

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
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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 132**H.P. 902 - L.D. 1245****An Act to Revise the Confidentiality Provisions of the Maine Revised Statutes, Title 26**

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

Sec. 1. 26 MRSA §3, as amended by PL 1987, c. 534, Pt. B, §§14 and 23, is further amended to read:

§3. Records confidential

All information and reports recorded by the director or ~~his~~ the director's authorized agents under this Title ~~shall be~~ are confidential, and no names of individuals, firms or corporations may be used in any reports of the director nor made available for public inspection. The director may release information and reports to other government agencies if the director believes that the information will serve to further the protection of the public or assist in the enforcement of local, state and federal laws. The director may also release information and reports to the public pertaining to final bureau action taken under the authority of this Title. Records pertaining to the work force, employment patterns, wage rates, poverty and low-income patterns, economically distressed communities and regions and other similar information and data ~~shall~~ must be made available to the Department of Economic and Community Development and to the State Planning Office for the purposes of analysis and evaluation, measuring and monitoring poverty and economic and social conditions throughout the State and to promote economic development with the understanding that the confidentiality of the information will be maintained.

See title page for effective date.

CHAPTER 133**H.P. 903 - L.D. 1246****An Act Regarding Sales Tax Trade-in Credits and Farm Machinery**

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

Sec. 1. 36 MRSA §1752, sub-§14-B, as enacted by PL 1987, c. 128, §1, is amended to read:

14-B. Special mobile equipment. "Special mobile equipment" means any self-propelled vehicle not designed or used primarily for the transportation of

persons or property ~~which that~~ may be ~~only incidentally~~ operated or moved only incidentally over the highways, including, but not limited to, road construction or maintenance machinery, farm tractors, lumber harvesting vehicles or loaders, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, well drillers and wood sawing equipment.

Sec. 2. 36 MRSA §1764, as amended by PL 1995, c. 281, §17, is further amended to read:

§1764. Tax against certain casual sales

The tax imposed by chapters 211 to 225 must be levied upon all casual sales involving the sale of camper trailers, motor vehicles, special mobile equipment except farm tractors and lumber harvesting vehicles or loaders, livestock trailers, watercraft or aircraft except those sold for resale at retail sale or to a corporation, partnership, limited liability company or limited liability partnership when the seller is the owner of a majority of the common stock of the corporation or of the ownership interests in the partnership, limited liability company or limited liability partnership.

Sec. 3. 36 MRSA §1765, sub-§2, as repealed and replaced by PL 1987, c. 402, Pt. A, §180, is repealed.

Sec. 4. 36 MRSA §1765, sub-§5, as amended by PL 1987, c. 467, §§1 and 2, is repealed.

See title page for effective date.

CHAPTER 134**H.P. 924 - L.D. 1267****An Act to Abolish the Judicial Council**

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

Sec. 1. 4 MRSA c. 9, first 2 lines are repealed and the following enacted in their place:

CHAPTER 9**MAINE CRIMINAL JUSTICE SENTENCING INSTITUTE**

Sec. 2. 4 MRSA §451, as amended by PL 1993, c. 401, §1, is repealed.

Sec. 3. 4 MRSA §451-A, as enacted by PL 1993, c. 401, §2, is repealed.

Sec. 4. 4 MRSA §452 is repealed.

Sec. 5. 4 MRSA §453, as amended by PL 1989, c. 891, Pt. A, §9, is repealed.

Sec. 6. 4 MRSA §454, as amended by PL 1989, c. 925, §1, is further amended to read:

§454. Maine Criminal Justice Sentencing Institute

There is established a Maine Criminal Justice Sentencing Institute under the administrative supervision of the State Court Administrator to provide a continuing forum for the regular discussion of the most appropriate methods of sentencing convicted offenders and adjudicated juveniles by judges in the criminal justice system, prosecutors, law enforcement and correctional personnel, representatives of advisory and advocacy groups and such representatives of the defense bar as the ~~chair of the Judicial Council~~ Chief Justice of the Supreme Judicial Court may invite. All Supreme Judicial Court, Superior Court, District Court and Administrative Court Judges, all District Attorneys and attorneys within the Criminal Division of the Office of the Attorney General are, and such other criminal justice personnel as the ~~Judicial Council~~ Chief Justice of the Supreme Judicial Court may authorize may be members of the institute.

The institute shall meet ~~not less than~~ at least once every 3 years, at the call of the ~~Judicial Council~~ Chief Justice of the Supreme Judicial Court, for a 2-day period to discuss recommendations for changes in the sentencing authority and policies of the State's criminal and juvenile courts, in response to current law enforcement problems and the available alternatives for criminal and juvenile rehabilitation within the State's correctional system. Inasmuch as possible the deliberations of the institute must be open to the general public.

Members of the institute are not entitled to receive compensation for their services, but are allowed, out of any appropriation or other fund made available for the purpose, such expenses for clerical and other services, travel and incidentals as the ~~Judicial Council~~ Chief Justice of the Supreme Judicial Court may authorize.

