

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 members of the commission are entitled to a per diem, expenses and allowances at the same rate as Legislators.

2. Duties of commission. The commission must issue its first report no later than January 1, 1998. No later than January 1st of every even-numbered year thereafter, the commission shall submit to the Legislature a report of the commission. The report must contain:

- A. A description of the commission's activities;
- B. The recommendations of the commission for all regular and special sessions of the next Legislature concerning:
 - (1) Compensation of Legislators and representatives of Indian tribes, including, but not limited to, all payments for: salaries, meals, housing, travel, mileage and all other expenses and allowances; additional service as President of the Senate, as Speaker of the House or as a member of leadership; and for constituent services; and
 - (2) Compensation for the Attorney General, the Secretary of State, the Treasurer of State and the State Auditor;

- C. The reasons for its recommendations;
- D. Drafts of any legislation required to implement its recommendations; and
- E. Any other material and recommendations that commission members may wish to submit.

Before reporting as required in this subsection and subsequent to giving public notice, the commission shall hold a public hearing on the report. Subsequent to reporting, the commission shall meet, if requested, with the Governor, the Legislative Council and legislative committees to discuss the report.

3. Appointments; meetings. The 4 appointments by the presiding officers must be made no later than 15 days following the effective date of this section. The Executive Director of the Legislative Council must be notified once the selections have been made. Within 15 days of the appointment of the initial 4 members, the Chair of the Legislative Council shall call and convene the first meeting of the commission.

4. Staff assistance. The commission shall request staff assistance from the Legislative Council.

Sec. 2. 5 MRSA §12004-G, sub-§26-D is enacted to read:

<u>26-D.</u> <u>Legislature</u>	<u>State Compensation</u> <u>Commission</u>	<u>Legislative</u> <u>Per Diem</u> <u>and</u> <u>Expenses</u>	<u>3 MRSA</u> <u>§2-B</u>
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Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1997-98	1998-99
LEGISLATURE		
State Compensation Commission		
Personal Services	\$2,200	\$2,200
All Other	3,500	2,000
Provides funds for the per diem and expenses of members and, in fiscal year 1997-98 only, funds for public hearing and printing costs.		
LEGISLATURE		
TOTAL	\$5,700	\$4,200
See title page for effective date.		

CHAPTER 507

H.P. 1317 - L.D. 1867

An Act to Protect Victims of Domestic Violence

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 19-A MRSA §652, sub-§8, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

8. Parties under 18 years of age. The clerk may not issue a marriage license to a person under ~~16~~ 18 years of age without:

- A. The written consent of that minor's parents, guardians or persons to whom a court has given custody;

B. Notifying the judge of probate in the county in which the minor resides of the filing of this intention; and

C. Receipt of that judge of probate's written consent to issue the license. ~~If written consent from the judge has not been received by the 10th day from the filing of notice of the intention of marriage, consent is deemed to have been received and the clerk shall issue the license. The judge of probate shall base a decision on whether to issue consent on the best interest of the parties under 18 years of age and shall consider the age of both parties and any criminal record of a party who is 18 years of age or older.~~ The judge of probate, in the interest of public welfare, may order, after notice and opportunity for hearing, that a license not be issued. The judge of probate shall issue a decision within 30 days of receiving the notification under paragraph B.

Sec. 2. 19-A MRSA §4013, sub-§1, ¶A, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

A. The Governor shall name the chair from among the following members:

- (1) Two members, appointed by the Governor, who are representatives of the statewide coalition of family crisis services;
- (2) Two members, appointed by the Governor, one of whom has experience counseling abusers, who are representatives of the family counseling profession;
- (3) One member, appointed by the Governor, who is a representative of victims of domestic violence;
- (4) Two members, appointed by the Governor, one of whom has experience representing victims of domestic abuse, who are attorneys with experience in domestic relations cases;
- (5) One person, appointed by the Governor, who was a victim of domestic abuse and used the court system;
- (6) One member, appointed by the Governor, who is a district attorney or assistant district attorney;
- (7) One member, appointed by the Governor, who is chief of a municipal police department;
- (8) One member, appointed by the Governor, who is a county sheriff; ~~and~~

(9) The Commissioner of Public Safety or the commissioner's designee; ~~and~~

(10) Up to 8 members-at-large, appointed by the Governor.

Sec. 3. 19-A MRSA §4013, sub-§4 is enacted to read:

4. Domestic Abuse Homicide Review Panel. The commission shall establish the Domestic Abuse Homicide Review Panel, referred to in this subsection as the "panel," to review the deaths of persons who are killed by family or household members as defined by section 4002.

