

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
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4

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Augusta, Maine
1995

ment indicating that the administrative consent agreement process is a voluntary mechanism for resolving enforcement matters without the need for litigation and an explanation of the department's procedures for handling administrative consent agreements. The correspondence must also specify a reasonable time period for the alleged violator to respond to the proposed administrative consent agreement and offer the opportunity for a meeting with department staff to discuss the proposed agreement. Consent agreements shall, to the greatest extent possible, clearly set forth all the specific requirements or conditions with which the alleged violator must comply.

Sec. 4. 38 MRSA §347-A, sub-§4, ¶E is enacted to read:

E. When the department and the alleged violator can not agree to the terms of a consent agreement and the department elects to bring an enforcement action in District Court pursuant to section 342, subsection 7, the District Court shall refer the parties to mediation if either party requests mediation at or before the time the alleged violator appears to answer the department's complaint. The parties must meet with a mediator appointed by the Court Mediation Service created in Title 4, section 18 at least once and try in good faith to reach an agreement. After the first meeting, mediation must end at the request of either party. If the parties have been referred to mediation, the action may not be removed to Superior Court until after mediation has occurred.

Sec. 5. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

| | 1995-96 | 1996-97 |
|---|---------|---------|
| JUDICIAL DEPARTMENT | | |
| Environmental Mediation Fund | | |
| All Other | \$1,000 | \$1,000 |
| Provides funds to pay for environmental mediation services. | | |

See title page for effective date.

CHAPTER 124

H.P. 204 - L.D. 263

An Act to Permit Law Enforcement Officers to Transport Truants Back to School

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

Sec. 1. 20-A MRSA §5051, sub-§2, ¶F is enacted to read:

F. When a student is determined habitually truant and in violation of section 5001-A, the school board may notify the local law enforcement department of the decision. After this notification, a local law enforcement officer who sees a truant may offer to transport the truant to the appropriate school if the truant and the truant's parent or guardian provide verbal consent and if the truant:

- (1) Is off school grounds during school hours; and
- (2) Is not under the supervision of school personnel.

See title page for effective date.

CHAPTER 125

H.P. 297 - L.D. 401

An Act to Continue Protection Under a Protection From Abuse Order

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

Sec. 1. 19 MRSA §766, sub-§2, as amended by PL 1985, c. 495, §14, is further amended to read:

2. Duration. Any protective order or approved consent agreement ~~shall be~~ is for a fixed period not to exceed ~~one year~~ 2 years. At the expiration of that time, the court may extend an order, upon motion of the plaintiff, for such additional time as it ~~deems~~ determines necessary to protect the plaintiff or minor child from abuse. The court may continue the order in effect until the hearing under section 765, subsection 1 on the motion to extend. Upon motion by either party, for sufficient cause, the court may modify the order or agreement from time to time as circumstances require.

See title page for effective date.