

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

Sec. 20. 36 MRSA §4374, as repealed and replaced by PL 1977, c. 696, §291, is repealed and the following enacted in its place:

§4374. Fraudulent stamps

Any person who, with the intent to defraud, makes, forges or counterfeits any stamp prescribed by the State Tax Assessor under this chapter or who causes or procures the same to be done, who knowingly utters, publishes, passes or renders as true any false, altered, forged or counterfeited stamp or who knowingly possesses any such false, altered, forged or counterfeited stamp, for the purpose of evading the tax imposed by this chapter, commits a Class C crime.

Sec. 21. 36 MRSA §4379, as amended by PL 1985, c. 785, Pt. B, §169, is further amended to read:

§4379. Administration; rules

The administration of this chapter is vested in the State Tax Assessor. All forms necessary and proper for the enforcement of this chapter ~~shall~~ **must** be prescribed and furnished by the ~~State Tax Assessor~~ **assessor**. The ~~State Tax Assessor~~ **assessor** shall appoint ~~such any agents, clerks, stenographers and other assistants as he may deem necessary~~ for effecting the purpose of this chapter, ~~subject to the Civil Service Law~~. The ~~State Tax Assessor~~ **assessor** may ~~prescribe regulations and rulings, not inconsistent with law, adopt rules to carry into effect this chapter, which regulations and rulings, when reasonably designed to carry out the intent and purpose of this chapter, shall be prima facie evidence of its proper interpretation. The State Tax Assessor shall, at least annually, and oftener in his discretion, publish for distribution all regulations prescribed and such rulings as appear to him to be of general interest.~~

Sec. 22. 36 MRSA §4380, as amended by PL 1983, c. 828, §21, is repealed.

See title page for effective date.

CHAPTER 459

S.P. 74 - L.D. 213

**An Act to Create the Position of
Director of Econometric Research
within the Bureau of Taxation**

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

Sec. 1. 2 MRSA §6, sub-§3, as amended by PL 1993, c. 410, Pt. CCC, §1, is further amended to read:

3. Range 89. The salaries of the following state officials and employees are within salary range 89:

Director, Bureau of General Services;
Director, Bureau of Alcoholic Beverages and Lottery Operations;
State Budget Officer;
State Controller;
Director of the Bureau of Forestry;
Chief of the State Police;
Director, State Planning Office;
Director, Energy Resources Office;
Public Advocate;
Commissioner of Defense and Veterans' Services;
Director of Human Resources;
Director, Bureau of Children with Special Needs; ~~and~~
Director, Bureau of Information Services; ~~and~~
Director of Econometric Research.

Sec. 2. 5 MRSA §931, sub-§1, ¶L, as amended by PL 1995, c. 625, Pt. A, §3, is further amended to read:

L. The executive director, deputy director, general counsel and staff attorneys of the Maine Health Care Finance Commission; ~~and~~

Sec. 3. 5 MRSA §931, sub-§1, ¶L-2 is enacted to read:

L-2. The Director of Econometric Research within the Bureau of Taxation; and

Sec. 4. 36 MRSA §112, sub-§2, as amended by PL 1985, c. 785, Pt. B, §168, is further amended to read:

2. Organization. The State Tax Assessor may employ ~~such~~ deputies, assistants and employees as necessary, subject to the Civil Service Law, ~~as are necessary unless otherwise provided~~, and distribute the duties given to ~~him~~ the assessor or to the Bureau of Taxation among ~~such those~~ persons or divisions in that bureau ~~as he deems the assessor considers necessary for economy and efficiency in administration. An officer within each division of the bureau shall must be designated by the State Tax Assessor assessor as director of that division. Notwithstanding~~

any other laws, the Director of Econometric Research serves at the pleasure of the assessor. The State Tax Assessor assessor, for enforcement and administrative purposes, may divide the State into a reasonable number of districts in which branch offices may be maintained.

Sec. 5. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1997-98	1998-99
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
Bureau of Taxation		
Personal Services	(\$6,572)	(\$8,137)
Provides funds for the reclassification of the position of Director of Econometric Research by reducing the weekly hours of a vacant Clerk Typist II position by 16 hours.		
Bureau of Taxation		
Personal Services	6,535	8,091
Provides funds for reclassifying the position of Director of Econometric Research.		
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES		
TOTAL	(\$37)	(\$46)

See title page for effective date.

CHAPTER 460

H.P. 229 - L.D. 293

An Act to Create a Repeat Offender Provision Addressing Crimes of Violence against Persons

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

Sec. 1. 17-A MRSA §212, as amended by PL 1995, c. 694, Pt. D, §23 and affected by Pt. E, §2, is repealed.

Sec. 2. 17-A MRSA §254, sub-§3, ¶¶A and B, as repealed and replaced by PL 1995, c. 104, §3, are amended to read:

A. The actor was more than 10 years older than the other person; or

B. The actor knew the other person was related to the actor within the 2nd degree of consanguinity; or

Sec. 3. 17-A MRSA §254, sub-§3, ¶C, as repealed and replaced by PL 1995, c. 104, §3, is repealed.

Sec. 4. 17-A MRSA §255, sub-§2, as amended by PL 1995, c. 104, §7, is further amended to read:

2. Unlawful sexual contact is a Class D crime, except that a violation of subsection 1, paragraph J is a Class E crime and except that a violation of subsection 1, paragraph C, G or H is a Class C crime, ~~and a violation of this section when the actor has 2 or more prior Maine convictions for violations of this section is a Class C crime. For purposes of this subsection, the dates of both of the prior convictions must precede the commission of the offense being enhanced by no more than 5 years, although both prior convictions may have occurred on the same day. The date of a conviction is deemed to be the date that sentence is imposed, even though an appeal was taken. The date of a commission of an offense is presumed to be that stated in the complaint, information or indictment, notwithstanding the use of the words "on or about" or the equivalent.~~

Sec. 5. 17-A MRSA §1252, sub-§4-A is enacted to read:

4-A. If the State pleads and proves that, at the time any crime, excluding murder, under chapter 9, 11, 13 or 27 was committed, the defendant had been convicted of 2 or more crimes violating chapter 9, 11, 13 or 27 or essentially similar crimes in other jurisdictions, the sentencing class for the crime is one class higher than it would otherwise be. In the case of a Class A crime, the sentencing class is not increased, but the prior record must be given serious consideration by the court when imposing a sentence. For purposes of this subsection, the dates of the prior convictions must precede the commission of the offense being enhanced by no more than 10 years, although both prior convictions may have occurred on the same date. This subsection does not apply if the 2 prior offenses were committed within a 3-day period. The date of a conviction is deemed to be the date that sentence is imposed, even though an appeal was taken. The date an offense was committed is presumed to be the date stated in the complaint, information or indictment, notwithstanding the use of the words "on or about" or the equivalent.

See title page for effective date.