

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

Sec. 9. 12 MRSA §6451, sub-§8 is enacted to read:

8. Apprentice program. The commissioner may authorize the expenditure of money in the Lobster Fund to cover the initial costs of developing and delivering the educational component of the apprentice program under section 6422, subsection 3. Any expenditures must be reimbursed to the Lobster Fund from the fees charged under section 6422, subsection 3.

Sec. 10. Allocation. The following funds are allocated from the Lobster Management Fund to carry out the purposes of this Act.

	1995-96	1996-97
MARINE RESOURCES, DEPARTMENT OF		
Administration - Marine Resources		
Positions - Other Count	(2.0)	(2.0)
Personal Services	\$36,624	\$48,832
All Other	62,500	80,000
Capital Expenditures	12,000	
TOTAL	\$111,124	\$128,832

Provides allocations for the costs of 2 additional Clerk Typist II positions and administrative costs necessary for administering new lobster management requirements and for the costs of establishing and operating 5 Lobster Management Policy Councils.

	1995-96	1996-97
Marine Patrol - Bureau of		
Positions - Other Count	(3.0)	(3.0)
Personal Services	\$79,388	\$105,850
All Other	30,300	40,400
Capital Expenditures	31,500	5,000
TOTAL	\$141,188	\$151,250

Allocates funds for one Boat Specialist position, 2 Marine Patrol Officer positions and additional operating and capital costs pertaining to the enforcement of the new lobster management framework.

DEPARTMENT OF MARINE RESOURCES		
TOTAL	\$252,312	\$280,082

See title page for effective date.

CHAPTER 469

H.P. 568 - L.D. 769

**An Act to Conform Maine Law
Related to Domestic Relations with
Federal Law**

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

Sec. 1. 15 MRSA §321, sub-§1, as enacted by PL 1983, c. 619, is amended to read:

1. Definition. For purposes of this section, "family or household members" means spouses or former spouses, individuals presently or formerly living as spouses, natural parents of the same child ~~or~~, adult household members related by consanguinity or affinity or minor children of any household member when the offender is an adult household member. Holding oneself out to be a spouse ~~shall~~ is not ~~be~~ necessary to constitute "living as spouses."

Sec. 2. 15 MRSA §321, sub-§6, as enacted by PL 1983, c. 619, is amended to read:

6. Penalty. Violation of a protective order or of any similar order issued by any court of the United States or of any other state, territory, commonwealth or tribe, when the person has prior actual notice of the order, is a Class D crime. Notwithstanding any statutory provision to the contrary, an arrest for violation of a protective order may be without warrant upon probable cause whether or not the violation is committed in the presence of the law enforcement officer. The law enforcement officer may verify, if necessary, the existence of a protective order by telephone or radio communication with a law enforcement agency with knowledge of the order.

Sec. 3. 19 MRSA §762, sub-§4, as amended by PL 1989, c. 862, §8, is further amended to read:

4. Family or household members. "Family or household members" means spouses or former spouses, individuals presently or formerly living together as spouses, natural parents of the same child, ~~or~~ adult household members related by consanguinity or affinity or minor children of any household member when the defendant is an adult household member and for the purposes of this chapter only, includes individuals presently or formerly living together as sexual partners. Holding oneself out to be

a spouse is not necessary to constitute "living as spouses."

Sec. 4. 19 MRSA §769, sub-§1, as amended by PL 1993, c. 469, §4, is further amended to read:

1. Crime committed. Violation of a temporary, emergency, interim or final protective order, an order of a tribal court of the Passamaquoddy Tribe or the Penobscot Nation, any similar order issued by any court of the United States or of any other state, territory, commonwealth or tribe or a court approved consent agreement, when the defendant has prior actual notice, which may be notice by means other than service in hand, of the order or agreement, is a Class D crime, except when the only provision that is violated concerns relief authorized under section 766, subsection 1, paragraphs F to K. Violation of section 766, subsection 1, paragraphs F to K, must be treated as contempt and punished in accordance with law.

See title page for effective date.

CHAPTER 470

S.P. 306 - L.D. 845

An Act to Reduce Tobacco Use by Juveniles

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

Sec. 1. 5 MRSA §20002, sub-§3 is enacted to read:

3. Tobacco use by juveniles. To enforce the State's laws relating to the sale and use of tobacco products by juveniles and to coordinate state and local activities related to those provisions. The office shall take all necessary actions to ensure compliance with the Synar Act, 42 United States Code 300X-26, including the preparations of reports for the signature of the Governor. All law enforcement agencies, all state departments, including the Department of Public Safety and the Department of Human Services, and municipalities shall cooperate with the office in these efforts.

The office may enter into any contracts or agreements necessary or incidental to the performance of its duties under this section, subject to section 20005, subsection 6 and section 20005-A. The office shall provide or assist in the provision of voluntary training programs regarding the sales of tobacco products to juveniles.

Sec. 2. 15 MRSA §3103, sub-§1, ¶C-1, as enacted by PL 1989, c. 445, §1 is repealed.

Sec. 3. 15 MRSA §3103, sub-§1, ¶D, as amended by PL 1989, c. 445, §2, is further amended to read:

D. If a juvenile is adjudicated to have committed an action described in paragraph B; or C ~~or C-1~~ willful refusal to pay a resulting fine or willful violation of the terms of a resulting probation;

Sec. 4. 15 MRSA §3103, sub-§2, as amended by PL 1989, c. 741, §2, is further amended to read:

2. Dispositional powers. All of the dispositional powers of the Juvenile Court provided in section 3314 ~~shall~~ apply to a juvenile who is adjudicated to have committed a juvenile crime, except that no commitment to the Maine Youth Center or other detention may be imposed for conduct described in subsection 1, paragraphs B; and C ~~and C-1~~.

Sec. 5. 15 MRSA §3105-A, sub-§2, ¶C, as amended by PL 1989, c. 445, §3, is further amended to read:

C. A prosecution for conduct specified in section 3103, subsection 1, paragraph B, C, ~~C-1~~, D, E or F ~~shall~~ must be commenced within one year after it is committed.

Sec. 6. 15 MRSA §3201, sub-§3, as amended by PL 1989, c. 445, §4, is further amended to read:

3. Enforcement of other juvenile crimes. A law enforcement officer who has probable cause to believe that a juvenile crime, as defined by section 3103, subsection 1, paragraph B; or C ~~or C-1~~ has been committed may request that the juvenile provide the officer with reasonably credible evidence of the juvenile's name, address and age. The evidence may consist of oral representations by the juvenile. If the juvenile furnishes the officer with evidence of the juvenile's name, address and age and the evidence does not appear to be reasonably credible, the officer shall attempt to verify the evidence as quickly as is reasonably possible. During the period the verification is being attempted, the officer may require the juvenile to remain present for a period not to exceed 2 hours.

After informing the juvenile of the provisions of this subsection, the officer may arrest the juvenile for a crime defined in section 3103, subsection 1, paragraph B; or C ~~or C-1~~ if the juvenile intentionally refuses to furnish any evidence of the juvenile's name, address and age, or if, after attempting to verify the evidence as provided for in this subsection, the officer has probable cause to believe that the juvenile has intentionally failed to provide reasonably credible evidence of the juvenile's name, address and age.