

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4

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Augusta, Maine
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CHAPTER 108**H.P. 847 - L.D. 1178****An Act Regarding Designation by the Commissioner of Transportation of a Deputy or Another Staff Member to Represent the Commissioner of Transportation at Maine Turnpike Authority Meetings****Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 23 MRSA §1965, sub-§2, ¶A, as amended by PL 1987, c. 433, §1, is further amended to read:

A. The authority ~~shall consist~~ consists of 4 members appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over transportation and subject to confirmation by the Legislature. The Commissioner of Transportation ~~shall be~~ is a member ex officio. The Commissioner of Transportation may designate a deputy, director, assistant or other officer or employee of the department to represent the Commissioner of Transportation at meetings of the authority with full power to act and vote on behalf of the Commissioner of Transportation. Upon the expiration of the term of office of any member, the Governor shall appoint a new member who ~~shall serve~~ serves in office for a term of 7 years and until ~~his~~ a successor is duly appointed and qualified, and any member of the authority ~~shall be~~ is eligible for reappointment. In the event of a vacancy in the membership of the authority caused by the death, incapacity, resignation or removal of a member, the Governor shall appoint a member to fill that vacancy only for the unexpired term of office of the member whose death, incapacity, resignation or removal created the vacancy, but the newly appointed member may be reappointed at the end of the unexpired term in accordance with this subsection. In all events, ~~no~~ a member may not be appointed to the authority who is not a resident of the State at the time of ~~his~~ the appointment and qualification, or who has not been a qualified voter in the State for a period of at least one year next preceding ~~his~~ the appointment.

See title page for effective date.

CHAPTER 109**S.P. 431 - L.D. 1199****An Act to Amend the Maine Criminal Code by Correcting References to Committee Structure****Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 17-A MRSA §1353, sub-§1, as enacted by PL 1975, c. 740, §124, is amended to read:

1. The Senate and House ~~chairmen~~ chairs of the ~~Judiciary Committee~~ joint standing committee of the Legislature having jurisdiction over the Maine Criminal Code and the Maine Juvenile Code, or their designees, ~~shall~~ serve as consultants to the commission. The Chief Justice of the Supreme Judicial Court shall appoint 4 consultants to the commission, at least one of whom ~~shall~~ must be an active member of the Superior Court and at least one of whom ~~shall~~ must be an active member of the District Court.

See title page for effective date.

CHAPTER 110**S.P. 435 - L.D. 1203****An Act to Rename the Crime of Endangering the Welfare of an Incompetent Person****Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 17-A MRSA §555, as enacted by PL 1975, C. 499, §1, is amended to read:

§555. Endangering welfare of a dependent person

1. A person is guilty of endangering the welfare of ~~an incompetent a dependent person~~ if he that person knowingly endangers the health, safety or mental welfare of a person who is unable to ~~care for himself~~ perform self-care because of advanced age, physical or mental disease, disorder or defect.

2. As used in this section "endangers" includes a failure to act only when the defendant had a legal duty to protect the health, safety or mental welfare of the ~~incompetent dependent~~ dependent person.

3. Endangering the welfare of ~~an incompetent a dependent person~~ is a Class D crime.

Sec. 2. 17-A MRSA §557, as enacted by PL 1975, c. 499, §1, is amended to read:

§557. Other defenses

For the purposes of this chapter, a person who in good faith provides treatment for a child or ~~incompetent~~ dependent person by spiritual means through prayer alone ~~shall~~ may not for that reason alone be deemed to have knowingly endangered the welfare of ~~such that~~ that child or ~~incompetent~~ dependent person.

See title page for effective date.

CHAPTER 111

H.P. 654 - L.D. 877

**An Act to Change the Department of
Corrections' Lease Provisions to
Conform with Statutes Regarding
Leases of State Buildings by Other
Departments**

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

Sec. 1. 34-A MRSA §1403, sub-§5, as amended by PL 1991, c. 314, §24, is further amended to read:

5. Lease of unused buildings. The commissioner may, with the approval of the Director of ~~Public Improvements~~ the Bureau of General Services, lease unused buildings at the correctional and detention facilities for the purposes of providing services to clients.

A. The leases must be for a period not to exceed ~~one year~~ 2 years and may be extended, with the approval of the Director of the Bureau of General Services, for 3 more 2-year periods.

B. The commissioner shall submit a plan of the proposed leases and their impact on the correctional and detention facilities and clients to the joint standing committee of the Legislature having jurisdiction over corrections no later than January 31st of each year.

See title page for effective date.

CHAPTER 112

S.P. 388 - L.D. 1065

**An Act to Clarify
Detention Responsibilities**

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

Sec. 1. 34-A MRSA §4110, as amended by PL 1993, c. 354, §15, is further amended to read:

§4110. State responsible for detention

Notwithstanding any other provision of law, on the date that the Northern Maine Regional Juvenile Detention Facility begins operating, the State is responsible for all physically restrictive juvenile detention statewide, except that the detention provided under Title 15, section 3203-A, subsection 1 remains the responsibility of the counties. This provision does not apply to a juvenile who is held in an adult section of a jail pursuant to court order under Title 15, section 3101, subsection 4, paragraph E-1, Title 15, section 3203-A, subsection 7 paragraph C or D or Title 15, section 3205, subsection 2.

See title page for effective date.

CHAPTER 113

H.P. 687 - L.D. 938

**An Act to Provide for the Timely
Passage of the State Budget**

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

Sec. 1. 5 MRSA §1666-A is enacted to read:

§1666-A. Enactment of budget

The Legislature shall review a biennial or supplemental budget submitted to it in accordance with this chapter and enact a budget no later than 30 days prior to the date of adjournment prescribed in Title 3, section 2, except that, during the first year in office of a Governor-elect, the Legislature shall enact a budget no later than the first Friday in June.

See title page for effective date.

CHAPTER 114

S.P. 30 - L.D. 60

**An Act to Allow Plumbers and
Pump Installers to Install
Wiring on Replacement Water
Heaters and Water Pumps in
Residential Property**

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