

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1993**

**DEPARTMENT OF HUMAN  
SERVICES**

**TOTAL** \$215,000

**TOTAL ALLOCATIONS** \$15,182,665

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved, except that the portions of this Act that repeal the Maine Revised Statutes, Title 38, chapter 14-B and section 1454 and enacts Title 38, chapter 14-C and section 1454-A take effect July 1, 1994.

Effective April 12, 1994, unless otherwise indicated.

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**CHAPTER 665**

**S.P. 747 - L.D. 1976**

**An Act Relating to Pardons**

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

**Whereas,** people are adversely affected by the continued listing of convictions for which they have received full and free pardons; and

**Whereas,** the people adversely affected need to have their records corrected as soon as possible; 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. 15 MRSA §2167** is enacted to read:

**§2167. References to pardoned crime deleted from Federal Bureau of Investigation's identification record**

In any criminal case in which the Governor grants a convicted person a full and free pardon, that person, after the expiration of 10 years from the date the person is finally discharged from any sentence imposed as a result of the conviction, may make written application to the State Bureau of Identification to have all references to the pardoned crime deleted from the Federal Bureau of Investigation's identification record. Following receipt of an appli-

cation, the State Bureau of Investigation shall make the necessary arrangements with the identification division of the Federal Bureau of Investigation to have all references to the pardoned crime deleted from the Federal Bureau of Investigation's identification record and any state materials returned to the contributing agency if the application is timely and the person has not been convicted of a crime in this State or any other jurisdiction since the full and free pardon was granted and has no formal charging instrument for a crime pending in this State or any other jurisdiction.

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

Effective April 12, 1994.

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**CHAPTER 666**

**H.P. 1451 - L.D. 1980**

**An Act to Make Maine Law  
Consistent with the Federal Law  
Regarding the Omnibus Budget  
Reconciliation Act of 1993 and to  
Clarify Maine Laws Regarding  
Underwriting and Continuity**

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

**PART A**

**Sec. A-1. 24 MRSA §2318, sub-§1,** as enacted by PL 1991, c. 200, Pt. B, §1, is repealed and the following enacted in its place:

**1. Definitions.** For the purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Dependent children" means children who are under 19 years of age and are children, step-children or adopted children of, or children placed for adoption with, the subscriber, member or spouse of the subscriber or member.

B. "Placed for adoption" means the assumption and retention of a legal obligation by a person for the total or partial support of a child in anticipation of adoption of the child. If the legal obligation ceases to exist, the child is no longer considered placed for adoption.

**Sec. A-2. 24 MRSA §2318, sub-§5** is enacted to read: