

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

CHAPTER 548

S.P. 234 - L.D. 803

**An Act to Protect the Rights of
Children Who Have Been Victims of
Sexual Abuse by a Juvenile**

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

PART A

Sec. A-1. 15 MRSA §3308, sub-§7, ¶D, as enacted by PL 1995, c. 690, §1, is amended to read:

D. When a juvenile who is adjudicated of a juvenile crime that if committed by an adult would be gross sexual assault under Title 17-A, section 253, subsection 1 is committed to the Maine Youth Center or placed on probation, the Department of Corrections shall provide, while the juvenile is committed to the Maine Youth Center or on probation, a copy of the juvenile's judgment and commitment to the Department of Human Services, to all law enforcement agencies that have jurisdiction in those areas where the juvenile may reside, work or attend school and to the superintendent of any school system in which the juvenile attends school during the period of commitment or probation. The Department of Corrections shall provide a copy of the juvenile's judgment and commitment to all licensed and registered day-care facility operators located in the municipality where the juvenile resides, works or attends school during the period of commitment or probation. Upon request, the Department of Corrections shall also provide a copy of the juvenile's judgment and commitment to other entities that are involved in the care of children and are located in the municipality where the juvenile resides, works or attends school during the period of commitment or probation. The Department of Corrections may provide a copy of the juvenile's judgment and commitment to any other agency or person whom the Department of Corrections determines is appropriate to ensure public safety. Neither the failure of the Department of Corrections to perform the requirements of this paragraph nor compliance with this paragraph subjects the Department of Corrections or its employees to liability in a civil action.

PART B

Sec. B-1. Work group convened. The Department of Human Services and the Department of the Attorney General, within existing resources, are directed to convene a work group, comprised of the

following members, whose appointments must be made within 30 days of the effective date of this Act:

1. A representative of the Department of the Attorney General, appointed by the Attorney General;
2. A representative of the Department of Human Services, appointed by the Commissioner of Human Services;
3. A member of the Senate, appointed by the President of the Senate;
4. A member of the House of Representatives, appointed by the Speaker of the House;
5. A representative of the Maine Association of Criminal Defense Lawyers, chosen by its members;
6. A representative of the Maine Prosecutors' Association, chosen by its members;
7. A representative of the Maine Coalition Against Sexual Assault, chosen by its members;
8. A representative of law enforcement investigators, appointed by the Attorney General; and
9. The Chief Justice is requested to appoint a representative of the judiciary.

Sec. B-2. Chair. The members of the work group shall appoint a chair from among their members.

Sec. B-3. Duties. The work group shall examine the legal rights of children who testify in cases in which they have been the alleged victims of sexual abuse. The work group shall also review the State's current investigative and courtroom procedures for cases of sexual abuse of minors and make recommendations to improve the quality of investigations and modify conventional procedures that seem stressful to children. In conducting the review, the work group shall:

1. Review other states' laws regarding issues concerning child sexual abuse;
2. Explore the use of a multidisciplinary team of professionals to provide consistency throughout each case of child sexual abuse;
3. Propose ways to improve the setting in which children are interviewed and provide alternatives to the testimony of a child in an open courtroom;
4. Assess the qualifications of individuals who currently conduct interviews with children and, if necessary, develop specialized training to enhance interviewing skills;

5. Explore the feasibility of having one interviewer selected jointly by the prosecution and the defense to conduct all interviews required of a child in a child sexual abuse case;

6. Explore the use of 2-way mirrors, videotaping or joint interviews to reduce the number and enhance the quality of interviews; and

7. Propose a standard format for interviewing victims of child sexual abuse.

Sec. B-4. Staff assistance. The Department of Human Services and the Attorney General shall provide staffing assistance for the work group.

Sec. B-5. Compensation. The members of the work group who are Legislators are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses for attendance at meetings of the work group. Other members are not entitled to compensation or reimbursement of expenses.

Sec. B-6. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

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Study Commissions - Funding

Personal Services	\$440
All Other	400

Provides funds for the per diem and expenses of legislative members appointed to a work group examining the legal rights of children who testify in cases in which they have been the alleged victims of sexual abuse.

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TOTAL \$840

Sec. B-7. Report. The work group shall submit its recommendations, along with any necessary implementing legislation, to the Second Regular Session of the 118th Legislature on or before January 1, 1998.

See title page for effective date.

CHAPTER 549

S.P. 347 - L.D. 1166

An Act to Amend the Membership of the Maine Land Use Regulation Commission

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

Sec. 1. 12 MRSA §683, first ¶, as amended by PL 1995, c. 3, §2, is further amended to read:

The Maine Land Use Regulation Commission, as established by Title 5, section 12004-D, subsection 1 to carry out the purposes stated in section 681, is created within the Department of Conservation, and in this chapter called the "commission." The commission is charged with implementing this chapter in all of the unorganized and deorganized areas of the State. The commission consists of 7 public members, none of whom may be state employees, who must be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over conservation matters and to confirmation by the Legislature, for staggered 4-year terms. ~~Among the public members, there must be 4 who must be knowledgeable in at least one of each of the following areas: commerce and industry; fisheries and wildlife; forestry; and conservation.~~ Of the potential appointees to the commission, the Governor shall actively seek and give consideration to persons who are knowledgeable in commerce and industry, fisheries and wildlife, forestry, and conservation. In addition the Governor shall actively seek and give consideration to persons residing in or near the unorganized areas of the State and to persons residing on unorganized coastal islands. At least ~~2~~ 4 members must be residents within the commission's jurisdiction.

Sec. 2. Application. The provision of this Act requiring that 4 members of the Maine Land Use Regulation Commission be residents within the commission's jurisdiction must be fully implemented by December 31, 1999. This Act does not require the terms of members serving on the Maine Land Use Regulation Commission on the effective date of this Act to be terminated.

See title page for effective date.

CHAPTER 550

S.P. 445 - L.D. 1419

An Act to Clarify the Application of the Sales Tax on Hay and Animal Bedding