

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

Whereas, the revision of the Maine Revised Statutes to create a strict one-to-one relationship between a unique statutory citation and each criminal offense or civil violation will increase efficiency and accuracy in law enforcement and judicial administration; and

Whereas, the best time to undertake such a project is between adjournment of the Second Regular Session of one Legislature and the commencement of the First Regular Session of the next Legislature; and

Whereas, unless this resolve is enacted as an emergency, the revision cannot be completed during the legislative interim; 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

Sec. 1. Task force. Resolved: That the Maine Criminal Justice Information System Policy Board, established by the Maine Revised Statutes, Title 16, section 633 and referred to in this resolve as the "MCJUSTIS Board," shall convene a task force to review the Maine Revised Statutes that contain criminal offenses or civil violations and to prepare a bill revising the statutes to create a one-to-one relationship between each crime or civil violation and a unique statutory citation. The bill prepared by the task force may not contain any other substantive revisions to the State's statutes; and be it further

Sec. 2. Membership; staffing. Resolved: That the Chief Judge of the District Court shall act as chair of the task force. The MCJUSTIS Board shall appoint such other members to the task force as are necessary to accomplish its work. The Department of Public Safety, the Department of the Attorney General and the Judicial Department shall provide staffing assistance to the task force. The Legislative Council shall provide assistance to draft legislation. Other Executive Department agencies shall provide advice and technical assistance as requested by the task force, and other state agencies may be requested to provide advice and technical assistance as well; and be it further

Sec. 3. Voluntary service. Resolved: That the members of the task force serve without additional compensation or reimbursement of any type; and be it further

Sec. 4. Reports. Resolved: That the MCJUSTIS Board shall submit a final report and proposed legislation to the joint standing committee of the Legislature having jurisdiction over criminal justice matters, with regard to issues pertaining to the

Maine Criminal Code, and to the joint standing committee of the Legislature having jurisdiction over judiciary matters regarding all other issues by January 1, 1999. The proposed legislation must accomplish the purpose of this resolve without making additional substantive changes to the Maine Revised Statutes. Each committee may report out additional legislation related to the report.

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

Effective April 1, 1998.

CHAPTER 106

H.P. 1601 - L.D. 2227

Resolve, Regarding Legislative Review of Chapter 181: Child Development Services System: Regional Provider Advisory Boards, a Major Substantive Rule of the Department of Education

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

Whereas, the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II-A, requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of Chapter 181: Child Development Services System: Regional Provider Advisory Boards, a provisionally adopted major substantive rule of the Department of Education, and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized, with the following change. For a trial period until July 1, 1999, the

rule may not require or permit any regional site-employed provider to serve as a member of a regional provider advisory board, except that a site-employed provider serving on a regional provider advisory board on the effective date of this resolve may continue to serve in that capacity until July 1, 1999; and be it further

Sec. 2. Department report. Resolved: That the Department of Education shall report to the joint standing committee of the Legislature having jurisdiction over educational matters on its experience implementing the rule authorized in this resolve and the impact of the rule not later than February 1, 1999.

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

Effective April 1, 1998.

CHAPTER 107

H.P. 992 - L.D. 1372

Resolve, Directing the Judicial Department to Develop Recommendations to Implement Court Unification

Sec. 1. Convene task force. Resolved: That the Chief Justice of the Supreme Judicial Court shall convene a task force to develop recommendations to implement the unification of the Superior and District Courts. The Chief Justice shall select the task force membership, which may include:

1. District Court judges;
2. Superior Court justices;
3. Supreme Judicial Court justices;
4. Court clerks;
5. District attorneys;
6. Legal services representatives;
7. Maine State Bar Association members;
8. Maine Trial Lawyers Association members;
9. Public members; and
10. Any other interested parties; and be it further

Sec. 2. Reports. Resolved: That the task force submit periodic reports to the Chief Justice of the Supreme Judicial Court. The Chief Justice shall submit to the joint standing committee of the Legisla-

ture having jurisdiction over judiciary matters an interim report by March 15, 1999 and a final report by December 15, 1999, including any necessary legislation; and be it further

Sec. 3. Drafting assistance. Resolved: That, upon request, the Legislative Council shall provide staff to assist in drafting legislation; and be it further

Sec. 4. Compensation. Resolved: That the members of the task force shall serve without per diem or expenses.

See title page for effective date.

CHAPTER 108

H.P. 1667 - L.D. 2290

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1998

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.

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

Whereas, Kennebec County has certain expenses and liabilities that must be met as they become due; and

Whereas, it is necessary that the taxes for the year 1998 mentioned be immediately assessed in order to provide the required revenue for the county; 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

Sec. 1. Kennebec County; taxes apportioned. Resolved: That the following sum is granted as a tax on Kennebec County to be apportioned, assessed, collected and applied to the purposes of paying debts and necessary expenses of the county