

# 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**

(39) Services performed by a direct seller as defined in 26 United States Code, Section 3508, Subsection (b), Paragraph (2). This subparagraph does not include a person selling major improvements or renovations to the structure of a home, business or property; and

**Sec. 2. 26 MRSA §1043, sub-§11, ¶F**, as corrected by RR 1995, c. 2, §62, is further amended by adding a new subparagraph (40) to read:

(40) Services performed by lessees of taxicabs, as long as that employment is not subject to federal unemployment tax. This subparagraph may not be construed to affect a determination regarding a lessee's status as an independent contractor for workers' compensation purposes.

See title page for effective date.

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## CHAPTER 350

S.P. 175 - L.D. 504

### An Act to Amend Certain Provisions Dealing with Juvenile Summonses

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

**Sec. 1. 15 MRSA §3301, sub-§5, ¶C**, as amended by PL 1985, c. 439, §11, is further amended to read:

C. If the juvenile caseworker determines that the facts are sufficient for the filing of a petition, he the juvenile caseworker may request the prosecuting attorney to file a petition. If this alternative is chosen, the juvenile caseworker shall issue and may serve a summons in accordance with section 3304. If the juvenile caseworker does not make service before requesting the prosecuting attorney to file a petition, the juvenile caseworker shall request a law enforcement officer to serve the summons in accordance with section 3304.

**Sec. 2. 15 MRSA §3304, sub-§1**, as enacted by PL 1977, c. 520, §1, is amended to read:

**1. Issuance and contents.** After a petition has been filed, the court shall promptly issue a summons. The summons shall briefly recite the substance of the petition issued by the juvenile caseworker must include the signature of the juvenile caseworker, a brief description of the alleged juvenile crime, the time and place of the alleged juvenile crime and the time and place the juvenile is to appear in court. The

summons ~~shall~~ must also include a statement of the constitutional rights of the juvenile, including the right to have an attorney present at the hearing on the petition and to have an attorney appointed, if indigent.

**Sec. 3. 15 MRSA §3304, sub-§3**, as amended by PL 1989, c. 741, §12, is further amended to read:

**3. Service.** The summons must be directed to and served, pursuant to Rule 4 (c)(4) of the Maine Rules of Criminal Procedure, upon the following persons:

- A. The juvenile; and
- B. The juvenile's parents, guardian or legal custodian, if the juvenile is not emancipated. Service upon a parent, guardian or legal custodian who is out of state may be by a reasonable method ordered by the court.

**Sec. 4. 15 MRSA §3304, sub-§4**, as enacted by PL 1977, c. 520, §1, is amended to read:

**4. Service at least 48 hours before appearance demanded.** The summons ~~shall~~ must require the person on whom it is served to appear for a hearing at ~~a~~ the time and place specified. The time ~~shall~~ may not be less than ~~2 days~~ 48 hours after service of the summons. If the juvenile is not detained by an order of the court, the summons ~~shall required~~ must require the custodian to produce the juvenile at that time and place. ~~A copy of the petition shall be attached to the summons.~~

See title page for effective date.

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## CHAPTER 351

H.P. 443 - L.D. 593

### An Act to Strengthen the Laws Concerning Resisting Arrest

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

**Sec. 1. 17-A MRSA §108, sub-§1-A** is enacted to read:

**1-A.** A person is not justified in using nondeadly force against another person who that person knows or reasonably should know is a law enforcement officer attempting to effect an arrest or detention, regardless of whether the arrest or detention is legal. A person is justified in using the degree of nondeadly force the person reasonably believes is necessary to defend the person or a 3rd person against a law enforcement officer who, in effecting an arrest or detention, uses