

# 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**

must promptly pay to the board the expenses of the evaluation upon presentation of a reasonably detailed written statement of the expenses.

**§14249. Complaints; license; refusal to renew; suspension; revocation**

The board may investigate complaints involving a school including any allegation of noncompliance with or violation of this subchapter and applicable rules. After a hearing in conformance with Title 5, chapter 375, subchapter IV, the board may amend or modify any license and may suspend or refuse to renew a license as provided in Title 5, section 10004.

A board member may not participate in any on-site evaluation, complaint, hearing or license-related action that involves a school of barbering or a school of cosmetology with which the board member has or has had a direct relationship as a student, instructor, administrator or director or the board member has a direct pecuniary interest in the school.

The Administrative Court may suspend or revoke the license of any person, partnership, association or corporation found to have violated any provision of this subchapter or any lawful order or rule issued by the board.

**§14250. Hearings**

The board may not refuse to renew a license for any reason other than failure to pay the required renewal fee, unless the licensee has been given an opportunity for a hearing.

Hearings may also be conducted by the board at the board's discretion to assist with investigations of complaints to determine whether grounds exist for suspension, revocation, denial or nonrenewal of any license, or as otherwise determined necessary to fulfill the responsibilities under this subchapter.

The board may subpoena witnesses, records and documents in any hearing conducted pursuant to this subchapter.

**Sec. 19. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1997-98	1998-99
<b>PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF</b>		
<b>Licensing and Enforcement</b>		
Personal Services	\$3,000	\$3,000
All Other	4,000	3,000

Provides funds for the Board of Barbering and Cosmetology to approve and license barbering and cosmetology schools.

**DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**  
**TOTAL**

\$7,000      \$6,000

See title page for effective date.

**CHAPTER 267**

**S.P. 359 - L.D. 1218**

**An Act to Expand the Harassment Laws**

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

**Sec. 1. 17-A MRSA §506-A, sub-§1**, as amended by PL 1993, c. 475, §4, is further amended to read:

**1.** A person is guilty of harassment if, without reasonable cause, that person engages in any course of conduct with the intent to harass, torment or threaten another person, after having been forbidden to do so by any sheriff, deputy sheriff, constable, police officer or justice of the peace or by a court in a protective order issued under Title 5, section 4654 or 4655 or Title 19, section 765 or 766 or, if the person is an adult in the custody or under the supervision of the Department of Corrections, after having been forbidden to do so by the Commissioner of Corrections, the chief administrative officer of the facility, the regional correctional administrator for the region or their designees.

**Sec. 2. 17-A MRSA §506-A, sub-§1**, as amended by PL 1995, c. 694, Pt. D, §24 and affected by Pt. E, §2, is further amended to read:

**1.** A person is guilty of harassment if, without reasonable cause, that person engages in any course of conduct with the intent to harass, torment or threaten another person, after having been forbidden to do so by any sheriff, deputy sheriff, constable, police officer or justice of the peace or by a court in a protective order issued under Title 5, section 4654 or 4655 or Title 19-A, section 4006 or 4007 or, if the person is an adult in the custody or under the supervision of the Department of Corrections, after having been forbidden to do so by the Commissioner of Corrections, the chief administrative officer of the facility,

the regional correctional administrator for the region or their designees.

**Sec. 3. Effective date.** Section 2 of this Act takes effect October 1, 1997.

See title page for effective date, unless otherwise indicated.

**CHAPTER 268**

**S.P. 254 - L.D. 823**

**An Act to Amend the Membership of the Maine Tourism Commission**

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

**Sec. 1. 5 MRSA §13090-F, sub-§1,** as reallocated by RR 1995, c. 2, §11 and corrected by §12, is amended to read:

**1. Maine Tourism Commission.** The Maine Tourism Commission, established by section 12004-I, subsection 87 and referred to in this section as the "commission," shall assist and advise the Office of Tourism and Community Development to achieve its purpose under section 13090-C. The commission consists of 9 members of major tourism trade associations ~~and~~ 8 public members who must represent their respective regions and have experience in the field or have demonstrated concern for the travel industry and 3 persons representing the outdoor sporting interests of the State, consisting of one person representing a statewide organization of hunters, anglers and trappers, one person representing the interests of large landowners and one person representing a statewide organization of licensed Maine guides. The terms of the members are for 4 years each, except that, for the members first appointed, 4 members are appointed for terms of 4 years, 4 members for terms of 3 years, 4 members for terms of 2 years and 5 members for terms of one year. The members are appointed by the Governor, who shall fill a vacancy in the membership for the unexpired term. The commissioner, director or a designee of the following state departments or offices shall serve as ex officio, nonvoting members of the commission: the department; the State Planning Office; the Department of Conservation; the Department of Transportation; the Department of Inland Fisheries and Wildlife; the Department of Agriculture, Food and Rural Resources; the Department of Education; the Bureau of Public Improvements; and the Canadian Affairs Coordinator. A chair and vice-

chair must be elected annually from the appointed membership.

See title page for effective date.

**CHAPTER 269**

**H.P. 896 - L.D. 1213**

**An Act to Create a Family Division within the State's District Court**

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

**Sec. 1. 4 MRSA §183** is enacted to read:

**§183. Family Division of District Court**

There is established within the District Court a Family Division that has jurisdiction over family matters filed in District Court. The Family Division shall provide a system of justice that is responsive to the needs of families and the support of their children. The Supreme Judicial Court may adopt administrative orders and court rules governing the practice, procedure and administration of the Family Division. These practices and procedures must include, but are not limited to, education for the parties, case management and referral services to mediation and other alternate dispute resolution techniques.

**1. Family case management officers.** The Chief Judge of the District Court, with the approval of the Chief Justice of the Supreme Judicial Court, shall employ family case management officers. In selecting family case management officers, the Chief Judge shall give proper consideration to achieving statewide geographical representation in the Family Division.

**A. Family case management officers must be members of the Bar of this State and must have experience in the area of family law. Other qualifications may include interest, training or experience in mediation and other alternate dispute resolution techniques, domestic violence, child development, family dynamics and case management.**

**B. Family case management officers shall devote themselves solely to the official duties of the position. They may not engage in the private practice of law or in any employment, occupation or business interfering with or inconsistent with the discharge of their duties. The Chief Judge of the District Court shall determine the salary of the family case management officers.**

**C. Family case management officers are governed by the Maine Code of Judicial Conduct.**