

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
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

D. The commissioner may hold title to real or personal property for the purpose of foreclosure on filed liens. Foreclosure must proceed as follows.

(1) Actions to foreclose liens on real property filed under this subsection may be brought in the county where the lien is filed pursuant to the procedures of Title 14, chapter 713, subchapter VI. For purposes of foreclosure by civil action as described in Title 14, chapter 713, subchapter VI, a lien filed in accordance with this subsection constitutes a mortgage claim of the department on any real property owned by the debtor. Failure to pay the debt owed the department constitutes a breach of condition in the mortgage.

(2) Actions to foreclose liens on personal property filed under this subsection may be brought, pursuant to Title 14, chapter 509, subchapter III, in the county where the lien is filed.

7. Other collection actions. In addition to the other remedies provided in this section, the department may seek collection of any debt established under subsection 2 pursuant to Title 14, chapter 502.

8. Rulemaking. The department may adopt or amend any rule as necessary to implement this section.

Sec. 5. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1991-92	1992-93
HUMAN SERVICES, DEPARTMENT OF		
Medical Care - Payments to Providers		
All Other	(\$200,000)	(\$200,000)
Provides for the deappropriation of funds from the anticipated collection of unpaid debts owed to the department from health care providers.		

Sec. 6. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1991-92	1992-93
HUMAN SERVICES, DEPARTMENT OF		
Medical Care - Payments to Providers		
All Other	\$200,000	\$200,000
Provides for the allocation of funds received from collection of unpaid debts owed to the department from health care providers.		

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

Effective July 14, 1991.

CHAPTER 569

S.P. 274 - L.D. 733

An Act Relating to the Definition of Gross Sexual Assault under the Maine Criminal Code

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

17-A MRSA §253, sub-§5, as repealed and replaced by PL 1989, c. 401, Pt. A, §4, is amended to read:

5. Violation of subsection 2, paragraph A, B, C, D, E or H is a Class B crime. Violation of subsection 2, paragraph D, F, G or I is a Class C crime.

See title page for effective date.

CHAPTER 570

S.P. 554 - L.D. 1458

An Act Relating to Court Security Personnel

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

Whereas, this legislation is necessary in order to clarify the responsibility for providing and paying for the security of the courts and the safety of the public with regard to prisoners; and

Whereas, Androscoggin County has not entered into an agreement with the Judicial Department for court security services pursuant to the provisions of Public Law 1989, chapter 722, section 1; and

Whereas, a transfer of court officers from county to state employment provides the most effective means of controlling court security costs in Androscoggin County; and

Whereas, a transfer of available funds and an increase in the Judicial Department position count are necessary to carry out the purposes of this Act; 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 legisla-

tion 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. 4 MRSA §17, sub-§15, as amended by PL 1989, c. 324, is further amended to read:

15. Provide for court security. Plan and implement arrangements for safe and secure court premises to ensure the orderly conduct of judicial proceedings. This includes the authority to contract for the services of qualified deputy sheriffs and other qualified individuals as needed on a per diem basis to perform court security-related functions and services. "Qualified deputy sheriffs and other qualified individuals" means those individuals who hold valid certification as law enforcement officers, as defined by the Maine Criminal Justice Academy, pursuant to Title 25, chapter 341, to include successful completion of such additional training in court security as provided by the academy or equivalent training. When under such contract and then only for the assignment specifically contracted for, the qualified deputy sheriffs or other qualified individuals ~~shall~~ have the same duties and powers throughout the counties of the State as sheriffs have in their respective counties. Qualified deputy sheriffs performing these contractual services ~~shall~~ continue to be employees of the counties in which they are deputized. Other qualified individuals performing such contractual services ~~shall~~ may not be considered employees of the State for any purpose, provided that the other qualified individuals ~~shall be~~ are treated as employees of the State for purposes of the Maine Tort Claims Act and the Workers' Compensation Act. They ~~shall~~ must be paid a reasonable per diem fee plus reimbursement of their actual, necessary and reasonable expenses incurred in the performance of their duties, consistent with policies established by the State Court Administrator. Notwithstanding any other provision of law, such plans, arrangements and files involving court security matters are confidential. Nothing in this section precludes dissemination of such information to another criminal justice agency.

In addition to the foregoing authority, the State Court Administrator may employ other qualified individuals to perform court security-related functions and services. These employees must have a valid certification as law enforcement officers, as defined by Title 25, chapter 341, including successful completion of additional training in court security as provided by the Maine Criminal Justice Academy or equivalent training and, when on assignment for court security functions, have the same powers and duties throughout the counties of the State as sheriffs have in their respective counties. These individuals are state employees for all purposes.

Sec. 2. 4 MRSA §25, as amended by PL 1989, c. 722, § 1, is further amended to read:

§25. Reimbursement of counties for salaries and expenses of court and jury officers

The Judicial Department shall, ~~each quarter, reimburse~~ compensate each county for those reasonable costs related to salaries and expenses as agreed upon between the Judicial Department and the respective county ~~that have been paid by that county during the previous quarter.~~ The ~~reimbursement shall~~ compensation may be only for the number of court security officers requested to serve the court either in that county or another by the Judicial Department.

The Judicial Department shall include sufficient funds for this ~~reimbursement~~ compensation within its operating budget.

Sec. 3. 30-A MRSA §2, sub-§4, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

4. Salaries and expenses of court and jury officers. Each county shall pay the salaries and expenses of bailiffs and other court and jury officers who work for courts located in that county. The Judicial Department shall ~~reimburse~~ compensate each county ~~quarterly~~ for these salaries and expenses as provided in Title 4, section 25.

Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1991-92	1992-93
JUDICIAL DEPARTMENT		
Courts - Supreme, Superior, District and Administrative		
Positions - Legislative Count	(3.0)	(3.0)
Personal Services	\$73,422	\$73,422
All Other	(73,422)	(73,422)
Provides for the line category transfer of funds for 3 Court Officer positions to perform court security.		
JUDICIAL DEPARTMENT TOTAL	<u>\$-0-</u>	<u>\$-0-</u>

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

Effective July 14, 1991.

CHAPTER 571

H.P. 602 - L.D. 862

An Act to Encourage the Development of Air Transportation Service to Small Communities