Sec. 7. 5 MRSA §3358, sub-§2, as amended by PL 1993, c. 349, §9, is further amended by amending the last blocked paragraph to read:

The commission shall request that the Chief Justice of the Maine Supreme Judicial Court, or a designee of the Chief Justice, serve as an advisor to the commission ~~or designate a member of the Judicial Council to serve as an advisor.~~

Sec. 8. 5 MRSA §12004-I, sub-§51, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. 9. 5 MRSA §20067, sub-§2, as enacted by PL 1993, c. 410, Pt. LL, §12, is amended to read:

2. Advise, consult and assist. The commission shall advise, consult and assist the Governor, the executive and legislative branches of State Government and the Chief Justice of the Supreme Judicial Court with activities of State Government related to drug abuse prevention, including alcoholism and intoxication.

Sec. 10. 17-A MRSA §1354, sub-§2, as amended by PL 1993, c. 184, §1, is further amended to read:

2. The commission shall submit to the Legislature, at the start of each session, such changes in the criminal laws and in related provisions as the commission may determine appropriate. The commission may also make recommendations to the Chief Justice of the Supreme Judicial Court, the Advisory Committee on Criminal Rules and to any other organization or committee whose affairs pertain to the criminal justice system.

Sec. 11. 19 MRSA §2004, sub-§2, as enacted by PL 1995, c. 694, Pt. A, §15, is amended to read:

2. Propose changes. The commission may propose to the Legislature, at the start of each session, changes in family laws and in related provisions as the commission considers appropriate. The commission may also make recommendations to the Chief Justice of the Supreme Judicial Court, the Advisory Committee on Criminal Rules, the Advisory Committee on Civil Rules and to any other organization or committee whose affairs pertain to family law and its practice in this State.

Sec. 12. 19-A MRSA §354, sub-§2, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

2. Propose changes. The commission may propose to the Legislature, at the start of each session, changes in the family laws and in related provisions as the commission considers appropriate. The commission may also make recommendations to the Chief Justice of the Supreme Judicial Court, the Advisory Committee on Criminal Rules, the Advisory Committee on Civil Rules and to any other organization or committee whose affairs pertain to family law and its practice in Maine.

Sec. 13. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 19, section 2004, subsection 2 is repealed October 1,

1997. That section of this Act that amends Title 19-A, section 354, subsection 2 takes effect October 1, 1997.

See title page for effective date, unless otherwise indicated.

CHAPTER 135

H.P. 1055 - L.D. 1487

An Act to Authorize Clerks to Sign Notices of Certain Court Actions

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

Sec. 1. 4 MRSA §107, as amended by PL 1995, c. 560, Pt. I, §4, is further amended by adding at the end a new paragraph to read:

The clerk of the Superior Court may sign notices to appear in court for hearings on nonpayment of fines, counsel fees or restitution.

Sec. 2. 4 MRSA §159, as amended by PL 1995, c. 560, Pt. I, §14, is further amended by adding at the end a new paragraph to read:

The clerk of the District Court may sign notices to appear in court for hearings on nonpayment of fines, counsel fees or restitution.

Sec. 3. 17-A MRSA §1304, sub-§1, as amended by PL 1987, c. 861, §15, is further amended to read:

1. When a convicted person sentenced to pay a fine defaults in the payment of the fine or of any installment, the court, upon the motion of the official to whom the money is payable, as provided in section 1303, or upon its own motion, may require that person to show cause why that person should not be committed to the custody of the sheriff for nonpayment and may issue a summons or a warrant of arrest for that person's appearance. The clerk of the court shall notify the person to appear in court.

Unless such person shows that the default was not attributable to a willful refusal to obey the order of the court or to a failure on that person's part to make a good faith effort to obtain the funds required for the payment, the court shall find that the default was unexcused and may commit that person to the custody of the sheriff until the fine or a specified part of the fine is paid. The length of incarceration for such unexcused nonpayment of the fine ~~shall must~~ be specified in the court's order and ~~shall may~~ not exceed one day for each \$5 of the fine or 6 months, whichever is the shorter. When a fine is imposed on an organization, it is the duty of the person or persons

authorized to make disbursements from the assets of the organization to pay it from such assets and failure so to do may subject every such person to court action pursuant to this section. A person committed for nonpayment of a fine ~~shall must~~ be given credit towards its payment for each day after ~~commitment~~ commitment that the person is in custody, at the rate specified in the court's order. The person ~~shall must~~ also be given credit for each day that the person has been detained as a result of an arrest warrant issued pursuant to this section.

See title page for effective date.

CHAPTER 136

H.P. 283 - L.D. 347

An Act to Require Overtime Pay for Employees of Large Agricultural Employers

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

Sec. 1. 26 MRSA §664, sub-§3, ¶F, as enacted by PL 1995, c. 305, §1, is amended to read:

F. The canning, processing, preserving, freezing, drying, marketing, storing, packing for shipment or distribution of:

- (1) Agricultural produce;
- (2) Meat and fish products; and
- (3) Perishable foods.

Individuals employed, directly or indirectly, for or at an egg processing facility that has over 300,000 laying birds must be paid overtime in accordance with this subsection.

See title page for effective date.

CHAPTER 137

H.P. 810 - L.D. 1098

An Act to Facilitate Implementation of an Automated Hunters' and Anglers' Data Base System for Hunting and Fishing Licenses and Registrations

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