

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

disposition under section 4036 or under Title 19-A, section 1502 or 1653.

Sec. 9. 22 MRSA §4055, sub-§1-A, ¶¶C and E, as enacted by PL 1995, c. 481, §4, are amended to read:

C. The child has been placed in the legal custody or care of the department, the parent has a chronic substance abuse problem, and the parent's prognosis indicates that the child will not be able to return to the custody of the parent within a reasonable period of time, considering the child's age and the need for a permanent home. The fact that a parent has been unable to provide safe care of a child for a period of ~~12~~ 9 months due to substance abuse constitutes a chronic substance abuse problem;

E. The child has been placed in the legal custody or care of the department for at least ~~12~~ 9 months, and the parents have been offered or received services to correct the situation but have refused or have made no significant effort to correct the situation.

Sec. 10. 22 MRSA §4055, sub-§2, as amended by PL 1995, c. 481, §5, is further amended to read:

2. Primary considerations. In deciding to terminate parental rights, the court shall consider the best interest of the child, the needs of the child, including the child's age, the child's attachments to relevant persons, periods of attachments and separation, the child's ability to integrate into a substitute placement or back into the parent's home and the child's physical and emotional needs.

Sec. 11. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 22, section 4052, subsection 2, as amended by Public Law 1995, chapter 694, Part D, section 47 and affected by Part E, section 2, takes effect October 1, 1997.

See title page for effective date, unless otherwise indicated.

CHAPTER 476

H.P. 400 - L.D. 545

An Act to Enhance the Penalty for Operating a Motor Vehicle after Habitual Offender Revocation When the Actor Has Had a Prior Conviction for Operating after Revocation or Operating under the Influence within the Previous 10 Years

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

Sec. 1. 29-A MRSA §2557, sub-§2, ¶¶A and B, as affected by PL 1995, c. 65, Pt. A, §153 and amended by Pt. C, §14 and affected by §15, are further amended to read:

A. A Class D crime if:

(1) The person has no conviction for operating after revocation under this section or under former Title 29, section 2298 within the previous ~~5~~ 10 years; and

(2) The person has no conviction for violating section 2411 or former Title 29, section 1312-B within the previous ~~5~~ 10 years; and

B. A Class C crime if:

(1) The person has one or more convictions for operating after revocation under this section or under former Title 29, section 2298 within the previous ~~5~~ 10 years; or

(2) The person has one or more convictions for violating section 2411 or former Title 29, section 1312-B within the previous ~~5~~ 10 years.

See title page for effective date.

CHAPTER 477

H.P. 264 - L.D. 328

An Act to Increase the Penalty for Burglary When the Actor has Prior Convictions for Certain Enumerated Crimes

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

Sec. 1. 17-A MRSA §401, sub-§2, ¶B, as amended by PL 1977, c. 510, §51, is repealed and the following enacted in its place:

B. A Class B crime if:

(1) The defendant intentionally or recklessly inflicted or attempted to inflict bodily injury on anyone during the commission of the burglary or an attempt to commit the burglary or in immediate flight after the commission or attempt;