

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

Sec. 5. 22 MRSA §3189, sub-§8-C, as enacted by PL 1993, c. 410, Pt. FFF, §9, is amended to read:

8-C. Legislative intent. It is the intent of the Legislature that the appropriation for the Maine Health Program end on April 1, ~~1994~~ 1995.

Sec. 6. 22 MRSA §3189-A, sub-§2, ¶¶C and E, as enacted by PL 1993, c. 410, Pt. FFF, §14, are amended to read:

C. The advisory board shall solicit proposals from private entities to administer the Maine Health Program after March 31, ~~1994~~ 1995. The advisory board shall plan for the transition of program management from the Department of Human Services to a private contractor between August 1, ~~1993~~ 1994 and March 31, ~~1994~~ 1995. The advisory board has full authority to effect the transition to the private entity, which shall commence administration of the Maine Health Program on April 1, ~~1994~~ 1995.

E. The advisory board shall draft any legislation it determines necessary to govern the Maine Health Program as it will operate after April 1, ~~1994~~ 1995 and present it for consideration by the Legislature as soon as practical ~~after August 1, 1993~~.

Sec. 7. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1994-95

**HUMAN SERVICES,
DEPARTMENT OF**

Maine Health Program

All Other	\$1,395,940
Notwithstanding the Maine Revised Statutes, Title 22, section 3189, subsection 3, paragraph E-1, provides for the appropriation of funds to continue the adult portion of the Maine Health Program until March 31, 1995 based on March 1994 enrollment figures, no new enrollees and a 100% differential on hospital payments.	

Sec. 8. Allocation. The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Act.

1994-95

**HUMAN SERVICES,
DEPARTMENT OF**

Medical Care - Payments to Providers

All Other	\$2,372,797
Notwithstanding the Maine Revised Statutes, Title 22, section 3189, subsection 3, paragraph E-1, provides for the allocation of funds to continue the adult portion of the Maine Health Program until March 31, 1995 based on March 1994 enrollment figures, no new enrollees and a 100% differential on hospital payments.	

Sec. 9. Expenses; adult portion of Maine Health Program. Notwithstanding any other provision of law, the Department of Human Services is authorized to meet the expenses of the adult portion of the Maine Health Program from the Medical Care - Payments to Providers program, Other Special Revenue account for the period of April 1, 1994 to June 30, 1994.

Sec. 10. Retroactivity. Sections 1 to 6 and section 9 of this Act apply retroactively to April 1, 1994.

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

Effective April 14, 1994.

CHAPTER 674

H.P. 1041 - L.D. 1393

An Act to Assist in Crime Prevention

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

Sec. 1. 17-A MRSA §1103, sub-§1, as amended by PL 1989, c. 384, §2, is further amended to read:

1. A person is guilty of unlawful trafficking in a scheduled drug if ~~he~~ the person intentionally or knowingly trafficks in what ~~he~~ the person knows or believes to be ~~any~~ a scheduled drug, and ~~which that~~ is, in fact, a scheduled drug, unless the conduct ~~which~~ that constitutes such trafficking is either:

- A. Expressly authorized by Title 22 or Title 32; or
- B. Expressly made a civil violation by Title 22.

Sec. 2. 17-A MRSA §1103, sub-§6 is enacted to read:

6. If a person uses a motor vehicle to facilitate the trafficking of a scheduled drug, the court may, in addition to other authorized penalties, suspend the person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license for a period not to exceed 5 years. A suspension may not begin until after any period of incarceration is served. If the court suspends a person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the Secretary of State of the suspension and the court shall take physical custody of the person's license. The Secretary of State may not reinstate the person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license unless the person demonstrates that, after having been released and discharged from any period of incarceration that may have been ordered, the person has served the period of suspension ordered by the court.

Sec. 3. 17-A MRSA §1104, sub-§1, as enacted by PL 1975, c. 499, §1, is amended to read:

1. A person is guilty of trafficking in or furnishing counterfeit drugs if ~~he~~ the person intentionally or knowingly trafficks in or furnishes a substance ~~which~~ he ~~that~~ the person represents to be a scheduled drug but ~~which, that~~ is, in fact, is not a scheduled drug; but is capable, ~~in fact~~, of causing death or serious bodily injury when taken or administered in the customary or intended manner.

Sec. 4. 17-A MRSA §1104, sub-§3 is enacted to read:

3. If a person uses a motor vehicle to facilitate the trafficking or furnishing of a counterfeit drug, the court may, in addition to other authorized penalties, suspend the person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license for a period not to exceed 5 years. A suspension may not begin until after any period of

incarceration is served. If the court suspends a person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the Secretary of State of the suspension and the court shall take physical custody of the person's license. The Secretary of State may not reinstate the person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license unless the person demonstrates that, after having been released and discharged from any period of incarceration that may have been ordered, the person has served the period of suspension ordered by the court.

