

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

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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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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;

B. The candidate applies to the Secretary of State for a criminal background investigation to confirm that the candidate has no felony convictions; and

C. The candidate submits written certification from the Maine Criminal Justice Academy that the candidate has acquired the minimum college credits in required courses, training hours and years of experience, or combination thereof, to qualify for an executive certificate under academy standards.

3. Exception. Any person who is serving in the office of sheriff on the effective date of this section is deemed to meet the minimum qualifications of subsection 2.

See title page for effective date.

CHAPTER 157

S.P. 363 - L.D. 989

An Act to Further Restrict the Illegal Harvest of Cultivated Oysters

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

Whereas, previous acts of the Legislature sought to prevent the poaching of aquaculture products; and

Whereas, these acts have imposed too high a standard for conviction; and

Whereas, this standard has worked to prevent the successful prosecution of poachers of aquaculture products and has resulted in the loss of property and income; and

Whereas, this loss is an ongoing problem that requires immediate action; 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. 12 MRSA §6073, sub-§3, as enacted by PL 1991, c. 284, is amended to read:

3. Penalty. Any person who violates subsection 2-A or who knowingly and willfully violates ~~this~~

~~section~~ subsection 2 is guilty of a Class D crime, except that, notwithstanding Title 17-A, sections 4-A and 1301, the court shall impose a fine of not less than \$1,000 and restitution may be ordered made to the owner of the lease in an amount set by the court.

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

Effective May 30, 1995.

CHAPTER 158

H.P. 530 - L.D. 726

An Act to Allow Certain Employees of the Maine State Liquor and Lottery Commission and Their Families to Purchase Lottery Tickets

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

Sec. 1. 8 MRSA §381, as enacted by PL 1987, c. 505, §2, is repealed and the following enacted in its place:

§381. Persons prohibited from purchasing tickets or shares

A ticket or share may not be purchased by and a prize may not be paid to any of the following persons:

1. Commission officers. An officer of the commission;

2. Senior supervisory personnel. Senior supervisory employees of the commission, as determined by the commission officers; and

3. Household member. Any spouse, child, brother, sister, parent or person residing as a member of the same household in the principal place of abode of any of the persons identified in subsections 1 and 2.

See title page for effective date.

CHAPTER 159

S.P. 94 - L.D. 234

An Act to Clarify the Liquor Licensing Laws for Certain Establishments

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