

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

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Augusta, Maine
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paragraph C or D or section 1059, subsection 3-A, paragraph B or C within 30 days of the date of the election and shall make that list available for public inspection.

8. Failure to file. A person who fails to file a report as required by this subchapter within 30 days of the filing deadline is guilty of a Class E crime.

9. Enforcement. The Secretary of State has the initial responsibility for collecting the full amount of any penalty within 30 days after receiving notice of that penalty from the commission. The Secretary of State has all necessary powers to carry out this responsibility. Failure to pay the full amount of any penalty levied under this subchapter is a civil violation by the political action committee and its treasurer. Thirty days after receiving notice of penalty, the Secretary of State shall report to the Attorney General the name of any political action committee, along with the name of its treasurer, that has failed to pay the full amount of any penalty. The Attorney General shall enforce the violation in a civil action to collect the full outstanding amount of the penalty. This action must be brought in the Superior Court for Kennebec County or the District Court, 7th District, Division of Southern Kennebec.

Sec. 22. 30-A MRSA §2502, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

§2502. Campaign reports in municipal elections

1. Reports by candidates. Title 21-A, sections 1001 to 1020 do not apply to a candidate for municipal office in a town. A candidate for municipal office of a town or city with a population of ~~40,000~~ 15,000 or more is governed by Title 21-A, sections 1001 to ~~1020~~ 1020-A, except that notices of appointment of a treasurer and campaign reports must be filed with the municipal clerk instead of the Secretary of State. A town or city with a population of less than 15,000 may choose to be governed by Title 21-A, sections 1001 to 1020-A by vote of its legislative body at least 90 days before an election for office. A town or city that votes to adopt those provisions may revoke that decision, but it must do so at least 90 days before an election subject to those sections.

A. Notwithstanding Title 17-A, section 4-A, a candidate who fails to file a notice or report, as required by this section, is guilty of a Class E crime and ~~shall~~ may be punished by a fine of \$5 for every day the candidate is in default or by imprisonment for not more than 30 days, or both.

2. Municipal referenda campaigns. Title 21-A, chapter 13, subchapter IV, does not apply to municipal referenda campaigns. Municipal referenda campaigns in towns or cities with a population of

15,000 or more are governed by Title 21-A, chapter 13, subchapter IV. Copies of the registrations and reports of political action committees must be filed with the municipal clerk. A town or city with a population of less than 15,000 may choose to be governed by Title 21-A, chapter 13, subchapter IV by vote of its legislative body at least 90 days before a referendum election. A town or city that votes to adopt those provisions may revoke that decision, but it must do so at least 90 days before an election subject to that subchapter.

Sec. 23. PL 1993, c. 583, §3, is amended to read:

Sec. 3. Study by the Commission on Governmental Ethics and Election Practices; jurisdiction. The Commission on Governmental Ethics and Election Practices shall review its current duties prescribed by law and shall identify issues that the commission has been asked to investigate and has not clearly had the authority to investigate. The commission shall make recommendations, along with any proposed legislation, to clarify and, if necessary, to expand the commission's jurisdiction and duties to the joint standing committee of the Legislature having jurisdiction over legal affairs no later than ~~January 30, 1995~~ March 30, 1996.

Sec. 24. Retroactivity. That section of this Act that amends Public Law 1993, chapter 583, section 3 applies retroactively to January 30, 1995.

See title page for effective date.

CHAPTER 484

H.P. 1024 - L.D. 1439

An Act to Provide for Alternative Dispute Resolution in Domestic Relations Matters and to Provide for the Recodification and Revision of the Maine Revised Statutes, Title 19

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

Whereas, the Maine Revised Statutes, Title 19 contains archaic language and improper grammar and usage and is difficult to use because of its organization; 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. 19 MRSA §753 is enacted to read:

§753. Court authority to approve alternative dispute resolution processes

1. Appointment of referee. The court may appoint a referee in any proceeding for paternity, divorce, judicial separation or modification of existing judgments brought under this Title:

A. When the parties agree the case may be tried before a referee; or

B. Upon motion demonstrating exceptional circumstances that require a referee.

2. Payment for services. Payment for the services of the referee is the responsibility of the parties, as ordered by the court. If the court finds that either or both of the parties are indigent, the court may pay the reasonable costs and expenses of the referee.

3. Referee's report. If all parties waive their right to object to acceptance of the referee's report, the court shall immediately enter judgment on the referee's report without a further hearing.

Sec. 2. Preparation of recodification of the Maine Revised Statutes. The Office of the Revisor of Statutes and the Office of Policy and Legal Analysis shall jointly prepare a bill for submission by the Joint Standing Committee on Judiciary to the Second Regular Session of the 117th Legislature that recodifies the Maine Revised Statutes, Title 19. The Joint Standing Committee on Judiciary is authorized to report to the Second Regular Session of the 117th Legislature one or more bills providing substantive revisions of Title 19.

The Office of the Revisor of Statutes and the Office of Policy and Legal Analysis shall invite the participation of the following in preparing the recodification and suggested revisions:

1. The Family Law Section of the Maine State Bar Association;
2. The Department of Human Services, Bureau of Child and Family Services;
3. The Department of Human Services, Bureau of Income Maintenance, Division of Support Enforcement and Recovery;
4. The Judicial Department; and
5. Any other individuals, agencies or organizations that may contribute to the process of recodifying and proposing possible revisions of Title 19.

The chairs of the Joint Standing Committee on Judiciary shall oversee the preparation of the legislation. The Office of the Revisor of Statutes and the Office of Policy and Legal Analysis shall keep the chairs apprised of the work pursuant to this section.

The Office of the Revisor of Statutes and the Office of Policy and Legal Analysis shall provide a copy of legislation drafted pursuant to this section to the members of the Joint Standing Committee on Judiciary no later than November 1, 1995.

Sec. 3. Review and recommendations by the Family Law Section of the Maine State Bar Association. The Family Law Section of the Maine State Bar Association shall review the language and principles proposed in Legislative Document 1468, and shall report back to the Joint Standing Committee on Judiciary by December 1, 1995 with recommendations, including any legislative recommendations, to be incorporated into the committee's deliberations on the bill prepared pursuant to section 2 of this Act. The Family Law Section shall include, to the extent practicable, the sponsors and interested parties in the review and recommendation process.

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

Effective July 3, 1995.

CHAPTER 485

H.P. 1035 - L.D. 1454

**An Act to Make Changes in the Law
Establishing the Maine School of
Science and Mathematics**

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

Sec. 1. 20-A MRSA §8201, as enacted by PL 1993, c. 706, Pt. A, §4, is amended to read:

§8201. School established

The Maine School of Science and Mathematics is established as a public, chartered school pursuant to this chapter for the purpose of providing certain high-achieving high school students with a challenging educational experience. The school is a body politic and corporate and is an instrumentality and agency of the State. The exercise by the school of the powers conferred by this chapter is the performance of an essential public function by and on behalf of the State.