

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

J.S. McCarthy Company
Augusta, Maine
1995

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Sec. 3. 25 MRSA §2807, as repealed and replaced by PL 1985, c. 506, Pt.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.

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.

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

for bringing a petition for any period of time that is less than the limitation established in section ~~3105~~ 3105-A.

See title page for effective date.

CHAPTER 134

S.P. 345 - L.D. 950

An Act to Clarify the Display of Social Security Numbers on Insurance-related Identification Cards

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

Whereas, in 1993 a change in the law prohibited the use of social security numbers as a means of identification under certain circumstances; and

Whereas, many administrative systems utilize social security numbers for the purpose of identifying individuals eligible for health insurance coverage; and

Whereas, any change to the administrative systems will result in system conversions at a time when costs are a major concern to most businesses and government; and

Whereas, correction of the law is required promptly to clarify the use of this important component of health insurance coverage identification; 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. 10 MRSA §1272, as enacted by PL 1993, c. 115, §1, is amended by adding at the end a new paragraph to read:

Notwithstanding this section, social security numbers may be used as identification for medical insurance, including health insurance, dental insurance or prescription drug coverage, except that a number other than a social security number must be used for insurance-related identification purposes upon the written request of an individual.

Sec. 2. 10 MRSA §1272-A, as enacted by PL 1993, c. 533, §1, is repealed.

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

Effective May 19, 1995.

CHAPTER 135

H.P. 724 - L.D. 998

An Act to Preserve the Confidentiality of Records Relating to Forest Fire Arson Investigations

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

Sec. 1. 16 MRSA §614, sub-§1, first ¶, as repealed and replaced by PL 1993, c. 719, §7 and affected by §12, is amended to read:

1. Limitation on dissemination of intelligence and investigative information. Reports or records that contain intelligence and investigative information and that are prepared by, prepared at the direction of or kept in the custody of a local, county or district criminal justice agency; the Bureau of State Police; the Department of the Attorney General; the Maine Drug Enforcement Agency; the Office of State Fire Marshal; the Department of Corrections; ~~or~~ the criminal law enforcement units of the Department of Marine Resources or the Department of Inland Fisheries and Wildlife; or the Department of Conservation, Forest Fire Control Division when the reports or records pertain to arson are confidential and may not be disseminated if there is a reasonable possibility that public release or inspection of the reports or records would:

See title page for effective date.

CHAPTER 136

H.P. 20 - L.D. 14

An Act to Authorize Community Service Work as a Sentencing Alternative

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

Sec. 1. 17-A MRSA §1152, sub-§2, ¶G, as amended by PL 1993, c. 103, §1, is further amended to read:

G. A fine as authorized by chapter 53. Such a fine may be imposed in addition to the sentencing alternatives in paragraphs B, D, E and F; ~~or~~