, fire department; or supplier of gas, electric, steam, water, transportation, sanitation or communication services to the public, having

no reasonable ground to believe that ~~he~~ the person has a right to do so, and by such conduct recklessly creates a risk of interruption or impairment of services rendered to the public.

See title page for effective date.

CHAPTER 566

S.P. 638 - L.D. 1686

An Act to Provide Additional Protection for Victims of Criminal Threatening, Terrorizing and Harassment

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

Sec. 1. 17-A MRSA §15, sub-§1, ¶A, as amended by PL 1989, c. 122, §2, is further amended to read:

A. Any person who ~~he~~ the officer has probable cause to believe has committed or is committing:

- (1) Murder;
- (2) Any Class A, Class B or Class C crime;
- (3) Assault while hunting;
- (4) Any offense defined in chapter 45;
- (5) Assault, criminal threatening or terrorizing, if the officer reasonably believes that the person may cause injury to others unless immediately arrested;
- (5-A) Assault, ~~criminal threatening, terrorizing~~ or reckless conduct, if the officer reasonably believes that the person and the victim are family or household members, as defined in Title 15, section 321;

(6) Theft as defined in section 357, when the value of the services is \$1,000 or less, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(7) Forgery, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(8) Negotiating a worthless instrument, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

- (9) A violation of a condition of probation when requested by an official of the Division of Probation and Parole;
- (10) Violation of a condition of release in violation of Title 15, section 1026, subsection 3, section 1051, subsection 2, section 1051, subsection 9 and section 1092; or
- (11) Theft involving a detention under Title 17, section 3521; and

Sec. 2. 17-A MRSA §506-A, sub-§2, as enacted by PL 1975, c. 740, §67, is amended to read:

2. Harassment is a Class E crime, except that when the defendant has 2 or more prior Maine convictions for violations of this section in which the victim was the same person or a member of that victim's immediate family, violation of this section is a Class C crime. For purposes of this subsection, the dates of both of the prior convictions must precede the commission of the offense being enhanced by no more than 5 years, although both prior convictions may have occurred on the same day. The date of a conviction is deemed to be the date that sentence is imposed, even though an appeal was taken. The date of a commission of prior offenses is presumed to be that stated in the complaint, information or indictment, notwithstanding the use of the words "on or about" or the equivalent.

Sec. 3. 17-A MRSA §506-A, sub-§3 is enacted to read:

3. For the purposes of this section, "immediate family" means spouse, parent, child, sibling, stepchild and stepparent.

See title page for effective date.

CHAPTER 567

S.P. 282 - L.D. 741

An Act to Amend the Laws Governing the Bath Children's Home

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

Sec. 1. 34-B MRSA §1204, sub-§2, ¶C, as amended by PL 1985, c. 503, §3, is further amended to read:

C. The commissioner shall appoint the following officials to serve at his the commissioner's pleasure:

- (1) Associate Commissioners;
- (2) Director, Bureau of Mental Health;

- (3) Superintendent, Augusta Mental Health Institute;
- (4) Superintendent, Bangor Mental Health Institute;
- (5) Director, Bureau of Mental Retardation;
- (6) Superintendent, Pineland Center;
- (7) Director, Bureau of Children with Special Needs;
- (8) Director, Mental Retardation Facility;
- (9) Director, Elizabeth Levinson Center;
- (10) Assistant to the Commissioner for Public Information; ~~and~~
- (11) Assistant to the Commissioner; and
- (12) Director, Bath Children's Home.

Sec. 2. 34-B MRSA §6253-A, sub-§1, as enacted by PL 1989, c. 749, §2 and affected by §3, is amended to read:

1. Chief administrative officer. The chief administrative officer of the Bath Children's Home is the director. The commissioner shall, with the advice of the Board of Visitors, appoint and set the salary for the director. The director is appointed for an indefinite term and serves at the pleasure of the commissioner until the director's successor is appointed and qualified. The director must have sufficient education and experience to administer a facility providing services to children in need of treatment.

Sec. 3. Transition. The current director of the Bath Children's Home may, at the director's option, remain in the classified service and a member of the same collective bargaining unit and retain all rights, privileges and benefits provided by collective bargaining agreements as long as the director remains in the current position.

See title page for effective date.

CHAPTER 568

H.P. 1257 - L.D. 1825

An Act to Amend the Laws Relating to the Collection of Debts by the Department of Human Services

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