

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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

G. One member who is from the student body of one of the technical college campuses at the time of appointment and who is a permanent resident of the State. To be eligible for appointment as a student member, a student must be enrolled for a minimum of 12 credit hours per semester.

The student member is a full voting member of the board of trustees and serves for a 2-year term and until a successor is qualified. By January 1st of every 2nd year, the president of the system shall solicit a list of ~~5~~ 6 eligible students from the student governments from ~~5~~ 6 of the campuses within the Maine Technical College System, the ~~6th~~ 7th campus being excluded in accordance with this subsection. The Governor shall then nominate a student trustee chosen from the list within 30 days of receiving the list of names. The nomination is subject to review by the joint standing committee of the Legislature having jurisdiction over education matters and to confirmation by the Legislature. The student trustee may not come from the same campus in any 2 consecutive terms. In the event that the student trustee transfers from one campus to another during the student's term of appointment, the student's original campus of enrollment is the campus excluded when the next student trustee is appointed.

Sec. 12. 20-A MRSA §12705, sub-§7, as amended by PL 1987, c. 532, §2, is further amended to read:

7. Quorum. A quorum ~~shall consist~~ consists of a majority of the voting members of the board of trustees. No action may be taken without the affirmative vote of ~~6~~ a majority of the members present and voting.

See title page for effective date.

CHAPTER 689

H.P. 1211 - L.D. 1661

An Act to Increase the Penalty for Criminal Restraint of a Young Child

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

Sec. 1. 17-A MRSA §302, sub-§3, as repealed and replaced by PL 1979, c. 512, §25, is amended to read:

3. Criminal restraint is a Class D crime except that it is a Class C crime if the person restrained has in fact not attained 8 years of age.

See title page for effective date.

CHAPTER 690

H.P. 1234 - L.D. 1694

An Act Concerning Juveniles Who Have Been Adjudicated to Have Committed the Juvenile Crime of Gross Sexual Assault

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

Sec. 1. 15 MRSA §3308, sub-§7, ¶D is enacted to read:

D. When a juvenile who is adjudicated of a juvenile crime that if committed by an adult would be gross sexual assault under Title 17-A, section 253, subsection 1 is committed to the Maine Youth Center or placed on probation, the Department of Corrections shall provide, while the juvenile is committed to the Maine Youth Center or on probation, a copy of the juvenile's judgment and commitment to the Department of Human Services, to all law enforcement agencies that have jurisdiction in those areas where the juvenile may reside, work or attend school and to the superintendent of any school system in which the juvenile attends school during the period of commitment or probation. The Department of Corrections may provide a copy of the juvenile's judgment and commitment to any other agency or person whom the Department of Corrections determines is appropriate to ensure public safety. Neither the failure of the Department of Corrections to perform the requirements of this paragraph nor compliance with this paragraph subjects the Department of Corrections or its employees to liability in a civil action.

Sec. 2. 15 MRSA §3309-A, sub-§2, as repealed and replaced by PL 1985, c. 213, is amended to read:

2. Information needed to make a disposition. Following an order of adjudication pursuant to section 3310, subsection 5, paragraph A, for the purposes of making a disposition; ~~and~~

Sec. 3. 15 MRSA §3309-A, sub-§3, as enacted by PL 1985, c. 213, is amended to read:

3. By consent of the parties. When the juvenile and the prosecuting attorney consent and the court finds that such an evaluation may be of assistance to it

in carrying out the purposes of the Maine Juvenile Code; or

Sec. 4. 15 MRSA §3309-A, sub-§4 is enacted to read:

4. Juvenile adjudicated of gross sexual assault. After adjudication and before disposition when a juvenile is adjudicated of a juvenile crime that if committed by an adult would be gross sexual assault under Title 17-A, section 253, subsection 1, the court shall order the juvenile to undergo a diagnostic evaluation at the Maine Youth Center.

Sec. 5. 15 MRSA §3313, sub-§3 is enacted to read:

3. Statement of reasons accompanying disposition for juvenile adjudicated of murder or a Class A, Class B or Class C crime. In a disposition for a juvenile crime that if committed by an adult would be murder or a Class A, Class B or Class C crime, the court shall state on the record and in open court the court's reasons for ordering or not ordering placement of the juvenile in a secure institution.

Sec. 6. 15 MRSA §3314, sub-§1, ¶E, as enacted by PL 1977, c. 520, §1, is repealed and the following enacted in its place:

E. The court may require the juvenile to make restitution for any damage to the victim or other authorized claimant as compensation for economic loss upon reasonable conditions that the court determines appropriate. For the purposes of this paragraph, the definitions in Title 17-A, section 1322 and the provisions of Title 17-A, section 1324 apply.

Sec. 7. Effective date. Sections 2 to 4 of this Act take effect January 1, 1997.

See title page for effective date, unless otherwise indicated.

CHAPTER 691

S.P. 654 - L.D. 1704

An Act Redefining the Community Services Structure of the Mental Health System

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

Whereas, the community mental health system is changing in response to the demands of society and the needs of recipients of mental health services; and

Whereas, it is imperative that new community-based structures be formed and operative by early fall, 1996, in order for necessary services to be available to persons in need of those services; 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. 5 MRSA §2005-A, sub-§4, ¶¶A and B, as amended by PL 1995, c. 560, Pt. L, §6, are further amended to read:

A. The commissioner shall hold at least one informational meeting at least ~~3 months~~ 30 days before the due date for submission of the notice of intent to bid. Any informational meeting must be advertised in newspapers of general circulation stating the location, date, time and purpose of the meeting. At the meeting the commissioner shall provide detailed information to any interested party about the contract to be bid or rebid, provide notice of anticipated major changes from any previous contract and respond to questions.

B. The commissioner shall require any interested party to submit a notice of intent to bid at least ~~3 months~~ 30 days before the date bids will be accepted as a precondition to submitting a formal bid. The notice of intent must contain minimal requirements that demonstrate a prospective bidder's competence and ability to comply with the requirements of the contract.

Sec. 2. 22 MRSA §12-A, sub-§4, ¶¶A and B, as enacted by PL 1995, c. 402, Pt. B, §2, are amended to read:

A. The commissioner shall hold at least one informational meeting at least ~~3 months~~ 30 days before the due date for submission of the notice of intent to bid. Any informational meeting must be advertised in newspapers of general circulation stating the location, date, time and purpose of the meeting. At the meeting the commissioner shall provide detailed information to any interested party about the contract to be bid or rebid, provide notice of anticipated major changes from any previous contract and respond to questions.

B. The commissioner shall require any interested party to submit a notice of intent to bid at least ~~3 months~~ 30 days before the date bids will be accepted as a precondition to submitting a formal bid. The notice of intent must contain