

# 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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**2. Budget review process.** The budget committee shall review the itemized estimated budget prepared by the county commissioners, together with any supplementary material prepared by each county department or provided by any independent board or institution or another governmental agency. The budget committee may use the surplus balance in any reserve account retained by the county after the purposes for which the account was created are accomplished or abandoned to reduce the county tax levy in the same manner as county commissioners are authorized to do under section 921. The budget committee shall prepare a proposed budget and may increase, decrease or alter the itemized estimated budget if:

A. The budget committee records in its minutes an explanation for any suggested change in the itemized estimated ~~expenditures and revenues as~~ budget initially presented by the county commissioners; and

B. The total estimated revenues, together with the amount of county tax to be levied, equals the total estimated expenditures in the proposed budget.

**Sec. 4. 30-A MRSA §756**, as amended by PL 1991, c. 548, Pt. C, §5, is repealed.

**Sec. 5. 30-A MRSA §757**, as amended by PL 1991, c. 548, Pt. C, §6, is repealed and the following enacted in its place:

**§757. Budget committee membership districts**

**1. Redistricting process.** The county commissioners shall prepare a redistricting plan for county budget committee seats by June 1, 1993 and every 10 years thereafter. The county commissioners shall submit the plan to the Secretary of State within 5 days of adoption. The Secretary of State shall immediately transmit the redistricting plan to the Legislature for review and enactment.

**2. Budget committee districts.** Budget committee members must be elected from districts as provided in this subsection.

A. District 1 consists of Criehaven, Isle au Haut, Matinicus Isle Plantation, North Haven, Vinalhaven and St. George and elects one member. The initial term for District 1 expires on December 31, 1996.

B. District 2 consists of South Thomaston and Owls Head and elects one member. The initial term for District 2 expires on December 31, 1994.

C. District 3 consists of Rockland and elects 2 members at large. The initial term for District 3 expires on December 31, 1996.

D. District 4 consists of Camden and elects one member. The initial term for District 4 expires on December 31, 1994.

E. District 5 consists of Hope and Rockport and elects one member. The initial term for District 5 expires on December 31, 1996.

F. District 6 consists of Appleton, Union and Washington and elects one member. The initial term for District 6 expires on December 31, 1994.

G. District 7 consists of Warren and Friendship and elects one member. The initial term for District 7 expires on December 31, 1996.

H. District 8 consists of Thomaston and Cushing and elects one member. The initial term for District 8 expires on December 31, 1994.

**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 346

### H.P. 851 - L.D. 1156

#### An Act to Create the Maine Criminal Justice Information System

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

**Sec. 1. 16 MRSA c. 3, sub-c. IX** is enacted to read:

#### SUBCHAPTER IX

#### MAINE CRIMINAL JUSTICE INFORMATION SYSTEM

##### §631. Maine Criminal Justice Information System

There is created, within the Department of Public Safety, an information clearinghouse to be known as the Maine Criminal Justice Information System. The Maine Criminal Justice Information System shall provide criminal justice agencies and authorized private users ready access to shared uniform information on criminal offenders and crime data, including:

**1. Offender tracking information.** Offender-based tracking information, including any active status of offenders in the criminal justice system;

**2. Criminal history information.** Criminal history record information that includes information on the potential risk of individuals;

**3. Crime data.** Specific crime data for investigations and statistical analysis;

**4. Warrant information.** Warrant and wanted persons information;

**5. Stolen property information.** Stolen property listings; and

**6. Other information.** Other information available through communications or networking with other states or federal criminal justice agencies, or both.

### **§632. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Administration of criminal justice.** “Administration of criminal justice” has the same meaning as defined in section 611, subsection 1.

**2. Conviction data.** “Conviction data” has the same meaning as defined in section 611, subsection 2.

**3. Criminal history record information.** “Criminal history record information” has the same meaning as defined in section 611, subsection 3.

**4. Criminal justice agency.** “Criminal justice agency” has the same meaning as defined in section 611, subsection 4.

**5. Criminal record information system.** “Criminal record information system” means a system including equipment, facilities, procedures and agreements for the collection, processing, preservation and dissemination of criminal record information including criminal history record information.

**6. Disposition.** “Disposition” has the same meaning as defined in section 611, subsection 5.

**7. Executive order.** “Executive order” has the same meaning as defined in section 611, subsection 7.

**8. Nonconviction data.** “Nonconviction data” has the same meaning as defined in section 611, subsection 9.

**9. Offender.** “Offender” means an individual, juvenile or adult, accused or convicted of a criminal offense under the laws of this State or federal law.

**10. Offender-based tracking information.** “Offender-based tracking information” means informa-

tion collected during the administration of criminal justice by criminal justice agencies related to an identifiable person who has been determined to be an offender.

