

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

A. Is a 2-wheel off-road motorcycle; or

B. Was manufactured prior to 1991.

Sec. 44. Task force established. The Task Force to Study the Operations of the Department of Inland Fisheries and Wildlife, referred to in this section as the "task force," is established.

1. Membership. The task force consists of 8 members, appointed as follows.

A. The Speaker of the House of Representatives and the President of the Senate shall jointly appoint 5 members of the Legislature who are members of the Joint Standing Committee on Inland Fisheries and Wildlife. The Speaker of the House and the President of the Senate shall appoint these members from among names recommended for appointment by a majority of the members of the Joint Standing Committee on Inland Fisheries and Wildlife.

B. The Governor shall appoint 2 public members at large.

C. The Board of Directors of the Sportsman's Alliance of Maine shall appoint one member.

2. Appointments; meetings; chair. All members of the task force must be appointed not later than 30 days after the effective date of this section. The Executive Director of the Legislative Council must be notified of all appointments. When all appointments have been made, the Chair of the Legislative Council shall call the first meeting of the task force not later than July 31, 1995. At its first meeting, the task force shall elect a chair from among its members. The chair of the task force shall call all subsequent meetings.

3. Purpose. The task force shall conduct a comprehensive review of the operations and functions of the Department of Inland Fisheries and Wildlife. The Commissioner of Inland Fisheries and Wildlife, the Commissioner of Administrative and Financial Services, the Director of the Bureau of Human Resources and all other appropriate agencies shall cooperate with requests from the task force for information or records pertaining to the operations of the department.

4. Staffing. The task force shall request staffing assistance from the Legislative Council.

5. Per diem and expenses. Appointed members of the task force are entitled to legislative per diem and reimbursement for expenses related to work of the task force. Expenses that are eligible for reimbursement include travel, meals and lodging associated with travel outside this State.

6. Costs paid by department. The Department of Inland Fisheries and Wildlife shall reimburse the Legislature for all per diem and expenses of the task force upon request of the Executive Director of the Legislative Council.

7. Report. The task force shall submit its report and any accompanying legislation to the Second Regular Session of the 117th Legislature not later than December 1, 1995.

Sec. 45. Retroactivity. That section of this Act that repeals the Maine Revised Statutes, Title 12, section 7102, subsection 3 and that section of this Act that repeals and replaces Title 12, section 7102-A, subsection 4 are retroactive to January 1, 1995.

Sec. 46. Effective date. That section of this Act that repeals the Maine Revised Statutes, Title 12, section 7377, subsection 5 takes effect January 1, 1996.

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

Effective July 3, 1995, unless otherwise indicated.

CHAPTER 456

S.P. 430 - L.D. 1198

An Act to Amend the Maine Bail Code to Penalize Defendants Who Have Been Granted a Stay of Execution and Fail to Report

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

Sec. 1. 15 MRSA §1091-A is enacted to read:

§1091-A. Failure to report

1. Failure to report after stay of execution. A defendant who has been sentenced but granted a stay of execution to report at a specific time and who fails to report as ordered is guilty of:

A. A Class E crime if the underlying crime was punishable by a maximum period of imprisonment of less than one year; or

B. A Class C crime if the underlying crime was punishable by a maximum period of imprisonment of one year or more.

It is an affirmative defense that the failure to appear resulted from just cause.

See title page for effective date.

CHAPTER 457

S.P. 480 - L.D. 1304

An Act to Establish the DNA Data Base and Data Bank Act

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

Sec. 1. 25 MRSA c. 194 is enacted to read:

CHAPTER 194

DNA DATA BASE AND DATA BANK ACT

§1571. Short title

This chapter may be known and cited as the "DNA Data Base and Data Bank Act."

§1572. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. CODIS. "CODIS" means the Federal Bureau of Investigation's national DNA identification index system that allows for storage and exchange of DNA records submitted by state and local forensic DNA laboratories and is derived from the Combined DNA Index System.

2. Crime lab. "Crime lab" means the Maine State Police Crime Laboratory located in Augusta.

3. DNA. "DNA" means deoxyribonucleic acid.

4. DNA analysis. "DNA analysis" means DNA typing tests that derive identification information specific to a person from that person's DNA.

5. DNA record. "DNA record" means DNA identification information obtained from DNA analysis and stored in the state DNA data base or CODIS.

6. DNA sample. "DNA sample" means a blood sample provided by a person convicted of one of the offenses listed in this chapter or submitted to the crime lab for analysis pursuant to a criminal investigation.

7. FBI. "FBI" means the Federal Bureau of Investigation of the United States Department of Justice.

8. State DNA data base. "State DNA data base" means the DNA identification record system administered by the Chief of the State Police.

9. State DNA data bank. "State DNA data bank" means the repository of DNA samples maintained by the Chief of the State Police at the crime lab collected pursuant to this chapter.

§1573. Responsibility for DNA identification record system; procedural compatibility with the FBI

1. Responsibility for system. The Chief of the State Police is responsible for DNA analysis and establishing, managing and administering the state DNA data base and the state DNA data bank to support law enforcement and for liaison with the FBI regarding the State's participation in CODIS. The state DNA data base and state DNA data bank must be physically located at the crime lab.

2. Procedural compatibility. The state DNA data base established by the Chief of the State Police must be compatible with procedures specified by the FBI, including use of comparable test procedures, laboratory equipment, supplies and computer software.

3. DNA analysis. Notwithstanding subsection 1, the Chief of the State Police is not required to collect or analyze DNA samples collected pursuant to section 1574 unless adequate funding is available.

§1574. Blood sample required for DNA analysis upon conviction

1. Conviction subsequent to effective date. A person convicted, on or after January 1, 1996, of a crime listed in this section shall have a DNA sample drawn upon intake to a jail or prison or at any time during that confinement. A person who is not sentenced to a term of confinement shall provide a DNA sample as a condition of the sentence.

2. Conviction prior to effective date. A person convicted and incarcerated prior to January 1, 1996, as a result of a conviction for a crime listed in this section, shall have a DNA sample drawn before release from the corrections system.

3. Juvenile offenders. If a juvenile court adjudicates a juvenile to have committed a juvenile crime that, if committed by an adult, would constitute an offense listed in this section, then the juvenile is subject to the requirements of this section.

4. Applicable offenses. This section applies to a person convicted of one or more of the following offenses or an attempt of one or more of the following offenses: