

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
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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 253

H.P. 888 - L.D. 1205

**An Act to Amend Certain Provisions
Regarding the Presumption of
Negotiating a Worthless Instrument**

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

Sec. 1. 17-A MRSA §708, sub-§2-A is enacted to read:

2-A. The following evidentiary provisions apply.

A. It is presumed that the person who issued or negotiated the instrument had no account with the drawee at the time the instrument was issued or negotiated if there is a purported stamp or writing of the drawee, payor bank or presenting bank on or accompanying the instrument that states "no account," "account closed" or some other terminology indicating that the instrument was not honored because no account existed.

B. It is presumed that the person who issued or negotiated the instrument had insufficient funds with the drawee at the time the instrument was issued or negotiated if there is a purported stamp or writing of the drawee, payor bank or presenting bank on or accompanying the instrument that states "insufficient funds," "NSF" or some other terminology indicating that the instrument was not honored due to lack of funds.

C. The purported stamp or writing of the drawee, payor bank or presenting bank on or accompanying a negotiable instrument is admissible in evidence in any court of the State, unless the defendant requests in writing at least 10 days before trial that the prosecution provide a qualified witness to testify as to why the instrument was not honored.

See title page for effective date.

CHAPTER 254

S.P. 538 - L.D. 1657

**An Act to Establish the Interstate
Economic Development Commission
for the Northern New England States**

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

Sec. 1. 5 MRSA c. 557 is enacted to read:

CHAPTER 557

**INTERSTATE ECONOMIC DEVELOPMENT
COMMISSION FOR THE NORTHERN NEW
ENGLAND STATES**

§21301. Commission

1. Establishment. The Interstate Economic Development Commission for the Northern New England States, referred to in this chapter as the "commission," is created to examine and promote economic development throughout the member states set forth in subsection 2.

2. Member states. The member states are Maine, New Hampshire and Vermont to the extent that these states have enacted legislation substantially the same as this chapter.

3. Members. The commission consists of the following 15 members:

A. The governor of each member state, or the governor's designee;

B. The commissioner of the state department of each member state with jurisdiction over economic development, or the commissioner's designee;

C. Three public members, one appointed by each governor of each member state; and

D. Six legislative members, appointed by the presiding officer of each House of the Legislature of each member state.

4. Terms. Members of the commission who are governors, commissioners or legislative members serve during the term of office for which they were elected or appointed. Public members serve 4-year terms. A vacancy must be filled in the same manner as the original appointment.

5. Chair. The position of chair rotates among the governors of the member states, or their designees, on an annual basis. Before or at the first meeting of the commission, the governors shall establish the order of rotation.

6. Compensation. Members are not entitled to compensation.

7. Meetings. The commission shall meet at least 6 times each year.

§21302. Duties of the commission

1. Economic development. The commission shall gather and review information regarding economic development and methods of enhancing

economic development in member states. The information may be gathered from any source, including the governors' offices and the departments with jurisdiction over economic development of each member state.

2. Tourism. The commission shall gather and review information regarding the promotion of tourism and methods of expanding access to travel opportunities among the member states.

3. Legislation. The commission may develop and recommend legislation for introduction in each member state that promotes economic development and tourism.

Sec. 2. Effective date. This Act takes effect when the Attorney General notifies the Office of the Revisor of Statutes that New Hampshire and Vermont have enacted concurrent legislation establishing the Interstate Economic Development Commission for the Northern New England States. Initial members of the commission must be appointed within 30 days after this Act takes effect. The governors of the member states shall set the date for the first meeting of the commission.

See title page for effective date, unless otherwise indicated.

CHAPTER 255

H.P. 199 - L.D. 252

An Act Regarding Destruction of Fish Populations

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

Sec. 1. 12 MRSA §7771, sub-§3, as enacted by PL 1979, c. 420, §1, is amended to read:

3. Taking of certain fish. After hearing pursuant to section 7035, subsection 1, the commissioner may permit the taking of pickerel, perch and other fish in specified waters, subject to such conditions as ~~he~~ the commissioner may prescribe, whenever it appears that those fish seriously injure the propagation of or the fishing for any game fish. The commissioner shall solicit bids prior to issuing a permit under this subsection to take fish for reclamation purposes and may solicit bids prior to issuing any other permit issued under this subsection.

See title page for effective date.

CHAPTER 256

H.P. 569 - L.D. 760

An Act to Increase Penalties for Subsequent Violations of the Laws Prohibiting Indecent Conduct

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

Sec. 1. 17-A MRSA §854, sub-§3, as amended by PL 1995, c. 72, §2, is further amended to read:

3. Indecent conduct is a Class E crime, except that it is a Class D crime and the authorized probationary period may be doubled if the defendant has 2 or more prior convictions for violation of this section or section 256. For purposes of this subsection, the dates of the prior convictions may not precede the commission of the offense by more than 10 years, although the prior convictions may have occurred on the same date. The date of a conviction is deemed to be the date that sentence is imposed, even though an appeal is taken. The date of commission of the offense being enhanced is presumed to be that date stated in the complaint, information or indictment, notwithstanding the use of the words "on or about" or the equivalent.

See title page for effective date.

CHAPTER 257

H.P. 120 - L.D. 144

An Act Regarding the Duties of Guardian Ad Litem

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

Sec. 1. 19 MRSA §752-A, sub-§1-A, as enacted by PL 1995, c. 405, §11, is repealed.

Sec. 2. 19-A MRSA §1507, sub-§2, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

2. Qualifications. A guardian ad litem appointed on or after September 1, ~~1997~~ 1998 must meet the qualifications established by the Supreme Judicial Court.

Sec. 3. 19-A MRSA §1507, sub-§3, ¶A, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

3. Duties. The guardian ad litem has both mandatory and optional duties.