

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.

J.S. McCarthy Company
Augusta, Maine
1997

**Administrative Services -
Professional and Financial
Regulation**

All Other	\$22,620
Appropriates funds for the costs of establishing and providing staff for a technical review committee on interpreters.	

**DEPARTMENT OF
PROFESSIONAL AND
FINANCIAL
REGULATION
TOTAL**

\$22,620

Sec. 8. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1998-99

**PROFESSIONAL AND
FINANCIAL REGULATION,
DEPARTMENT OF**

**Division of Licensing and
Enforcement**

All Other	17,000
Allocates funds for the costs of registering interpreters for the deaf and hard-of-hearing.	

**DEPARTMENT OF
PROFESSIONAL AND
FINANCIAL
REGULATION
TOTAL**

\$17,000

See title page for effective date.

CHAPTER 750

H.P. 1527 - L.D. 2149

**An Act to Implement the
Recommendations of the Working
Group on Motor Vehicle Fines,
Enforcement and Reimbursement
and to Change Certain Provisions of
the Tax Relief Funds**

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

PART A

Sec. A-1. 4 MRSA §173, sub-§4, as amended by PL 1993, c. 675, Pt. B, §9, is repealed.

Sec. A-2. 4 MRSA §173, sub-§§4-A and 4-B are enacted to read:

4-A. Law enforcement officer services, reimbursement and compensation. The court shall reimburse or compensate municipalities and counties for law enforcement officer services as follows.

A. The court shall reimburse the municipality or county that employs the law enforcement officer a flat fee of \$25 for each day or part of a day that a law enforcement officer is physically present for a scheduled trial in District Court, whether or not the officer is called upon to give testimony.

B. The court shall pay a municipality or county a flat fee of \$25 for each day or part of a day that a municipal or county law enforcement officer, designated by the municipality or county as its court officer, is physically present in a District Court in order to adequately handle that municipality's or county's case load.

The court officer required to be present at an arraignment may be an officer other than the arresting officer if the municipality or county has designated the officer to handle the arraignment case load of that municipality or county. In addition, one or more municipalities may designate either a municipal law enforcement officer or a county law enforcement officer to represent the municipalities at arraignments.

C. The sheriffs of the several counties shall designate and furnish deputy sheriffs to serve as bailiffs in each division of the District Court within their counties if requested by the Chief Judge. A deputy sheriff designated as bailiff must be approved by the Chief Judge and may not serve as a court officer for any law enforcement agency. Compensation for reasonable and necessary expenses, as agreed to by the parties, must be paid by the District Court.

In a municipality where a police officer has been furnished to serve as a bailiff, the Chief Judge may continue to authorize the use of a police officer as a bailiff and the District Court shall compensate the municipality. A person appointed to serve as bailiff may not serve as court officer for a municipal police department as provided in this subsection.

4-B. Law Enforcement Agency Reimbursement Fund. The Law Enforcement Agency Reimbursement Fund is established as a nonlapsing, dedicated fund within the Administrative Office of the Courts.

A. The Administrative Office of the Courts shall use the fund to reimburse municipalities and counties pursuant to subsection 4-A.

B. Six percent of fines and forfeitures collected for traffic infractions must be deposited in the fund as provided in Title 29-A, section 2602, subsection 4, paragraphs A and B.

C. The balance remaining in the fund at the end of the fiscal year must be transferred to the General Fund.

D. If there is a deficit in the fund at the end of the fiscal year, the Treasurer of State shall transfer a sufficient amount from the General Fund to balance the fund.

Sec. A-3. 29-A MRSA §2602, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

4. Fines. Except as otherwise provided in this Title, fines and forfeitures collected under this Title accrue to the General Fund, except that:

A. Six percent of fines and forfeitures collected for all traffic infractions, including fines and forfeitures collected for traffic infractions under section 561, accrues to the Law Enforcement Agency Reimbursement Fund established in Title 4, section 173, subsection 4-B. This paragraph does not apply to sections 525, 1767 and 2363;

B. Of the fines and forfeitures collected for traffic infractions under sections 511, 2356, 2360, 2380, 2387 and 2388, 7% accrues to the General Fund, 6% accrues to the Law Enforcement Agency Reimbursement Fund and the balance accrues to the General Highway Fund; and

C. Of the fines and forfeitures collected for violations other than traffic infractions under sections 511, 2356, 2360, 2380, 2387 and 2388, only \$5 or 13%, whichever is greater, accrues to the General Fund and the balance accrues to the Highway Fund.