Sec. 5. 17-A MRSA §1105, sub-§3 is enacted to read:

3. If a person uses a motor vehicle to facilitate the aggravated trafficking or furnishing of a scheduled drug, the court may, in addition to other authorized penalties, suspend the person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license for a period not to exceed 5 years. A suspension may not begin until after any period of incarceration is served. If the court suspends a person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the Secretary of State of the suspension and the court shall take physical custody of the person's license. The Secretary of State may not reinstate the person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license unless the person demonstrates that, after having been released and discharged from any period of incarceration that may have been ordered, the person has served the period of suspension ordered by the court.

Sec. 6. 17-A MRSA §1106, sub-§5 is enacted to read:

5. If a person uses a motor vehicle to facilitate the unlawful furnishing of a scheduled drug, the court may, in addition to other authorized penalties, suspend the person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license for a period not to exceed 5 years. A suspension may not begin until after any period of incarceration is served. If the court suspends a person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the Secretary of State of the suspension and the court shall take physical custody of the person's license. The Secretary of State may not reinstate the person's driver's license, permit, privilege to operate a motor vehicle or right to apply for or obtain a license unless the person demonstrates that, after having been released and discharged from any period of incarceration that may have been ordered,

the person has served the period of suspension ordered by the court.

See title page for effective date.

CHAPTER 675

H.P. 1008 - L.D. 1354

An Act to Implement the Recommendations of the Commission to Study the Future of Maine's Courts

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

PART A

Sec. A-1. 5 MRSA §51 is enacted to read:

§51. Interpreters; payment

When personal or property interest of a person who does not speak English is the subject of a proceeding before an agency or a court, the presiding officer of the proceeding shall either appoint a qualified interpreter or utilize a professional telephone-based interpretation service. Payment by the State for an interpreter in civil matters is within the discretion of the agency or court to the extent that payment by the State is not already required by law.

Sec. A-2. 5 MRSA §3360-L is enacted to read:

§3360-L. Information

The Attorney General shall develop a fact sheet for victims with information about the victim advocate and victim compensation programs and shall make copies available to all prosecutors' offices and law enforcement agencies who shall provide that fact sheet for distribution to all victims of crimes and their families.

Sec. A-3. 15 MRSA Pt. 8 is enacted to read:

PART 8

VICTIMS' RIGHTS

CHAPTER 520

VICTIM INVOLVEMENT

§6101. Victim involvement in criminal proceedings

1. Notice to victims. Whenever practicable, prosecutors shall make a good faith effort to inform the victims and families of victims of crimes of do-

mestic violence and sexual assault and crimes in which the victim or the victim's family suffered serious physical trauma or serious financial loss of:

A. The victim advocate and victim compensation programs;

B. The victim's right to be advised of the existence of a negotiated plea agreement before that agreement is submitted to the court pursuant to section 812;

C. The time and place of the trial, if one is to be held;

D. The victim's right to make a statement or submit a written statement at the time of sentencing pursuant to Title 17-A, section 1257, upon conviction of the person committing the crime; and

E. The final disposition of the charges against that defendant.

2. Notice to court. Whenever practicable, the prosecutor shall make a good faith effort to inform the court about the following:

A. If there is a plea agreement, the victim's or the victim's family's position on the plea agreement; and

B. If there is no plea agreement, the victim's or the victim's family's position on sentencing.

PART B

Sec. B-1. 4 MRSA §153, sub-§3, as amended by PL 1991, c. 121, Pt. B, §1 and affected by §18, is further amended to read:

3. Western Aroostook. Western Aroostook consists of the municipalities and unorganized territory known as Hamlin Plt., Cyr Plt., T17 R3, T17 R4, T16 R5, T15 R6, Winterville Plt., T15 R8, T15 R9, T14 R10, T14 R11, T14 R12, T14 R13, T14 R14, T14 R15, T14 R16, and all municipalities and unorganized territory in Aroostook County lying to the west and north of these. The District Court for Western Aroostook must be held at Madawaska, Fort Kent and Van Buren. The ~~presiding judge~~ Chief Judge shall determine the level of service at each location.

Sec. B-2. 4 MRSA §153, sub-§11, as amended by PL 1969, c. 458, is further amended to read:

11. Central Hancock. Central Hancock consists of the entire County of Hancock, except Bar Harbor, Mount Desert, Cranberry Isles, Southwest Harbor, Trenton, Swan's Island, Long Island Planta-