A. The chair of the commission shall appoint members of the panel who have experience in providing services to victims of domestic abuse and shall include at least the following: the Chief Medical Examiner, a physician, a nurse, a law enforcement officer, the Commissioner of Human Services, the Commissioner of Corrections, the Commissioner of Public Safety, a judge as assigned by the Chief Justice of the Supreme Judicial Court, a representative of the Maine Prosecutors Association, an assistant attorney general responsible for the prosecution of homicide cases designated by the Attorney General, an assistant attorney general handling child protection cases designated by the Attorney General, a victim-witness advocate, a mental health service provider, a facilitator of a certified batterers' intervention program under section 4014 and 3 persons designated by a statewide coalition for family crisis services. Members who are not state officials serve a 2-year term without compensation, except that of those initially appointed by the chair, 1/2 must be appointed for a one-year term.

B. The panel shall recommend to state and local agencies methods of improving the system for protecting persons from domestic abuse, including modifications of laws, rules, policies and procedures following completion of adjudication.

C. The panel shall collect and compile data related to domestic abuse.

D. In any case subject to review by the panel, upon oral or written request of the panel, any person that possesses information or records that are necessary and relevant to a homicide review shall as soon as practicable provide the panel with the information and records. Persons disclosing or providing information or records upon the request of the panel are not criminally or civilly liable for disclosing or providing information or records in compliance with this paragraph.

E. The proceedings and records of the panel are confidential and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. The commission shall disclose conclusions of the review panel upon request, but may not disclose information, records or data that are otherwise classified as confidential.

The commission shall submit a report on the panel's activities, conclusions and recommendations to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 1, 1999 and annually thereafter.

Sec. 4. Effective date. Those sections of this Act that repeal the Maine Revised Statutes, Title 19-A, section 652, subsection 7, amend Title 19-A, section 652, subsection 8 and enact Title 19-A, section 4013, subsection 4 take effect October 1, 1997.

See title page for effective date, unless otherwise indicated.

CHAPTER 508

H.P. 1116 - L.D. 1559

An Act to Establish the Uniform Unclaimed Property Act

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

PART A

Sec. A-1. 33 MRSA c. 37, as amended, is repealed.

Sec. A-2. 33 MRSA c. 41 is enacted to read:

CHAPTER 41

UNIFORM UNCLAIMED PROPERTY ACT

§1951. Short title

This Act may be known and cited as the "Uniform Unclaimed Property Act."

§1952. Definitions

As used in this Act, unless the context otherwise indicates, the following terms have the following meanings.

1. Administrator. "Administrator" means the Treasurer of State.

2. Apparent owner. "Apparent owner" means a person whose name appears on the records of a holder

as the person entitled to property held, issued or owing by the holder.

3. Business association. "Business association" means a corporation, joint stock company, investment company, partnership, unincorporated association, joint venture, limited liability company, business trust, trust company, land bank, safe deposit company, safekeeping depository, financial organization, insurance company, mutual fund, utility or other business entity consisting of one or more persons, whether or not for profit.

4. Domicile. "Domicile" means the state of incorporation of a corporation and the state of the principal place of business of a holder other than a corporation.

5. Financial organization. "Financial organization" means a savings and loan association, building and loan association, savings bank, industrial bank, bank, banking organization or credit union.

6. Holder. "Holder" means a person obligated to hold for the account of, or deliver or pay to, the owner property that is subject to this Act.

7. Insurance company. "Insurance company" means an association, corporation or fraternal or mutual benefit organization, whether or not for profit, engaged in the business of providing life endowments, annuities or insurance, including accident, burial, casualty, credit life, contract performance, dental, disability, fidelity, fire, health, hospitalization, illness, life, malpractice, marine, mortgage, surety, wage protection and workers' compensation insurance.

8. Mineral. "Mineral" means gas, oil, coal, other gaseous, liquid and solid hydrocarbons, oil shale, cement material, sand and gravel, road material, building stone, chemical raw material, gemstone, fissionable and nonfissionable ores, colloidal and other clay, steam and other geothermal resources or any other substance defined as a mineral by the laws of this State.

9. Mineral proceeds. "Mineral proceeds" means amounts payable for the extraction, production or sale of minerals, or, upon the abandonment of those payments, all payments that become payable after abandonment. "Mineral proceeds" include amounts payable:

A. For the acquisition and retention of a mineral lease, including bonuses, royalties, compensatory royalties, shut-in royalties, minimum royalties and delay rentals;

B. For the extraction, production or sale of minerals, including net revenue interests, royalties,