

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

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

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

Sec. 1. 6 MRSA §19 is enacted to read:

§19. Small community air service program

1. Small community air service. To promote essential air service, the Department of Transportation may administer a program of subsidies to qualified air carriers, patterned after the federal essential air service program, to ensure that small communities have adequate levels of service. This program must take into consideration a minimum round trip and minimum seating criteria for each eligible point to destinations within the State that provide access into the national air transportation system.

2. Eligibility requirements. To be eligible for subsidy, an air carrier must be certified by the Federal Aviation Administration to provide scheduled air service to the eligible point and must demonstrate a need for subsidy. The eligible point must be currently served by no more than one air carrier providing scheduled service.

3. Subsidies. The cost of air service subsidies must be allocated between the State and the community desiring to receive new service, with the State providing the percentage of the subsidy for which funds are available and the community providing the balance of the subsidy.

4. Adoption of rules. The Department of Transportation shall promulgate rules necessary to administer this section. The rules must establish the formula for reimbursement and application requirements.

Sec. 2. Pilot program. The Department of Transportation shall provide in the rules pursuant to section 1 of this Act for the establishment of a pilot program in 1992 within the funding available for the program to test the feasibility and effectiveness of small community air service subsidies.

See title page for effective date.

CHAPTER 572

H.P. 430 - L.D. 613

An Act to Amend the Laws Concerning Postgraduate Education in the Field of Medicine

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

20-A MRSA §11805, sub-§3, ¶A, as amended by PL 1989, c. 698, §20 and affected by §76 and amended by c. 700, Pt. A, §60, is repealed and the following enacted in its place:

A. The Finance Authority of Maine may expend the money appropriated by the Legislature, for the purchase of positions at accredited medical schools to purchase:

(1) Up to 18 positions each year, to a total of 72 positions, at accredited schools of allopathic medicine;

(2) Up to 2 positions each year, to a total of 8 positions, at accredited schools of dentistry;

(3) Up to 2 positions each year, to a total of 8 positions, at accredited schools of veterinary medicine;

(4) Up to one position each year, to a total of 4 positions, at accredited schools of optometry; and

(5) Up to 10 positions each year at a college of osteopathic medicine, to a total of 40 positions. These positions may not be funded by decreasing the number of allopathic positions in subparagraph (1).

See title page for effective date.

CHAPTER 573

H.P. 1192 - L.D. 1745

An Act Concerning the Maine Student Incentive Scholarship Program

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

Sec. 1. 20-A MRSA §11612, first ¶, as enacted by PL 1989, c. 559, §10, is amended to read:

The scholarships ~~shall~~ may be given only to residents of the State who:

Sec. 2. 20-A MRSA §11614, sub-§7 is enacted to read:

7. Part-time students. The authority may allocate up to 5% of the student incentive scholarship grants to eligible part-time students. The authority must establish eligibility criteria by rulemaking pursuant to the Maine Administrative Procedure Act.

See title page for effective date.