

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

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

J.S. McCarthy Company
Augusta, Maine
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§1890-G. Licensing agreements

GIS data are subject to licensing agreements and must be made available only in accordance with this subchapter and upon payment of fees established under this subchapter. The licensing agreement must protect the security and integrity of the GIS data, limit the liability of the data owners and the office providing the services and products and identify the source of the GIS data.

§1890-H. Priority of responsibilities

The activities authorized under this subchapter do not take priority over the primary responsibilities of the bureau. If there are not sufficient financial or personnel resources for the office to perform certain GIS services and deliver GIS data and products as provided in this subchapter, the administrative management functions related to the office, technical support for other state agency GIS users, office equipment maintenance and GIS data base management must take precedence.

Sec. 3. 5 MRSA §1893, sub-§1, as amended by PL 1989, c. 857, §37, is further amended to read:

1. Establish written standards. The board shall approve written standards governing geographic information systems, data processing and telecommunications as defined in this chapter.

Sec. 4. 5 MRSA §1893, sub-§5, ¶A, as amended by PL 1991, c. 291, §5, is further amended to read:

A. Rules and policies relating to geographic information systems, data processing and telecommunications;

Sec. 5. 12 MRSA c. 218, as amended, is repealed.

Sec. 6. 38 MRSA §420-B, sub-§2, as enacted by PL 1993, c. 720, §1, is amended to read:

2. Data management. The commissioner shall maintain data collected under this section in a manner consistent with standards established under Title ~~12~~ 5, chapter ~~248~~ 158, subchapter II-A for the State's geographic information system. All data is available to the public.

See title page for effective date.

CHAPTER 153

S.P. 369 - L.D. 1046

An Act to Amend the Displaced Homemakers Act

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

Sec. 1. 26 MRSA §1604, sub-§1, ¶B, as amended by PL 1989, c. 503, Pt. B, §112, is further amended to read:

B. ~~Nine~~ Fifteen individuals who have experience with the problems of displaced homemakers, ~~career counseling or adult vocational education entering, reentering or retraining for the paid workforce or starting a small business.~~ The members ~~shall be~~ are appointed by the Governor. The council shall elect its own chair.

See title page for effective date.

CHAPTER 154

H.P. 442 - L.D. 608

An Act to Modify the Presidential Primary Laws

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

Sec. 1. 21-A MRSA §335, sub-§5, ¶B-1, as amended by PL 1993, c. 334, §1, is repealed.

Sec. 2. 21-A MRSA §411, sub-§1, as enacted by PL 1993, c. 334, §3, is amended to read:

1. Determination of primary. When the state committee of a political party certifies that there is a contest among candidates for nomination as the presidential candidate of the party and ~~that the state committee votes to conduct~~ has notified the State of its intent to participate in a presidential primary election at the state committee's convention the year before the primary, the State shall hold a presidential primary election.

Sec. 3. 21-A MRSA §411, sub-§2, as enacted by PL 1993, c. 334, §3, is repealed.

Sec. 4. 21-A MRSA §411, sub-§§3 and 4 are enacted to read:

3. Date of primary. The presidential preference primary election must be held on the first Tuesday in March of the presidential election year.

This subsection is repealed January 1, 2000.

4. Primary date. The presidential preference primary election must be held on the same day as the presidential primary election for the State of New Hampshire or, if that state holds no presidential primary election, on the first Tuesday in March of the presidential election year.

This subsection takes effect January 1, 2000.

Sec. 5. 21-A MRSA §411-A is enacted to read:

§411-A. Party certification

The state committee shall file the certification with the Secretary of State by December 1st of the year next prior to the election. This certification must contain the following:

1. Statement of contest. A statement that there is a contest among candidates for nomination as the presidential candidate of the party;

2. Identification of contestants. Identification of at least 2 candidates who have declared as contestants for nomination as the presidential candidate of the party; and

3. Statement of intent. A statement that the party intends to participate in a presidential primary election. Such a statement of intent is irrevocable for that particular presidential preference primary election.

Sec. 6. 21-A MRSA §412, sub-§§1 and 2, as enacted by PL 1993, c. 334, §3, are amended to read:

1. Petitions. A candidate for the office of president who does not pay a filing fee to the Secretary of State pursuant to subsection 2 must file with the Secretary of State a petition with at least ~~4,000~~ 2,000 and not more than ~~6,000~~ 3,000 voters' signatures. By July 1st of the year preceding each presidential election year, the Secretary of State shall prepare and make available petitions for circulation by persons desiring to be contestants in the state presidential preference primary of any party. The petitions must meet the requirements of sections 335 and 336, excluding section 335, subsections 6 and 8, and must be filed ~~at least 45 days before~~ by December 1st in the year next prior to the year of the presidential preference primary election.

2. Filing fees. A candidate for the office of president who does not file a petition with the Secretary of State pursuant to subsection 1 must pay a \$2,500 filing fee to the Secretary of State. A candidate must pay the filing fee at the time that candidate files ~~a declaration of candidacy~~ the required written statement of intent and no later than December 1st in the year next prior to the year of the presidential preference primary.

