

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 7, 1998 to March 31, 1998**

**SECOND SPECIAL SESSION**  
**April 1, 1998 to April 9, 1998**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 30, 1998**

**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 9, 1998**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

**CHAPTER 589**

**H.P. 1505 - L.D. 2127**

**An Act to Amend the Nonresident  
Municipal Shellfish License Fee**

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

**Sec. 1. 12 MRSA §6671, sub-§3-A, ¶B,** as amended by PL 1997, c. 247, §1, is repealed and the following enacted to read:

B. A shellfish conservation ordinance may fix license fees as follows.

(1) If the ordinance sets a fee of \$200 or less for a resident license, the fee for a non-resident license may not exceed twice the resident fee.

(2) If the ordinance sets a fee of more than \$200 for a resident license, the fee for a nonresident license may not exceed 1 1/2 times the resident fee.

**Sec. 2. Effective date.** This Act takes effect January 1, 1999.

Effective January 1, 1999.

**CHAPTER 590**

**H.P. 1373 - L.D. 1922**

**An Act to Expand the Uses of the  
Economic Opportunity Fund**

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** grants from the Economic Opportunity Fund established under the Maine Revised Statutes, Title 5, section 13090-A are limited to municipalities; and

**Whereas,** the Department of Economic and Community Development anticipates the receipt of approximately \$100,000 from the sale of a building financed under the community industrial building program that is required to be deposited into the Economic Opportunity Fund; and

**Whereas,** the Department of Economic and Community Development anticipates that it will receive a \$250,000 federal grant for a statewide mature industries economic conversion effort and that

grant will require a cash match prior to July of 1998; and

**Whereas,** in the absence of this Act, the Department of Economic and Community Development will be unable to utilize the anticipated receipts to the Economic Opportunity Fund for match purposes; and

**Whereas,** unless this Act is effective immediately, this important federal grant would be jeopardized due to the Department of Economic and Community Development's inability to provide matching funds to local and regional nonprofit organizations; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 5 MRSA §13090-B, sub-§5** is enacted to read:

**5. Nonprofit organizations.** Notwithstanding other provisions of this section, for fiscal years 1997-98 and 1998-99, the department, upon application, may provide grants to local and regional nonprofit organizations up to a total amount of \$100,000 for the 2 years combined. This subsection is repealed July 1, 1999.

**Sec. 2. Allocation.** The following funds are allocated from the Federal Expenditures Fund to carry out the purposes of this Act.

**1997-98**

**ECONOMIC AND  
COMMUNITY  
DEVELOPMENT,  
DEPARTMENT OF**

**Economic Conversion Division**

All Other	\$250,000
Allocates funds to authorize the expenditure of new federal funds for grants to assist statewide mature industries economic conversion efforts.	

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 12, 1998.

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## CHAPTER 591

S.P. 752 - L.D. 2030

### An Act to Promote the Receipt of Federal Funds and to Clarify the Maine Juvenile Code

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

**Sec. 1. 15 MRSA §3314, sub-§1, ¶H,** as amended by PL 1993, c. 354, §8, is further amended to read:

H. The court may commit the juvenile to the Maine Youth Center and order that the disposition be suspended or may commit the juvenile for a period of detention that may not exceed 30 days, with or without an underlying suspended disposition to the Maine Youth Center, which detention may be served intermittently as the court may order and must be ordered served in a detention facility approved or operated by the Department of Corrections exclusively for juveniles. The court may order such a disposition to be served as a part of and with a period of probation, which is subject to such provisions of Title 17-A, section 1204 as the court may order and which must be administered pursuant to Title 34-A, chapter 5, subchapter IV. Revocation of probation is governed by the procedure contained in subsection 2. Any disposition under this paragraph is subject to Title 17-A, section 1253, subsection 2, but not to Title 17-A, section 1253, subsection 3-B, 4 ~~or~~ 5 or 8. Any disposition under this paragraph ordering a period of detention to be served in a county-operated detention facility by a juvenile from another county is governed by section 1705.

**Sec. 2. 15 MRSA §3316,** as amended by PL 1995, c. 502, Pt. F, §9, is further amended to read:

#### §3316. Commitment to the Maine Youth Center or the Department of Human Services

**1. Sharing of information about a committed juvenile.** Information regarding a committed juvenile must be shared as follows.

A. When a juvenile is committed to the ~~Department of Corrections~~ Maine Youth Center or the Department of Human Services, the court shall

transmit, with the commitment order, a copy of the petition, the order of adjudication, copies of the social study, any clinical or educational reports and other information pertinent to the care and treatment of the juvenile;

B. ~~The Department of Corrections~~ Maine Youth Center or the Department of Human Services shall provide the court with any information concerning a juvenile committed to its care ~~which~~ that the court at any time may require.

**2. Indeterminate disposition.** The following provisions apply to indeterminate dispositions.

A. A commitment of a juvenile to the Maine Youth Center pursuant to section 3314 must be for an indeterminate period not to extend beyond the juvenile's 18th birthday unless the court expressly further limits or extends the indeterminate commitment, as long as the court does not limit the commitment to less than one year nor extend the commitment beyond a juvenile's 21st birthday and as long as an order does not result in a commitment of less than one year, unless the commitment is for an indeterminate period not to extend beyond the juvenile's 21st birthday. Nothing in this Part may be construed to prohibit the provision to a juvenile following the expiration of the juvenile's term of commitment of services voluntarily accepted by the juvenile and the juvenile's parents, guardian or legal custodian if the juvenile is not emancipated; except that these services may not be extended beyond the juvenile's 21st birthday.

B. A commitment of a juvenile to the Department of Human Services pursuant to section 3314 ~~shall~~ must be for an indeterminate period not to extend beyond the juvenile's 18th birthday unless the court expressly further limits the commitment.

**3. Provision of services.** Nothing in this chapter may prevent juveniles in the custody of the Department of Corrections from receiving services from the Department of Human Services.

**4. Voluntary services.** The following applies to voluntary services agreement provisions.

A. This chapter does not prevent a juvenile from receiving services from the Department of Corrections pursuant to a voluntary agreement with the juvenile and the juvenile's parents, guardian or legal custodian if the juvenile is not emancipated.

B. If a juvenile is placed in a residence outside the juvenile's home pursuant to a voluntary services agreement, the Commissioner of Cor-