

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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.

J.S. McCarthy Company
Augusta, Maine
1997

CHAPTER 39**H.P. 619 - L.D. 844****An Act to Streamline the Process of Foster Child Placement****Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 22 MRSA §4064, sub-§2, ¶A, as enacted by PL 1979, c. 733, §18, is amended to read:

A. The child has been in foster care for ~~one year~~ 6 months or parental rights have been terminated;

See title page for effective date.

CHAPTER 40**H.P. 156 - L.D. 198****An Act to Amend the Permitting Laws for Septic Waste Disposal Sites****Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 38 MRSA §1305, sub-§6, as amended by PL 1991, c. 499, §21, is further amended to read:

6. Municipal septage sites. Each municipality shall provide for the disposal of all refuse, effluent, sludge and any other materials from all septic tanks and cesspools located within the municipality. In addition, any person may provide a site for disposal of septage. ~~Before~~ In addition to making application to the Department of Environmental Protection for approval of any site, that person shall ~~first~~ have written approval for the site location from the municipality in which it is located, unless the site is located in a Resource Protection District under the jurisdiction of the Maine Land Use Regulation Commission. A municipality may determine whether approval of the site must be obtained first from the department or the municipality. The municipal officers shall approve, after hearing, any such private site if ~~it finds~~ they find that the site complies with municipal ordinances and with local zoning and land use controls. In the absence of applicable municipal ordinances and local zoning and land use controls, the municipality shall base its approval of the site on compliance with the siting and design standards in the

department's rules relating to septage management. For purposes of this subsection, "municipality" means a city, town or plantation.

See title page for effective date.

CHAPTER 41**H.P. 22 - L.D. 47****An Act Concerning the Responsibility of Prisoners for Family Support****Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 30-A MRSA §1607 is enacted to read:

§1607. Family support

A prisoner may not participate in a work program under section 1605 or any other program administered by the sheriff by which a prisoner is able to generate money unless the prisoner consents to pay at least 25% of that money for the support of any dependent child if the parent, legal guardian or legal custodian of the child requests that payment. Upon the written request of a parent, legal guardian or legal custodian, the sheriff of the county jail where the prisoner is incarcerated shall collect and disburse to the parent, legal guardian or legal custodian that portion of the prisoner's money to be paid for the support of the dependent child. This section does not apply to any prisoner making payments for the support of a dependent child pursuant to a support order issued by a court or by the Department of Human Services.

Sec. 2. 34-A MRSA §3039-A is enacted to read:

§3039-A. Family support

A prisoner may not participate in an industry program under section 1403, a work program under section 3035 or any other program administered by the department by which a prisoner is able to generate money unless the prisoner consents to pay at least 25% of that money for the support of any dependent child if the parent, legal guardian or legal custodian of the child requests that payment. Upon the written request of a parent, legal guardian or legal custodian, the chief administrative officer of the correctional facility where the prisoner is incarcerated shall collect and disburse to the parent, legal guardian or legal custodian that portion of the prisoner's money to be paid for the support of the dependent child. This section does not apply to any prisoner making payments for the support of a dependent child

pursuant to a support order issued by a court or by the Department of Human Services.

See title page for effective date.

CHAPTER 42

H.P. 121 - L.D. 145

An Act to Allow Independent Investigation of a Complaint against a Law Enforcement or Corrections Officer upon Request

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

Sec. 1. 25 MRSA §2805-C, sub-§1, as enacted by PL 1993, c. 744, §11, is amended to read:

1. Committee. The chair of the board shall appoint 3 members of the board to serve on the complaint review committee. One of the members must be one of the citizen members of the board. All members of the committee must be present for deliberations. A majority vote is necessary to recommend taking corrective or disciplinary action on a complaint or to order an independent investigation pursuant to section 2806, subsection 1-A.

Sec. 2. 25 MRSA §2806, sub-§1-A, as amended by PL 1993, c. 744, §13, is further amended to read:

1-A. Investigation and notice of complaints. Before proceeding with a hearing to suspend or revoke a law enforcement or corrections officer's certification under subsection 1, paragraph B, subparagraph (2), (4) or (6), the board shall notify the chief administrative officer of the agency employing the officer that the board is contemplating suspension or revocation of the officer's certification. The chief administrative officer shall investigate the alleged conduct and report its findings to the board within 30 days of receiving notice of the board's contemplation of suspension or revocation. The board shall proceed with any suspension or revocation action it determines appropriate after receiving the chief administrative officer's report. This subsection does not preclude a chief administrative officer from investigating conduct that may give rise to grounds for suspension or revocation before receiving a request for an investigation from the board, provided that the chief administrative officer notifies the board following that investigation if the investigation reveals reasonable cause to believe that an officer has engaged in conduct described in subsection 1, paragraph B, subparagraph (2), (4) or (6). Nothing in this subsection precludes the board from investigating conduct of a law enforcement officer on its own or referring a matter of such

conduct to another agency for investigation. Whenever a chief administrative officer of an agency employing an officer has a duty to investigate alleged conduct of an officer or has the authority to investigate alleged conduct of an officer pursuant to this subsection, and the chief administrative officer decides to investigate, the chief administrative officer or the officer who is the subject of the investigation may petition the complaint review committee of the board for an independent investigation by the Department of the Attorney General or another agency approved by the board.

See title page for effective date.

CHAPTER 43

H.P. 78 - L.D. 103

An Act to Make Legislative Information Available through the Internet

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

Sec. 1. 3 MRSA §162, sub-§17, as amended by PL 1991, c. 622, Pt. L, §2, is further amended to read:

17. Approve plans to preserve and develop the State House and the immediate grounds. To approve architectural, aesthetic and decorative alterations to the State House. The Legislative Council also has authority to preserve and develop the aesthetic and historical integrity of the State House and the immediate grounds. The Legislative Council has the power to enter into contracts and other powers necessary to implement this subsection and chapter 31; ~~and~~

Sec. 2. 3 MRSA §162, sub-§18, as enacted by PL 1991, c. 622, Pt. L, §3, is amended to read:

18. Out-of-state travel report. To submit to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a quarterly report on out-of-state travel activity of the Legislature. The report must be submitted within 15 days after the end of each quarter and must include, for each individual who has been authorized to travel, the destination, purpose and cost by funding source of each trip; and

Sec. 3. 3 MRSA §162, sub-§19 is enacted to read:

19. Legislative information available through the Internet. To make the following information available through the Internet: legislative documents,