**11. Person.** “Person” has the same meaning as defined in section 611, subsection 10.

**12. State.** “State” has the same meaning as defined in section 611, subsection 11.

**13. Statute.** “Statute” has the same meaning as defined in section 611, subsection 12.

### **§633. Policy board established; membership**

There is established the Maine Criminal Justice Information System Policy Board referred to in this subchapter as the “board.” The board consists of 13 members that includes the Attorney General, the Commissioner of Public Safety, the Commissioner of Corrections, the Commissioner of Inland Fisheries and Wildlife, the State Court Administrator, the Chief of the State Police, the Director of the Division of Probation and Parole, the Director of the Bureau of Information Services, a representative of the Maine Prosecutors Association appointed by the Attorney General, a representative of the Maine Chiefs of Police Association appointed by the Commissioner of Public Safety, a representative of the Maine Sheriff’s Association appointed by the Commissioner of Public Safety, a representative of a federal criminal justice agency appointed by the Governor and a public member who represents private users of criminal offender record information appointed by the Governor.

### **§634. Term of membership**

The Attorney General, the Commissioner of Public Safety, the Commissioner of Corrections, the Commissioner of Inland Fisheries and Wildlife, the State Court Administrator, the Chief of the State Police, the Director of the Division of Probation and Parole and the Director of the Bureau of Information Services are members of the board during their terms of office and may appoint designees to serve in their place. The other members of the board serve terms of 3 years. Members of the board serve without compensation, except for reimbursement for actual expenses incurred in the performance of their duties. Any vacancy on the board must be filled in the same manner as the original appointment, but only for the unexpired term.

### **§635. Duties**

The board has the following duties.

**1. Establish policies.** The board shall establish policies and practices necessary to provide ready access to shared, uniform information on criminal offenders and crime data.

**2. Establish information standards.** The board shall establish, maintain and promote minimum standards for accessing the Maine Criminal Justice Information System to ensure complete, accurate and up-to-date information is received by criminal justice agencies and authorized private users. These standards include:

- A. Completeness and accuracy of information;
- B. Limitations on access and dissemination of information;
- C. System audits;
- D. System security;
- E. Individuals' rights to the review of records;
- F. Hardware and software requirements;
- G. Networking and communications; and
- H. Personnel qualifications and training.

**3. Recommendation of fees.** The board may recommend to the Information Services Policy Board established in Title 5, section 1891, reasonable fees to defray the cost of operating the Maine Criminal Justice Information System.

#### **§636. Administration**

The Department of Public Safety shall provide general administrative oversight for the board's policies and responsibilities. The Department of Public Safety, the Bureau of Information Services and other criminal justice agencies when appropriate may employ personnel necessary to carry out the purposes of the Maine Criminal Justice Information System, lease, rent or acquire adequate equipment and facilities, accept federal funds or grants that are available to carry out or implement its purpose and provide technical assistance and training to criminal justice agencies necessary to meet minimum standards for access.

#### **§637. Meetings**

The board may meet at such time or times as necessary to carry out its duties, but at least one time in each calendar quarter at a place and time as the board determines and at the call of the chair. The board shall elect annually a chair, vice-chair, secretary and a treasurer from among its members.

See title page for effective date.

## CHAPTER 347

### H.P. 1125 - L.D. 1524

#### **An Act to Increase the Revenues of the Board of Examiners of Podiatrists**

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

**Whereas,** the Joint Standing Committee on Audit and Program Review has commenced a review of the Board of Examiners of Podiatrists; and

**Whereas,** the committee has determined upon preliminary review that the board is in danger of insolvency due to inadequate license fee revenues to support its activities; and

**Whereas,** the board owes several debts that potentially impede its ability to properly act to regulate podiatrists in the interest of protection of the public health and welfare; 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. 32 MRSA §3652,** as repealed and replaced by PL 1981, c. 206, is amended to read:

#### **§3652. Fees; reexamination; license renewal**

Every applicant for an examination for a license to practice podiatry shall, at the time of filing ~~his~~ an application, pay to the secretary of the Board of ~~Registration in Medicine~~ Examiners of Podiatrists a fee of \$100. ~~In case~~ If the application is denied and examination refused, 1/2 of the fee ~~shall~~ must be returned to the applicant. ~~Any~~ An applicant who fails to pass an examination ~~shall~~ be ~~is~~ entitled to a reexamination within 6 months upon the payment of an additional \$50, but only 2 such reexaminations ~~shall be~~ are permitted. Podiatrists ~~having been~~ licensed in another state and applying for a license to practice in this State without examination shall pay a fee of \$100.

Every doctor of podiatric medicine licensed to practice podiatric medicine and surgery within this State shall, on or before ~~July August 1, 1981~~ 1993 and on or before July 1st of every ~~odd-numbered~~ year thereafter, apply to