

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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
1993

All Other \$500

Provides for the allocation of funds to establish a ginseng certification program.

See title page for effective date.

CHAPTER 549

H.P. 1249 - L.D. 1676

An Act to Change the Membership of the Maine Pull Events Commission

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

Sec. 1. 7 MRSA §75, sub-§6, ¶B, as enacted by PL 1987, c. 849, §2, is amended to read:

B. The board ~~shall consist~~ consists of ~~8~~ 9 members appointed as follows:

(1) ~~One horse puller and one ox puller~~ Two members appointed by the Maine Draft Horse and Ox Association, one member appointed by the Pine Tree Ox Association and one pony puller member appointed by the Pony Association;

(2) The Executive Director of the Animal Welfare Board;

(3) One Fair Superintendent appointed by the Maine Association of Agricultural Fairs;

(4) One representative of the Maine Federation of Humane Societies appointed by that federation;

(5) One representative of the Maine Animal Coalition appointed by that organization; and

(6) The commissioner or a designated representative.

Each person required to make an appointment under this subsection shall make the appointment by May 5, 1988, and inform the commissioner upon making the appointment.

Sec. 2. Appointment. Notwithstanding the Maine Revised Statutes, Title 7, section 75, subsection 6, paragraph B, the Pine Tree Ox Association shall make its first appointment of a member to the

Pull Events Commission by August 15, 1994 for a term ending May 14, 1996.

See title page for effective date.

CHAPTER 550

H.P. 1261 - L.D. 1688

An Act to Increase Penalties for Violation of Lobster Fishing Laws

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

Sec. 1. 12 MRSA §6402-B is enacted to read:

§6402-B. Suspension based on 2 or more convictions of possessing short lobsters

Notwithstanding section 6401, subsection 2, the commissioner shall suspend the lobster and crab fishing license of any licenseholder convicted of a 2nd or subsequent offense of possessing a lobster smaller than the minimum size established in section 6431, subsection 1 if the conviction of the 2nd or subsequent offense involved possession of 3 or more lobsters smaller than that minimum size. The suspension is for a period of 3 years from the date of conviction.

See title page for effective date.

CHAPTER 551

H.P. 1265 - L.D. 1692

An Act to Clarify the Certification Procedures of the Maine Criminal Justice Academy

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

Sec. 1. 25 MRSA §2804-B, sub-§7, as enacted by PL 1989, c. 521, §§5 and 17, is amended to read:

7. Reserve and other part-time law enforcement officers. The board shall certify law enforcement officers who successfully complete preservice law enforcement training as reserve or part-time law enforcement officers. Thereafter, as a condition of continued service as a reserve or part-time law enforcement officer, the officer must satisfactorily maintain the preservice certification. The board shall maintain a roster of all currently certified reserve or part-time law enforcement officers. The roster ~~shall~~

must be available for inspection by the public at the academy during regular working hours.

Sec. 2. 25 MRSA §2804-C, sub-§1, as enacted by PL 1989, c. 521, §§5 and 17, is amended to read:

1. Required. As a condition to the continued employment of any person as a full-time law enforcement officer by a municipality, a county, the State or any other nonfederal employer, that person must successfully complete, within the first 12 months of employment, a basic training course approved by the board. Thereafter, as a condition of continued employment as a full-time law enforcement officer, the officer must satisfactorily maintain the basic certification. The board, under extenuating and emergency circumstances in individual cases, may extend that period for not more than 90 days. ~~In addition, the~~ The board also, in individual cases, may waive ~~in individual cases~~ the basic training requirement when the facts indicate that an equivalent course has been successfully completed. This section does not apply to any person employed as a full-time law enforcement officer by a municipality on September 23, 1971, or by a county on July 1, 1972.

Sec. 3. 25 MRSA §2804-D, sub-§1, as enacted by PL 1989, c. 521, §§5 and 17, is amended to read:

1. Required. As a condition to the continued employment of any person as a full-time corrections officer by a municipality, a county, the State or any other nonfederal employer, that person must successfully complete, within the first 12 months of employment, a basic training course of not less than 80 hours as approved by the board. Thereafter, as a condition of continued employment as a full-time corrections officer, the officer must satisfactorily maintain the basic certification. The board, in individual cases, may waive basic training requirements when the facts indicate that an equivalent course has been successfully completed in another state or federal jurisdiction within the ~~last~~ last 2 years immediately preceding employment. This section applies to any person employed as a full-time corrections officer on or after July 6, 1978. Administrators of facilities where there are corrections officers who are not full-time are encouraged to develop an orientation program for those persons.

Sec. 4. 25 MRSA §2806, sub-§2, ¶A, as corrected by RR 1991, c. 2, §97, is amended to read:

A. For subsection 1, paragraph A and subsection 1, paragraph B, subparagraph (2), (4) or (5), ~~in accordance with Title 5, chapter 375, subchapter IV;~~

(1) In accordance with Title 5, chapter 375, subchapter IV; or

(2) Upon notice, through conducting an informal conference with the officer. If the board finds the factual basis of the complaint is true and that further action is warranted, it may enter into a consent agreement with the officer, which may contain provisions including voluntary surrender of the certificate and terms and conditions of recertification;

Sec. 5. 25 MRSA §2806, sub-§8 is enacted to read:

8. Confidentiality; access to documents. All complaints, charges or accusations of misconduct, replies to those complaints, charges or accusations and any other information or materials that may result in suspension or revocation of a certificate of eligibility are confidential. If action is taken pursuant to Title 5, chapter 375, subchapter IV, the board shall issue a written decision. This decision must state the conduct or other facts on the basis of which action is being taken and the reason for that action. Once issued, the written decision is not confidential regardless of whether it is appealed under subsection 3-A.

See title page for effective date.

CHAPTER 552

S.P. 602 - L.D. 1700

An Act to Maintain Confidentiality of Certain Information Received by Licensing Boards and Commissions

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

Sec. 1. 10 MRSA §8003-B, sub-§2-A is enacted to read:

2-A. Certain client records confidential. Notwithstanding subsections 1 and 2, a record provided to a licensing board or commission within or affiliated with the department during investigation of a person licensed by the department in a medical, mental health, substance abuse, psychological or health field that contains information personally identifying a licensee's client or patient is confidential during the pendency of the investigation and remains confidential upon the conclusion of the investigation. A record may be disclosed only if:

A. The client or patient executes a written release that states that: