

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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

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J.S. McCarthy Company  
Augusta, Maine  
1993

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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B. Deliver the convict to the officer in charge of the prison between the hours of 8 a.m. and 4 p.m. ~~on any day~~ Monday to Friday, except for holidays, unless prior arrangements for an alternative time have been made with the warden, accompanied by a duly signed warrant of commitment and record, as provided by Title 15, section 1707;

**Sec. 2. 34-A MRSA §3407, sub-§2, ¶B,** as enacted by PL 1983, c. 581, §§43 and 59, is amended to read:

B. Deliver the convict to the officer in charge of the center between the hours of 8 a.m. and 4 p.m. Monday to Friday, except for holidays, unless prior arrangements are made and approved by the superintendent, ~~on any day~~ accompanied by a duly signed warrant of commitment and record, as provided by Title 15, section 1707;

See title page for effective date.

**CHAPTER 338**

**S.P. 312 - L.D. 945**

**An Act Regarding Appeal Periods in District Court Civil Cases**

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

**Whereas,** this legislation must be enacted and take effect immediately in order to bring the State into compliance with certain federal regulations affecting child support enforcement; 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 legislation 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. 14 MRSA §1901,** as amended by PL 1975, c. 552, §2, is further amended to read:

**§1901. To Superior Court**

Any appeal ~~shall~~ must be taken from the District Court to the Superior Court for the county embracing the division in which the judgment was rendered within ~~10~~ 30 days after judgment; except that any party ~~shall~~ must appeal from a District Court judgment in an action of foreclosure and sale directly to the Supreme Judicial

Court within 30 days. The appellant shall, within ~~10~~ 30 days after judgment, pay to the court the required fees for such appeal and in that case no execution ~~shall~~ may issue, and the clerk shall enter the appeal in the appellate court where it ~~shall~~ must be determined as a new entry.

**Sec. 2. 19 MRSA §319, sub-§§4 and 5,** as enacted by PL 1991, c. 840, §4, are amended to read:

**4. Request for hearing.** A request for hearing must be made in writing within ~~21~~ 30 days of receipt of service and be accompanied by the requesting party's income affidavit and child support worksheet. If a party requests a hearing, the matter must be referred for mediation prior to trial. This subchapter applies to all proceedings to modify an order of child support.

**5. Order without hearing.** If a party does not request a hearing within ~~21~~ 30 days after service, the court may enter an order modifying support without hearing using the proposed order, provided that the proposed modified support obligation is equal to or greater than the obligation resulting from the application of section 315. If a downward deviation is proposed, the court shall hold a hearing prior to entering an order. The court may apply the presumptions set out in section 314, subsection 1, paragraph D.

**Sec. 3. Legislative intent.** Notwithstanding any other provision of law or rule to the contrary, it is the intent of the Legislature that the period for an appeal from a District Court civil case is within 30 days after judgment.

**Sec. 4. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1993-94	1994-95
<b>JUDICIAL DEPARTMENT</b>		
<b>Judicial Department - Department of Human Services IV-D Cooperative Agreement Project</b>		
Positions	(1.0)	(1.0)
Personal Services	\$417,938	\$500,000
All Other	25,000	25,000
Provides funding for a Project Manager position, a percentage of clerical staff salaries and benefits based on the estimated time spent on child support cases and other expenses related to child support cases.		
<b>JUDICIAL DEPARTMENT TOTAL</b>	<b>\$442,938</b>	<b>\$525,000</b>

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

Effective June 15, 1993.

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## CHAPTER 339

### H.P. 219 - L.D. 287

#### An Act Concerning the Clerk-of-the-works

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

**Sec. 1. 5 MRSA §1751**, as amended by PL 1983, c. 480, Pt. B, §1, is further amended to read:

#### §1751. Employment of a clerk-of-the-works

A clerk-of-the-works ~~shall~~ must be employed to assist in the inspection of the construction of a public improvement when directed by the director. The clerk shall report directly to the professional architect-engineer of record for the project. In addition, the clerk shall provide a report of all correspondence sent or received by the clerk to the owner. The budget for the public improvement ~~shall~~ must include funding for the clerk. The clerk ~~shall~~ must be hired through an open advertising and interview process by the owner and the architect-engineer. ~~The clerk candidate recommended by the architect-engineer shall be subject to approval by both the owner and director before being hired. The architect-engineer may terminate or impose disciplinary action on the clerk after consultation with the owner.~~ The clerk ~~shall~~ must possess qualifications of education and experience in construction technology and administration compatible with the needs of the public improvement. The director may ~~promulgate~~ adopt rules relative to this section.

See title page for effective date.

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## CHAPTER 340

### H.P. 951 - L.D. 1280

#### An Act to Amend the Laws Related to Concealed Weapon Permits

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

**Sec. 1. 25 MRSA §2002-A**, as enacted by PL 1991, c. 440, is amended to read:

#### §2002-A. Assignment of authority

~~Any~~ The municipal officers of a municipality without a full-time chief of police may designate, if the Chief of the State Police agrees, the State Police as the issuing authority for that municipality. The designation must be made by written agreement with the Chief of the State Police. The agreement must include provisions for termination of the agreement. During the term of an agreement, the State Police shall perform all the functions of the issuing authority, including suspension and revocation of permits. The State Police are entitled to receive any fees authorized for performing the functions of an issuing authority. The State Police are entitled to receive any fees authorized for performing the functions of the issuing authority. The Chief of the State Police continues to serve as the issuing authority until the chief receives from the municipal officers written notice of cancellation or revocation of the determination.

**Sec. 2. 25 MRSA §2003, sub-§1, ¶E**, as amended by PL 1991, c. 865, §1, is further amended by amending subparagraph (4) to read:

(4) Submits an application fee of \$35 for an original application, \$10 of which must be retained by the municipality and \$25 of which must be paid over by the municipality to the Treasurer of State if the designated issuing authority is the State Police, and \$20 for a renewal, \$5 of which must be retained by the municipality and \$15 of which must be paid over by the municipality to the Treasurer of State if the designated issuing authority is the State Police, for a resident of the State. A person who paid \$60 for a concealed weapons permit or renewal during 1991 or 1992 is entitled to a credit toward renewal fees in an amount equal to \$30 for a person who paid \$60 for an original application and \$45 for a person who paid \$60 for a permit renewal. The credit is valid until fully utilized. The fee covers both the cost of processing the application by the issuing authority and the cost of the permit to carry concealed firearms issued by the issuing authority; and

**Sec. 3. 25 MRSA §2003, sub-§6**, as enacted by PL 1985, c. 478, §2, is amended to read:

**6. Unorganized territory.** ~~Any~~ A resident of an unorganized territory shall make written application to the ~~appropriate issuing authority in any municipality nearest the unorganized territory~~ Chief of the State Police and the application, fee and permit provisions of this section ~~shall~~ apply.

See title page for effective date.

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