

# 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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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

**Sec. 5. 19 MRSA §426**, as enacted by PL 1993, c. 690, Pt. A, §2 and affected by §3, is repealed.

**Sec. 6. 19 MRSA §426-A, sub-§1**, as enacted by PL 1993, c. 690, Pt. A, §2 and affected by §3, is amended to read:

**1. Required documents and information.** A ~~party residing in~~ The support enforcement agency of this State or the state information agency may forward register a support order or an income-withholding order by forwarding the following documents and information to the appropriate court in this State for registration in this State for enforcement:

- A. A letter of transmittal to the tribunal requesting registration and enforcement;
- B. Two copies, including one certified copy, of all orders to be registered, including any modification of an order;
- C. A sworn statement by the party seeking registration or a certified statement by the custodian of the records showing the amount of any arrearages;
- D. The name of the obligor and, if known:
  - (1) The obligor's address and social security number;
  - (2) The name and address of the obligor's employer and any other source of income of the obligor; and
  - (3) A description and the location of property of the obligor in this State not exempt from execution; and

E. The name and address of the obligee and, if applicable, the agency or person to whom support payments are to be remitted.

**Sec. 7. 19 MRSA §426-D, sub-§3**, as enacted by PL 1993, c. 690, Pt. A, §2 and affected by §3, is repealed.

**Sec. 8. 19 MRSA §426-J, sub-§1, ¶A**, as enacted by PL 1993, c. 690, Pt. A, §2 and affected by §3, is amended to read:

A. The following requirements are met:

- (1) The child, the individual obligee and the obligor do not reside in the issuing state;
- (2) A petitioner, who is either a resident or a nonresident of this State, seeks modification; and

(3) The respondent is subject to the personal jurisdiction of the tribunal of this State; or

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

Effective May 19, 1995.

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## CHAPTER 131

### H.P. 591 - L.D. 801

#### **An Act to Clarify the Licensing Authority of the Board of Trustees of the Maine Criminal Justice Academy**

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

**Sec. 1. 5 MRSA §5301, sub-§2, ¶E**, as amended by PL 1993, c. 600, Pt. B, §§20 to 22, is further amended to read:

E. Convictions for which incarceration for less than one year may be imposed and ~~which that~~ involve sexual misconduct by an applicant or licensee of the Board of Licensure in Medicine, the Board of Osteopathic Licensure, the Board of Dental Examiners, the State Board of Examiners of Psychologists, the State Board of Social Worker Licensure, the Board of Chiropractic Licensure, the State Board of Examiners in Physical Therapy, the Board of Trustees of the Maine Criminal Justice Academy and the State Board of Nursing.

**Sec. 2. 5 MRSA §5303, sub-§2**, as amended by PL 1993, c. 600, Pt. B, §§20 to 22, is further amended to read:

**2. Ten-year limits.** For applicants to and licensees and registrants of the Board of Licensure in Medicine, the Board of Osteopathic Licensure, the Board of Dental Examiners, the State Board of Examiners of Psychologists, the State Board of Social Worker Licensure, the State Board of Nursing, the Board of Chiropractic Licensure, the Board of Trustees of the Maine Criminal Justice Academy and the State Board of Examiners in Physical Therapy, the following ~~shall~~ apply.

A. The procedures outlined in sections 5301 and 5302 for the consideration of prior criminal conviction as an element of fitness to practice a licensed profession, trade or occupation ~~shall~~ apply within 10 years of the applicant's or licensee's final discharge, if any, from the correctional system.

B. Beyond the 10-year period, ex-offender applicants or licensees with no additional convictions ~~shall~~ must be considered in the same manner as applicants or licensees possessing no prior criminal record for the purposes of licensing decisions.

C. There is no time limitation for consideration of a registrant's, an applicant's or licensee's conduct ~~which~~ that gave rise to the criminal conviction if that conduct is otherwise a ground for disciplinary action.

**Sec. 3. 25 MRSA §2807**, as repealed and replaced by PL 1985, c. 506, Pt. A, §49, is amended to read:

**§2807. Reports of conviction or misconduct by law enforcement and corrections officers**

~~In the event that a law enforcement or corrections officer has resigned from or been dismissed from his position in a municipality or county for having been convicted of a Class A, Class B, Class C or Class D crime, the municipal officers or their designee or the county commissioners or their designee been convicted of a crime or violation or engaged in conduct that could result in suspension or revocation of the officer's certificate pursuant to section 2806 and the chief administrative officer of the agency employing the officer has knowledge of the conviction or conduct, then the chief administrative officer shall expeditiously notify the Director of the Maine Criminal Justice Academy with the name of the convicted law enforcement or corrections officer, the class of crime committed, the date the offense was committed and a brief description of the crime conviction or conduct.~~

~~For the purpose of this section, law enforcement officer means a full time or part time police officer, special police officer, constable, sheriff or deputy sheriff.~~

~~The Director of the Maine Criminal Justice Academy shall maintain a list of all the persons reported under this section which shall be made available to any municipality or county or to the State for the purpose of hiring law enforcement officers.~~

See title page for effective date.

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**CHAPTER 132**

**S.P. 309 - L.D. 847**

**An Act Regarding Insurance Rates for Volunteer Drivers**

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

**Sec. 1. 24-A MRSA §2902-F** is enacted to read:

**§2902-F. Volunteer drivers**

An insurer may not refuse to issue motor vehicle liability insurance to an applicant solely because the applicant is a volunteer driver. An insurer may not impose a surcharge or otherwise increase the rate for a motor vehicle policy solely on the basis that the named insured, a member of the insured's household or a person who customarily operates the insured's vehicle is a volunteer driver. For purposes of this section, "volunteer driver" means a person who provides services, including transporting individuals or goods, without compensation above expenses to a nonprofit agency or charitable organization as defined in Title 14, section 158-A. This section does not prohibit an insurer from refusing to renew, imposing a surcharge or otherwise raising the rate for a motor vehicle liability insurance policy based upon factors other than the volunteer status of the insured driver.

See title page for effective date.

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**CHAPTER 133**

**S.P. 326 - L.D. 907**

**An Act to Extend the Time Period for a District Attorney to File a Petition in Order to Allow Time for Juveniles to Fulfill All Conditions of Informal Adjustment**

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

**Sec. 1. 15 MRSA §3303**, as amended by PL 1985, c. 439, §12, is further amended to read:

**§3303. Dismissal of petition with prejudice**

On motion made by or on behalf of a juvenile, or by the court itself, a petition ~~shall~~ must be dismissed with prejudice if it was not filed within ~~6~~ 9 months from the date the juvenile was referred to the juvenile caseworker for an intake assessment, unless the prosecuting attorney either before or after the expiration of the ~~6-month~~ 9-month period files a motion for an extension of time for the filing of a petition, accompanied by the reasons for this extension. The court may for good cause extend the time