

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

J.S. McCarthy Company
Augusta, Maine
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enforcement officer who is not employed by a state agency to use deadly force.

See title page for effective date.

CHAPTER 216

H.P. 846 - L.D. 1177

An Act to Enable the Department of Corrections to Share Information with Canadian Criminal Justice Agencies

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

Sec. 1. 16 MRSA §611, sub-§4, as amended by PL 1993, c. 719, §5 and affected by §12, is further amended to read:

4. Criminal justice agency. "Criminal justice agency" means a federal, state, district, county or local government agency or any subunit thereof that performs the administration of criminal justice under a statute or executive order, and that allocates a substantial part of its annual budget to the administration of criminal justice. Courts and the Department of the Attorney General are considered criminal justice agencies. "Criminal justice agency" also includes any equivalent agency at any level of Canadian government.

See title page for effective date.

CHAPTER 217

S.P. 468 - L.D. 1264

An Act Regarding the Schedule of the Distribution of Funds from the Maine Environmental Trust Fund

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

Whereas, current law provides that funds from the Maine Environmental Trust Fund are distributed annually; and

Whereas, programs funded from the Maine Environmental Trust Fund have a need for more frequent distribution of funds in order to be adequately sustained; and

Whereas, funds from the Maine Environmental Trust Fund were distributed in August 1994 and

another distribution is required by the end of the current fiscal year's 3rd quarter; 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 §7759, sub-§3, as amended by PL 1993, c. 567, §1 and c. 683, Pt. B, §2 and affected by §5 and amended by PL 1995, c. 65, Pt. A, §28 and affected by Pt. C, §15, is repealed and the following enacted in its place:

3. Distribution from fund. Money distributed from the fund may be used for marketing the plates and for the production and marketing of goods using the environmental plate design. After the Treasurer of State has reimbursed the Secretary of State for costs of producing and issuing environmental registration plates in accordance with Title 29-A, section 455, the Treasurer of State shall, at the end of each quarter in the fiscal year, distribute the balance in the fund as follows:

A. Sixty percent of the balance must be deposited in the Maine State Parks Fund established in section 610; and

B. Forty percent of the balance must be deposited in the Maine Endangered and Nongame Wildlife Fund established in section 7757.

This subsection is repealed March 31, 1996.

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

Effective June 9, 1995.

CHAPTER 218

H.P. 929 - L.D. 1310

An Act Concerning Inspection at Sea

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

Sec. 1. 12 MRSA §6351, as enacted by PL 1977, c. 661, §5, is amended to read:

§6351. Suspension based on conviction

Any A conviction for a violation of a marine resources' law ~~shall be~~, a violation of Title 17-A, chapter 31 or a criminal offense against a marine patrol officer while that officer is engaged in the performance of official duty is grounds for suspension of any licenses or certificates issued under this Part. In order to suspend a license or certificate because of a conviction, the commissioner ~~shall~~ must follow the procedures of this Article.

See title page for effective date.

CHAPTER 219

S.P. 413 - L.D. 1136

**An Act to Provide Immunity for
Clinicians Contracted by the State
Forensic Service**

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

Sec. 1. 34-B MRSA §1212, sub-§2, ¶B, as amended by PL 1989, c. 487, §16, is further amended to read:

B. To perform examinations of the mental condition of persons committed to the custody of the commissioner under Title 15, section 103, for the purposes specified in Title 15, section 104-A; ~~and~~

Sec. 2. 34-B MRSA §1212, sub-§2, ¶C, as enacted by PL 1989, c. 487, §17, is amended to read:

C. To perform examinations of the mental condition of persons pursuant to Title 22, chapter 250-; ~~and~~

Sec. 3. 34-B MRSA §1212, sub-§2, ¶D is enacted to read:

D. To perform evaluations on behalf of any court of record. The State Forensic Service may contract with psychologists, psychiatrists and licensed clinical social workers to perform evaluations. The clinicians under contract are entitled to quasi-judicial immunity for all acts performed within the scope of their evaluation duties and in accordance with protocols for evaluations established by the State Forensic Service.

See title page for effective date.

CHAPTER 220

S.P. 439 - L.D. 1207

**An Act to Correct Certain Errors
and Inconsistencies in Employer's
Contributions and Coverage in
Unemployment Compensation**

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

Sec. 1. 26 MRSA §1221, sub-§4, ¶B, as amended by PL 1993, c. 22, §7 and affected by §8, is further amended by amending the first paragraph to read:

B. Subject to paragraph A, each employer's contribution rate for the 12-month period commencing January 1st of each year is based upon the employer's experience rating record and determined from the employer's reserve ratio, which is the percent obtained by dividing the amount by which, if any, the employer's contributions credited from the time the employer first or most recently became an employer, whichever date is later, and up to and including June 30th of the preceding year, including any part of the employer's contributions due for that year ~~payable paid~~ on or before July 31st of ~~the preceding that~~ year, exceed the employer's benefits charged during the same period, by the employer's average annual payroll for the 36-consecutive-month period ending June 30th of the preceding year. The employer's contribution rate is the percent shown on the line of the following table on which in column A there is indicated the employer's reserve ratio and under the schedule within which the reserve multiple falls as of September 30th of each year. The following table applies for each 12-month period commencing January 1st of each year as determined by paragraph C. Notwithstanding any other provisions of this paragraph, each employer's contribution rate computed and effective as of July 1, 1981, is for the 6-month period ending December 31, 1981.

Sec. 2. 26 MRSA §1221, sub-§10, ¶B, as amended by PL 1979, c. 651, §44, is further amended to read:

B. Any employing unit ~~which~~ that has become an employer pursuant to section 1043, subsection 9, paragraph H ~~or I~~ which and has been paying contributions under this chapter may change to a reimbursable basis by filing with the bureau not later than 30 days prior to the beginning of any calendar year a written notice of election to be-