

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

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.

Family case management officers serve at the pleasure of the Chief Judge of the District Court.

D. Family case management officers shall employ appropriate case management techniques and have jurisdiction to hear and dispose of the following matters:

(1) Interim orders in actions involving the establishment, modification or enforcement of child support;

(2) Interim orders in actions involving divorce, legal separation, paternity or parental rights, including interim orders in post-judgment proceedings arising out of these actions, except that a contested motion concerning interim parental rights and responsibilities, excluding interim child support orders, may be determined by the family case management officer only if both parties consent to determination of the issue or issues in dispute by the family case management officer;

(3) Final orders in any of the matters included in subparagraphs (1) and (2) when the proceeding is uncontested;

(4) Final orders in a contested proceeding when child support is the only contested issue; and

(5) Other actions assigned by the Chief Judge of the District Court.

E. Interim orders in any of the matters included in paragraph D, subparagraphs (1) and (2) are effective immediately and are subject to de novo review by a judge at the final hearing. Final orders in any of the matters included in paragraph D, subparagraphs (3) and (4) are subject to appellate review in the same manner as any final order of the District Court. The family case management officer shall inform the parties of the rights of review established in this paragraph.

2. Additional staff. The State Court Administrator shall provide other necessary staff to the Family Division, within the limits of funds available, and shall seek to take full advantage of federal funding, including reimbursements.

3. Reports. The State Court Administrator shall keep statistical records relating to the cases handled by the Family Division and report this information to the Supreme Judicial Court annually and to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15th of each odd-numbered calendar year.

A. The State Court Administrator shall evaluate the functioning of the family case management officers in providing a system of justice that is responsive to the needs of families and the support of their children in light of the jurisdiction given to the family case management officers under this section. The State Court Administrator shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than January 15, 1999 with recommendations, if any, for changing the duties provided in subsection 1, paragraph D.

B. The State Court Administrator shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 1999 explaining the justification for the particular geographic assignments of the family case management officers.

Sec. 2. Effective date. This Act takes effect January 1, 1998.

Effective January 1, 1998.

CHAPTER 270

H.P. 546 - L.D. 737

An Act to Create a Helper Registration Category, to Exempt Certain Persons from Licensure under the Propane and Natural Gas Act and to Eliminate the Tagging Requirement

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

Sec. 1. 32 MRSA §14802, sub-§6-A is enacted to read:

6-A. Highway transport driver. "Highway transport driver" means a driver of a tractor-trailer commercial motor vehicle that has a cargo tank with a water capacity of 9,000 gallons or more.

Sec. 2. 32 MRSA §14807, sub-§§6 and 7 are enacted to read:

6. Propane and natural gas helper. A person may not assist a licensed person unless that person first registers with the board as a propane and natural gas helper. A helper may work only under the direct and continuous supervision of a licensed person on-site. A licensed person may supervise no more than 2 helpers at any time.

The board may set a fee for the propane and natural gas helper registration, not to exceed \$40 biennially.