

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.

J.S. McCarthy Company
Augusta, Maine
1997

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.

A. A guardian ad litem shall:

(1) Interview the child face-to-face with or without another person present; and

~~(2) Have face to face contact with the child within 7 days of appointment by the court and at least once every 3 months after appointment; and~~

(3) Make a written report of investigations, findings and recommendations ~~every 6 months or~~ as ordered by the court, with copies of the report to each party and the court.

Sec. 4. 19-A MRSA §1507, sub-§4, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

4. Best interest of the child. The guardian ad litem shall use the standard of the best interest of the child as set forth in section 1653, subsection 3. The guardian ad litem shall make the wishes of the child known to the court if the child has expressed them, regardless of the recommendation of the guardian ad litem. ~~If the child and the child's guardian ad litem are not in agreement, the court shall evaluate the need for appointing special counsel for the child to serve as the child's legal advocate concerning the issues and during the proceedings as the court determines to be in the best interest of the child and shall appoint a legal advocate if the court determines that such an appointment is necessary.~~

Sec. 5. 22 MRSA §4005, sub-§1, ¶A, as amended by PL 1995, c. 405, §18, is further amended to read:

A. The court, in every child protection proceeding except a request for a preliminary protection order under section 4034 or a petition for a medical treatment order under section 4071, but including hearings on those orders, shall appoint a guardian ad litem for the child. The guardian ad litem's reasonable costs and expenses must be paid by the District Court. The appointment must be made as soon as possible after the proceeding is initiated. Guardians ad litem appointed on or after September 1, ~~1997~~ 1998 must meet the qualifications established by the Supreme Judicial Court.

Sec. 6. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 19-A, section 1507, take effect October 1, 1997.

See title page for effective date, unless otherwise indicated.



CHAPTER 258

H.P. 465 - L.D. 636

An Act to Cap the Fees Responsible Parties Pay for the Transportation of Hazardous Waste from Superfund Sites

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

Sec. 1. 38 MRSA §1319-I, sub-§2, as repealed and replaced by PL 1987, c. 491, §25, is amended to read:

2. Fees for action taken off site of generation.

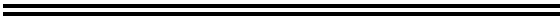
Any person who transports hazardous waste in the State shall pay a fee as follows:

A. For hazardous waste ~~which that~~ is transported off the site to a licensed hazardous waste disposal facility for disposal, 2.0¢ a pound; and

B. For hazardous waste ~~which that~~ is transported off the site to a licensed hazardous waste treatment facility for treatment, storage facility for storage or other licensed facility for handling, including beneficial reuse, reclamation or recycling, 1.5¢ a pound.

Fees required under this subsection for hazardous waste that is transported off a federally declared Superfund site that was added to the national priorities list by the United States Environmental Protection Agency pursuant to 40 Code of Federal Regulations, Part 300 on or before January 1, 1997 may not exceed \$200,000 per site in any calendar year.

See title page for effective date.



CHAPTER 259

S.P. 243 - L.D. 812

An Act to Require the Public Utilities Commission to Align Telecommunications Carrier Access Rates with Costs to Foster Economic Development and Competition throughout the State

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

Sec. 1. 35-A MRSA §7101-B is enacted to read:

§7101-B. Access rates