

# 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**

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

See title page for effective date.

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## 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.

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## 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,

committee hearing schedules, work session schedules, status of legislation, voting records of Legislators, the laws of Maine, study reports and reports of other study groups established by the Legislature and any other information designated by the Legislative Council.

See title page for effective date.

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## CHAPTER 44

H.P. 37 - L.D. 62

### An Act to Change the Method for Setting Wages for Deputies

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

**Sec. 1. 30-A MRSA §351, sub-§§2 and 3,** as amended by PL 1989, c. 104, Pt. C, §§8 and 10, are further amended to read:

**2. Full-time deputy.** "Full-time deputy" means a deputy who is compensated ~~on a salaried or per diem basis~~ under section 386, subsection 1, and who is employed in county law enforcement for at least 40 hours a week.

**3. Part-time deputy.** "Part-time deputy" means a deputy who is compensated ~~on an hourly or per diem basis~~ under section 386, subsection 2, and who does not receive work more than the maximum amount allowed under that subsection in any one calendar or fiscal year ~~for~~ while performing county law enforcement duties.

**Sec. 2. 30-A MRSA §386,** as amended by PL 1989, c. 477, §2, is repealed and the following enacted in its place:

#### **§386. Compensation of deputies**

**1. Full-time deputies.** The county commissioners of each county in which deputies are employed shall set the rate of compensation for deputies employed in the county commissioners' county. The county treasurers shall pay the compensation, together with those incidental expenses that are necessary for the proper enforcement of the laws.

All fees received by full-time deputies for the service of civil process while on duty are deemed fees for the use of the county and are paid to the county treasurer for the use and benefit of the county.

**2. Part-time deputies.** Part-time deputies must be compensated at a reasonable rate established by the county commissioners. A part-time deputy may not be compensated under this section for more than 1040 hours of work as a part-time deputy in any one

calendar or fiscal year. Incidental expenses necessary for the proper enforcement of the laws must be paid in the same manner as provided for full-time deputies and are not included in the limitation on compensation. Compensation paid to a part-time deputy for serving as a court officer is not included in the limitation on compensation.

**3. Special deputies.** Special deputies may be compensated only when on active duty as provided under section 382. They must be compensated at a rate equal to the rate of compensation of full-time or part-time deputies, depending on the actual duties performed while on active service.

See title page for effective date.

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## CHAPTER 45

S.P. 48 - L.D. 158

### An Act to Preserve Roadside Springs

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

**Sec. 1. 22 MRSA §2601, sub-§8-A** is enacted to read:

**8-A. Roadside spring.** "Roadside spring" means any spring, well or other water diverted by pipes for the use of the public to obtain water by using containers or other methods, including but not limited to water being diverted and collected by a landowner by tiles, pipes, catch basins, buildings or other appurtenances.

**Sec. 2. 22 MRSA §2604-A** is enacted to read:

#### **§2604-A. Roadside springs**

A roadside spring is not a public water system if the owner of the roadside spring does not collect, charge or accept donations, fees or money for the water or for testing or maintenance of the water and does not post signs or construct other structures that invite persons to use the spring.

See title page for effective date.

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## CHAPTER 46

H.P. 680 - L.D. 932

### An Act Regarding Foster Parent Insurance