Sec. 7. 21-A MRSA §414, sub-§1, as amended by PL 1993, c. 695, §22 and affected by §§23 and 37, is further amended to read:

1. Inclusion on ballot. The ballot must include the name of any person who is a member of a political party that has qualified to participate in a primary election under subchapter I and who ~~meets at least one of the following conditions as determined by~~ has filed a petition with or paid a filing fee to the Secretary of State pursuant to the requirements of section 412, subject to challenge and appeal under section 337.

~~A. The person has qualified for a presidential primary in any other state at least 3 weeks before this State's primary.~~

~~B. The person has filed a petition with or paid the filing fee to the Secretary of State pursuant to the requirements of section 412. The Secretary of State shall determine whether a petition meets the requirements of section 412, subject to challenge and appeal under section 337.~~

Sec. 8. 21-A MRSA §415, as enacted by PL 1993, c. 334, §3, is repealed and the following enacted in its place:

§415. Selection of delegates

If a party chooses to participate in a presidential preference primary election under this chapter, delegates to its national presidential nominating convention must be allocated and chosen in the following manner, except to the extent that applicable state and national party rules specify a contrary procedure or for 1996 only, to the extent that the respective state committees specify a contrary procedure.

1. Selection by convention. Delegates must be selected by state parties meeting in convention pursuant to subchapter I, article III at any time after the presidential primary election.

2. Proportional allocation. Delegates to the national convention must be allocated proportionally among the candidate votes and the uncommitted votes cast in the presidential preference primary election of the party.

3. Uncommitted delegates. A delegate elected as an uncommitted delegate may support any presidential candidate at any time and may change support for this candidate in the delegate's sole discretion.

4. Committed delegates. A delegate elected for a particular presidential candidate according to the proportional allocation specified by this section shall vote for that candidate on the first ballot at the national nominating convention, unless the candidate for whom a particular delegate is elected specifically withdraws, as verified by the chair of the national party, from consideration for the presidential nomination at any time before the first ballot at the national

nominating convention. In the event of such a withdrawal, delegates elected for that particular candidate become uncommitted delegates.

Sec. 9. 21-A MRSA §601-A, sub-§2, ¶¶F and G are enacted to read:

F. At the end of the list of candidates for nomination, there must be printed the word "uncommitted" in such a way that a voter may choose this preference rather than a listed candidate.

G. At the end of the list of candidates for nomination and after the "uncommitted" option, there may not be any blank spaces left where a voter could write in the name or place a sticker containing the name of any person for whom a voter desires to vote.

See title page for effective date.

CHAPTER 155

S.P. 354 - L.D. 982

An Act to Clarify Juvenile Detention

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

Sec. 1. 15 MRSA §3203-A, sub-§7, ¶B-1, as amended by PL 1993, c. 354, §3, is further amended to read:

B-1. After December 31, 1991 and until ~~December 31, 1995~~ the Northern Maine Regional Juvenile Detention Facility begins operating, if the juvenile caseworker determines there is no acceptable alternative, a juvenile may be detained for up to 24 hours, excluding Saturday, Sunday and legal holidays, in a jail or other secure detention facility intended or primarily used for the detention of adults, if:

- (1) The facility is not located in a standard metropolitan statistical area and meets the statutory criteria outlined in the federal Juvenile Justice Delinquency Act, Section 223(a)(14)(A), (B) and (C);
- (2) The facility complies with mandatory sight and sound separation standards established by the Department of Corrections in accordance with Title 34-A, section 1208;
- (3) The facility has adequate certified correctional staff to monitor and supervise the juvenile at all times during detention; and

(4) The juvenile is detained only to await a court hearing, a preliminary hearing pursuant to Title 17-A, section 1205, an entrustment violation hearing or transfer to another detention facility.

Sec. 2. 15 MRSA §3203-A, sub-§7, ¶B-2, as amended by PL 1993, c. 354, §4, is further amended to read:

B-2. Notwithstanding any other provision of law, until ~~December 31, 1995~~ the Northern Maine Regional Juvenile Detention Facility begins operating, a juvenile may be detained in a county jail, as long as the juvenile is detained in a separate juvenile section approved by the federal Office of Juvenile Justice and Delinquency Prevention and in compliance with paragraph A.

Sec. 3. 15 MRSA §3203-A, sub-§7, ¶B-3, as enacted by PL 1993, c. 238, §1, is repealed.

See title page for effective date.

CHAPTER 156

H.P. 790 - L.D. 1107

An Act to Establish Minimum Qualifications for the Office of Sheriff

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

Sec. 1. 30-A MRSA §371, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is repealed.

Sec. 2. 30-A MRSA §371-A is enacted to read:

§371-A. Election or appointment; minimum qualifications

1. Manner of election or appointment. Sheriffs are elected or appointed and hold their offices according to the Constitution of Maine. Their election must be conducted as is provided for county commissioners. Sheriffs take office on the first day of January following their election.

2. Minimum qualifications for officers. A person may not be appointed to the office of sheriff or be a candidate for election to the office of sheriff or serve as sheriff of any county in the State unless the candidate meets the following qualifications:

A. The candidate attests to the Law Enforcement Code of Ethics;