

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 funds required to make payment, the court shall find that the default was unexcused and may commit the offender to the custody of the sheriff until all or a specified part of the restitution is paid. The length of confinement in a county jail for unexcused default must be specified in the court's order and may not exceed one day for every \$5 of unpaid restitution or 6 months, whichever is shorter. An offender committed for nonpayment of restitution is given credit toward the payment of restitution for each day of confinement that the offender is in custody, at the rate specified in the court's order. The offender is also given credit for each day that the offender has been detained as the result of an arrest warrant issued pursuant to this section. An offender is responsible for paying any restitution remaining after receiving credit for confinement and detention. A default on the remaining restitution is also governed by this section.

B. If it appears that the default is excusable, the court may give the offender additional time for payment or may reduce the amount of each installment.

4. Collection. Upon any default, execution may be levied and other measures authorized for the collection of unpaid civil judgments may be taken to collect the unpaid restitution. A levy of execution does not discharge an offender confined to a county jail under subsection 3 for unexcused default until the full amount of the restitution has been collected.

5. Organizations. When restitution is imposed on an organization, the person or persons authorized to make disbursements from the assets of the organization shall pay the restitution from the organization's assets. Failure to do so may subject the person or persons to court action pursuant to this section.

See title page for effective date.

CHAPTER 414

S.P. 108 - L.D. 387

**An Act to Amend the Laws
Pertaining to Wine Tasting**

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

Sec. 1. 28-A MRSA §1205, sub-§1, as amended by PL 1995, c. 30, §4, is further amended to read:

1. Taste testing on off-premise retail licensee's premises; fine wine stores. Subject to the conditions

in subsection 2, the commission may authorize an off-premise retail licensee, 50% or more of whose gross income is derived from the sale of wine or malt liquor or spirits, or a fine wine store to conduct taste testings of wine on that licensee's premises. Any other consumption of alcoholic beverages on an off-premise retail licensee's premises is prohibited.

Sec. 2. 28-A MRSA §1205, sub-§2, ¶E, as amended by PL 1995, c. 30, §5, is further amended to read:

E. Taste testing is limited to a designated area. ~~In a fine wine store, the taste testing must be conducted in an area that is separate from the retail sales floor and not readily accessible to the general public;~~

Sec. 3. 28-A MRSA §1205, last ¶, as enacted by PL 1995, c. 30, §6, is amended to read:

For the purposes of this section, "fine wine store" means a store that sells wine from at least 50% of the world's wine regions and carries at least ~~500~~ 250 different wine labels.

See title page for effective date.

CHAPTER 415

H.P. 839 - L.D. 1144

**An Act Pertaining to Parental Access
to School Records**

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

Sec. 1. 19 MRSA §214, sub-§6, ¶B, as amended by PL 1995, c. 172, §1, is further amended to read:

B. A statement that each parent must have access to records and information pertaining to a minor child, including but not limited to, medical, dental and school records and other information on school activities, whether or not the child resides with the parent, unless that access is found not to be in the best interest of the child or that access is found to be sought for the purpose of causing detriment to the other parent. If that access is not ordered, the court shall state in the order its reasons for denying that access; and

Sec. 2. 19 MRSA §752, sub-§6, ¶B, as amended by PL 1995, c. 172, §5, is further amended to read:

B. A statement that each parent must have access to records and information pertaining to a

minor child, including but not limited to, medical, dental and school records and other information on school activities, whether or not the child resides with the parent, unless that access is found not to be in the best interest of the child or that access is found to be sought for the purpose of causing detriment to the other parent. If that access is not ordered, the court shall state in the order its reasons for denying that access; and

Sec. 3. 19-A MRSA §1653, sub-§2, ¶D, as amended by PL 1997, c. 187, §2 and affected by §5, is further amended to read:

D. The order of the court awarding parental rights and responsibilities must include the following:

- (1) Allocated parental rights and responsibilities, shared parental rights and responsibilities or sole parental rights and responsibilities, according to the best interest of the child as provided in subsection 3. An award of shared parental rights and responsibilities may include either an allocation of the child's primary residential care to one parent and rights of parent-child contact to the other parent, or a sharing of the child's primary residential care by both parents;
- (2) Conditions of parent-child contact in cases involving domestic abuse as provided in subsection 6;
- (3) A provision for child support as provided in subsection 8 or a statement of the reasons for not ordering child support;
- (4) A statement that each parent must have access to records and information pertaining to a minor child, including, but not limited to, medical, dental and school records and other information on school activities, whether or not the child resides with the parent, unless that access is found not to be in the best interest of the child or that access is found to be sought for the purpose of causing detriment to the other parent. If that access is not ordered, the court shall state in the order its reasons for denying that access;
- (5) A statement that violation of the order may result in a finding of contempt and imposition of sanctions as provided in subsection 7; and
- (6) A statement of the definition of shared parental rights and responsibilities contained in section 1501, subsection 5, if the

order of the court awards shared parental rights and responsibilities.

An order modifying a previous order is not required to include provisions of the previous order that are not modified.

Sec. 4. 20-A MRSA §6001-A is enacted to read:

§6001-A. Parental access to information on school activities

1. Parental notification. Upon written request by a parent, a school administrative unit may provide written notification of all school activities and programs for which parental participation, involvement, notification or awareness is in the best interest of the student. A noncustodial parent may have access to information on school activities and programs upon written request and with the mutual agreement of the custodial parent and the school administrative unit.

2. Exemption. This section does not apply to a parent denied parental rights and responsibilities in a court order.

Sec. 5. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 19-A, section 1653, subsection 2, paragraph D takes effect October 1, 1997.

See title page for effective date, unless otherwise indicated.

CHAPTER 416

H.P. 202 - L.D. 255

**An Act to Consider the Horse Supply
in the Assignment of Race Dates**

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

Sec. 1. 8 MRSA §271, sub-§6 is enacted to read:

6. Hearing on horse supply. Prior to August of each year, the commission shall conduct a hearing to determine whether the horse supply in the State has been adequate for the number of dashes conducted on assigned race dates. If the commission concludes that the horse supply has been inadequate, the commission shall limit to the extent necessary the number of dashes that a licensee may race on any date after August 1st of that year that has been assigned to more