

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

where the prisoner is incarcerated shall collect and disburse to the parent, legal guardian or legal custodian that portion of the prisoner's money to be paid for the support of that prisoner's dependent children. This section does not apply to any prisoner making payments for the support of a dependent child pursuant to a support order issued by a court or by the Department of Human Services.

Sec. 5. PL 1997, c. 41 is repealed.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 31, 1997.

CHAPTER 359

H.P. 835 - L.D. 1140

An Act to Clarify the Workers' Compensation Law Concerning Seasonal Agricultural Laborers

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, current law provides an exemption from the workers' compensation laws for employers of employees engaged in agriculture or aquaculture as seasonal or casual laborers and a separate exemption for employers of 6 or fewer agricultural or aquacultural laborers; and

Whereas, a number of insurance agents servicing the State's farmers are under the mistaken impression that seasonal and casual laborers should be included when determining whether the employer has more than 6 agricultural laborers; and

Whereas, the issue needs to be clarified as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 39-A MRSA §401, sub-§1, ¶C, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

C. Employers of 6 or fewer agricultural or aquacultural laborers, if the employer maintains an

employer's liability insurance policy with total limits of not less than \$100,000 multiplied by the number of agricultural or aquacultural laborers employed by that employer and medical payment coverage of not less than \$1,000.

(1) In computing the number of agricultural or aquacultural laborers under this paragraph, immediate family members of unincorporated employers, immediate family members of bona fide owners of at least 20% of the outstanding voting stock of an incorporated agricultural employer and seasonal and casual workers are not included. For the purposes of this subparagraph, "immediate family members" means parents, spouse, brothers, sisters and children.

(2) This exemption does not apply if the employer has employed more than 6 agricultural or aquacultural laborers, not including seasonal or casual laborers, in regular and concurrent manner, as computed under subparagraph 4 (1), at any time during the 52 weeks immediately preceding the injury.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 31, 1997.

CHAPTER 360

H.P. 867 - L.D. 1184

An Act Regarding Firearms Proficiency Testing for Private Investigators

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

Sec. 1. 25 MRSA §2001, sub-§5, as amended by PL 1989, c. 917, §5, is repealed.

Sec. 2. 25 MRSA §2002, sub-§9, ¶¶B and C, as enacted by PL 1993, c. 524, §2, are amended to read:

B. To a resident of an unorganized territory:

(1) The Chief of the State Police; ~~and~~

C. To a nonresident:

(1) The Chief of the State Police; ~~and~~

Sec. 3. 25 MRSA §2002, sub-§9, ¶D is enacted to read:

D. To a private investigator licensed under Title 32, chapter 89:

(1) The Chief of the State Police.

Sec. 4. 32 MRSA §8120, as enacted by PL 1987, c. 602, §3, is repealed.

Sec. 5. 32 MRSA §8120-A is enacted to read:

§8120-A. Firearms

A private investigator licensed under this chapter may carry a firearm while performing the duties of a private investigator only after being issued a concealed weapons permit by the Chief of the State Police under Title 25, chapter 252 and passing the written firearms examination prescribed by the commissioner.

See title page for effective date.

CHAPTER 361

S.P. 364 - L.D. 1223

An Act to Expand the Monitoring of the Conversations of Prisoners

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

Sec. 1. 15 MRSA §709, sub-§4-A, as enacted by PL 1987, c. 680, §1, is further amended to read:

4-A. Investigative officer. "Investigative officer" means a ~~corrections officer employed by an~~ employee of the Department of Corrections and designated by the Commissioner of Corrections as having the authority to conduct investigations of offenses relating to the security or orderly management of a ~~correctional~~ facility administered by the department.

Sec. 2. 15 MRSA §709, sub-§4-B is enacted to read:

4-B. County jail investigative officer. "County jail investigative officer" means an employee of a county jail designated by the county jail administrator as having the authority to conduct investigations of offenses relating to the security or orderly management of the county jail.

Sec. 3. 15 MRSA §712, sub-§2, as amended by PL 1995, c. 182, §1, is further amended to read:

2. Investigative officers. It is not a violation of this chapter for an investigative officer, as defined in this chapter, or for an employee of the Department of Corrections acting at the direction of an investigative

officer, to intercept, disclose or use that communication in the normal course of employment while engaged in any activity ~~which that~~ is a necessary incident to the administration of criminal justice, if:

~~A. Either the sender or receiver of that communication is a person committed to the custody of the Department of Corrections under a term of imprisonment which is being served~~ residing in a an adult correctional facility administered by the ~~department~~ Department of Corrections; and

~~B. Notice of the possibility of interception is provided in a way sufficient to make the parties to the communication aware of the possibility of interception; and, which includes:~~

(1) Providing the resident with a written notification statement;

(2) Posting written notification next to every telephone at the facility that is subject to monitoring; and

(3) Informing the recipient of a telephone call from the resident by playing a recorded warning before the recipient accepts the call.

~~C. Probable cause exists that a criminal offense related to the security of a correctional facility administered by the department has been, is in the process of being or is about to be committed by a party to the conversation.~~

~~(1) Prior to the interception, the grounds for that probable cause shall be documented in a sworn affidavit which shall be submitted to a Judge of the District Court or Justice of the Superior Court to determine if that probable cause exists.~~

~~(2) Prior authorization for the submission to the Judge or Justice must be given by the Commissioner of Corrections and the Attorney General.~~

This subsection ~~shall~~ does not authorize any interference with the attorney-client privilege.

Sec. 4. 15 MRSA §712, sub-§3 is enacted to read:

3. County jail investigative officer. It is not a violation of this chapter for a county jail investigative officer, as defined in this chapter, or for a county jail employee acting at the direction of a county jail investigative officer to intercept, disclose or use that communication in the normal course of employment while engaged in any activity that is a necessary incident to the administration of criminal justice if: