

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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of the evidence, that continued detention is necessary to meet one of the purposes of detention provided in that subsection. The Juvenile Court shall ensure, by appropriate order, that any such continued detention is otherwise in accordance with the requirements of subsection 4.

C. ~~No continued~~ Continued detention may ~~not~~ be ordered unless the Juvenile Court ~~shall determine~~ determines that there is probable cause to believe that the juvenile has committed a juvenile crime.

Sec. 9. 15 MRSA §3301, sub-§6, as amended by PL 1985, c. 439, §11, is further amended to read:

6. Review by attorney for the State. If the juvenile caseworker decides not to request the ~~prosecuting~~ prosecuting attorney for the State to file a petition, ~~the juvenile caseworker shall inform~~ the juvenile caseworker shall inform the complainant, the law enforcement officer and the victim ~~shall be informed~~ of the decision and of the reasons therefor for the decision as soon as practicable ~~and~~ . The juvenile caseworker shall be advised advise the complainant, the law enforcement officer and the victim that they may submit their complaint to the prosecuting attorney for the State for review.

The ~~prosecuting~~ prosecuting attorney for the State on ~~his~~ that ~~attorney's~~ attorney's own motion or upon receiving a request for review by the law enforcement officer, the complainant or the victim, shall consider the facts of the case, consult with the juvenile caseworker who made the initial decision and then make a final decision as to whether ~~to file~~ to file the petition ~~shall be filed~~ shall be filed. ~~Notwithstanding any action or inaction by the juvenile caseworker, the attorney for the State may file a petition at any time more than 30 days after the juvenile caseworker has been given notice pursuant to section 3203-A.~~

Sec. 10. 15 MRSA §3308, sub-§7, ¶B, as amended by PL 1997, c. 278, §1 and c. 421, Pt. A, §5, is repealed and the following enacted in its place:

B. Nothing in this section precludes sharing of any information in the records of court proceedings or other records described in subsection 5 by one criminal justice agency with another criminal justice agency for the administration of criminal justice or juvenile criminal justice or for criminal justice agency employment.

Sec. 11. 15 MRSA §3402, sub-§1, ¶B, as repealed and replaced by PL 1979, c. 512, §9, is amended to read:

B. An order of disposition, or of any subsequent order modifying disposition, for an abuse of discretion; and

Sec. 12. 15 MRSA §3402, sub-§1, ¶C, as repealed and replaced by PL 1979, c. 512, §9, is repealed.

Sec. 13. 15 MRSA §3402, sub-§4, as repealed and replaced by PL 1979, c. 512, §9, is amended to read:

4. Stays and releases. On an appeal pursuant to subsection 1, paragraphs A ~~through C~~ and B, the Superior Court shall consider a stay of execution and release pending the appeal.

Sec. 14. 15 MRSA §3405, sub-§2, as repealed and replaced by PL 1979, c. 512, §12, is amended to read:

2. Record on appeals. In appeals taken pursuant to section 3402, subsection 1, paragraphs A, ~~and B and C~~, review ~~shall~~ must be on the basis of the record of the proceedings in ~~juvenile court~~ Juvenile Court. In the interest of justice, the Superior Court may order that the record ~~shall~~ must consist of:

A. The untranscribed sound recording of the proceedings; or

B. An agreed or settled statement of facts with the consent of the parties.

Sec. 15. 15 MRSA §3407, sub-§2, ¶B, as enacted by PL 1979, c. 512, §14, is repealed.

Sec. 16. 15 MRSA §3407, sub-§3 is enacted to read:

3. Appeal from a bind-over order of the Juvenile Court. A bind-over order of the Juvenile Court by a party specified in section 3402, subsection 2 may be reviewed only by the Law Court pursuant to an appeal of a judgment of conviction in Superior Court following bind-over.

See title page for effective date.

CHAPTER 646

H.P. 535 - L.D. 726

An Act to Increase the Bonding Limits of the Maine Turnpike Authority

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

Sec. 1. 23 MRSA §1968, sub-§§1 and 2, as repealed and replaced by PL 1995, c. 138, §1, are amended to read:

1. Turnpike revenue bonds. ~~The~~ In addition to bonds outstanding pursuant to any other provision of this chapter, the authority may provide by resolution from time to time for the issuance of turnpike revenue bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this chapter, but not exceeding \$116,000,000 \$170,000,000 in the principal amount at any one time outstanding exclusive of refundings, for any purpose described in section 1969, subsection 1.

2. Bonds for construction and reconstruction of interchanges. ~~In addition to bonds outstanding pursuant to subsection 1 any other provision of this chapter,~~ the authority may provide by resolution from time to time for the issuance of turnpike revenue bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this chapter, but not exceeding \$40,000,000 in principal amount at any one time outstanding exclusive of refundings, to pay the cost, or a portion of the cost, of constructing or reconstructing interchanges. Construction or reconstruction costs of interchanges paid for with bonds in accordance with this subsection must be determined by the Department of Transportation and the authority to have a sufficient relationship to the public's use of the turnpike and the orderly regulation and flow of traffic on the turnpike in accordance with section 1974, subsection 3. New interchanges paid for with bonds in accordance with this subsection must be located in the Portland-Westbrook segment, the Lewiston-Auburn-Sabattus segment, or the Gray-New Gloucester segment of the turnpike.

Sec. 2. 23 MRSA §1968, sub-§2-A, as enacted by PL 1995, c. 504, Pt. C, §5, is amended to read:

2-A. Bonds for Department of Transportation projects. ~~In addition to bonds outstanding pursuant to subsections 1 and 2 any other provision of this chapter,~~ the authority may provide by resolution from time to time but no later than June 30, 1997 for the issuance of special obligation bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this chapter, not exceeding \$40,000,000 in aggregate principal amount exclusive of refundings, to pay to the Department of Transportation the costs, or a portion of the costs, of Department of Transportation projects. Department of Transportation projects paid for with bonds in accordance with this subsection must be determined by the Department of Transportation and the authority to have sufficient relationship to the public's use of the turnpike in accordance with section 1974, subsection 6.

Sec. 3. 23 MRSA §1968, sub-§2-B is enacted to read:

2-B. Bonds for turnpike widening. In addition to bonds outstanding pursuant to any other applicable provision of this chapter, the authority may provide by resolution from time to time for the issuance of turnpike revenue bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this chapter, not exceeding \$41,000,000 in principal amount at any one time outstanding exclusive of refundings to pay the cost or a portion of the cost of constructing all or a portion of a 3rd travel lane for each direction of travel on the turnpike pursuant to section 1965, subsection 1, paragraph D and for the construction or reconstruction of overpasses, bridges, interchanges, tunnels, underpasses, toll facilities and related improvements and construction in connection with the addition of any lane or lanes.

See title page for effective date.

CHAPTER 647

H.P. 955 - L.D. 1318

An Act to Clarify the Application of Law in Workers' Compensation Cases

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

Sec. 1. 39-A MRSA §201, sub-§6 is enacted to read:

6. Prior work-related injuries. If an employee suffers a work-related injury that aggravates, accelerates or combines with the effects of a work-related injury that occurred prior to January 1, 1993 for which compensation is still payable under the law in effect on the date of that prior injury, the employee's rights and benefits for the portion of the resulting disability that is attributable to the prior injury must be determined by the law in effect at the time of the prior injury.

See title page for effective date.

CHAPTER 648

H.P. 1013 - L.D. 1405

An Act to Strengthen Laws Regarding Timber Theft and Timber Harvesting

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