Sec. A-4. 30-A MRSA §3009, sub-§1, ¶B, as amended by PL 1997, c. 392, §1, is further amended to read:

B. The municipal officers may regulate the operation of all vehicles in the public ways and on publicly owned property.

(1) The violation of any ordinance authorized by this paragraph is a civil violation.

(2) A municipality may not adopt or enforce an ordinance authorized by this paragraph that is the same as or conflicts with any speed or other traffic control limits imposed by the Department of Transportation pursuant to Title 29-A. ~~This subparagraph is repealed 90 days after adjournment of the Second Regular Session of the 118th Legislature.~~

Sec. A-5. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1998-99

JUDICIAL DEPARTMENT

Courts, Supreme, Superior, District and Administrative

All Other (\$172,526)

Deappropriates funds no longer needed to pay court officers and court witnesses from this account.

Sec. A-6. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1998-99

JUDICIAL DEPARTMENT

Law Enforcement Agency Reimbursement Fund

All Other \$458,815

Allocates funds to authorize expenditures from the Law Enforcement Agency Reimbursement Fund to reimburse municipal and county law enforcement officers who serve as court officers and witnesses at a rate of \$25 per day.

PART B

Sec. B-1. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, the State Controller is authorized to transfer \$784,973 from the Tobacco Tax Relief Fund to the General Fund unappropriated surplus in fiscal year 1998-99, no later than December 31, 1998.

PART C

Sec. C-1. PL 1997, c. 643, Pt. S, §§2 to 4 are amended to read:

Sec. S-2. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, or any other provision of law, the State Controller is authorized to transfer \$36,000,000 from the Tax Relief Fund for Maine Residents to the General Fund unappropriated surplus in fiscal year 1998-99, no later than December 31, 1998.

Sec. S-3. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, or any other provision of law, the State Controller is authorized to transfer \$6,347,667 from the Tax Relief Fund for Maine Residents to the General Fund unappropriated surplus in fiscal year 1998-99, no later than December 31, 1998.

Sec. S-4. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, or any other provision of law, the State Controller shall transfer from the Tax Relief Fund for Maine Residents reserve in the General Fund to General Fund unappropriated surplus \$15,521,131 in fiscal year 1997-98 and \$37,694,872 in fiscal year 1998-99, no later than December 31, 1998.

Sec. C-2. PL 1997, c. 643, Pt. HHH, §§8 and 9 are amended to read:

Sec. HHH-8. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, or any other provision of law, the State Controller is authorized to transfer \$47,051,828 from the Tax Relief Fund for Maine Residents to the General Fund unappropriated surplus in fiscal year 1998-99, no later than December 31, 1998.

Sec. HHH-9. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, or any other provision of law, the State Controller is authorized to transfer \$29,080,192 from the Tobacco Tax Relief Fund to the General Fund unappropriated surplus in fiscal year 1998-99, no later than December 31, 1998.

PART D

Sec. D-1. PL 1997, c. 643, Pt. T, §§5 and 6 are amended to read:

Sec. T-5. Tax Relief Fund for Maine Residents; Tobacco Tax Relief Fund; lapsed balances. Notwithstanding any other provisions of law, any unencumbered balance in the Tax Relief Fund for Maine Residents or the Tobacco Tax Relief Fund lapses to the General Fund ~~at the end of fiscal year 1998-99.~~

Sec. T-6. Effective date. This Part takes effect ~~June 30, 1999~~ December 31, 1998.

See title page for effective date.

CHAPTER 751**S.P. 853 - L.D. 2266**

**An Act to Implement the
Recommendations of the
Commission to Study the Funding
and Distribution of Teletypewriters
and Other Telecommunications
Equipment for People with
Disabilities**

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

Whereas, this Act is necessary as an emergency measure to allow the Commission to Study the Funding and Distribution of Teletypewriters and Other Telecommunications Equipment for People with Disabilities to continue its work immediately following the Second Regular Session of the 118th Legislature; 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:

PART A

Sec. A-1. 26 MRSA §1419, sub-§1, ¶¶B-1 and B-2 are enacted to read:

B-1. "Person with a disability" means a person who is unable to communicate by telephone be-