

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

Personal Services	\$3,240,492	\$3,897,377	\$7,307,188
All Other		100,000	200,000

**DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES**

<b>TOTAL</b>	<u>\$3,240,492</u>	<u>\$3,997,377</u>	<u>\$7,507,188</u>
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**Sec. E-2. Allocation.** The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	<b>1996-97</b>	<b>1997-98</b>	<b>1998-99</b>
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**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Salary Plan**

Personal Services	\$1,470,525	\$1,691,465	\$3,464,040
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**Sec. E-3. Transfer from salary plan.** The salary plan program in the Department of Administrative and Financial Services may be made available as needed in allotment by financial order upon the recommendation of the State Budget Officer and the approval of the Governor to be used for the implementation of collective bargaining agreements for state employees in fiscal years 1996-97, 1997-98 and 1998-99.

**Sec. E-4. Carrying clause.** Any balances remaining in the General Fund and the Highway Fund salary plan accounts in the Department of Administrative and Financial Services may not lapse but must be carried forward to June 30, 1999 to be used for the purposes of this Act.

**Sec. E-5. Authorization for reimbursement of costs associated with contract resolution.** The Department of Administrative and Financial Services may be reimbursed from the special accounts funded by this Act for the costs of contract resolution, administration, implementation and other costs required by the process of collective bargaining and negotiation procedures.

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

Effective January 30, 1997.

**CHAPTER 4**

**H.P. 12 - L.D. 8**

**An Act to Amend the Laws Specifying When an Indictment in a Criminal Case Is Not Required**

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

**Sec. 1. 15 MRSA §701, sub-§1,** as amended by PL 1979, c. 663, §94, is repealed and the following enacted in its place:

**1. Use of charging instrument other than an indictment.** When a prosecution utilizing a charging instrument other than an indictment is expressly authorized by rule of court; or

**Sec. 2. 17-A MRSA §9, sub-§1,** as enacted by PL 1975, c. 499, §1, is amended to read:

**1.** All proceedings for Class A, B and C crimes ~~shall~~ **must** be prosecuted by indictment, unless indictment is waived, in which case prosecution ~~may~~ **must** be by information as the Supreme Judicial Court provides by rule; and

See title page for effective date.

**CHAPTER 5**

**H.P. 20 - L.D. 45**

**An Act to Increase the Fees for Attachment of Real Estate and Personal Property**

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

**Sec. 1. 30-A MRSA §421, sub-§§4 and 5,** as amended by PL 1989, c. 104, Pt. C, §§8 and 10, are further amended to read:

**4. Attachment of real estate.** For the attachment of real estate at the registry of deeds, \$4 ~~\$16~~;

**5. Attachment of personal property; replevin.** For the attachment of personal property or for the service of a writ of replevin, \$6 ~~\$16~~, and \$2 ~~\$10~~ more for each hour after the first required for the service;

See title page for effective date.