

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

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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
1999

CHAPTER 63**S.P. 61 - L.D. 131****An Act to Amend the Beano and Games of Chance Statutes**

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

Sec. 1. 17 MRSA §314, first ¶, as amended by PL 1995, c. 667, §4, is further amended to read:

The Chief of the State Police may issue licenses to operate beano or bingo games ~~on a monthly basis~~ to any volunteer fire department or any agricultural fair association or bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic, religious or veterans' organization that was in existence and founded, chartered or organized in the State at least 2 years prior to its application for a license, when sponsored, operated and conducted for the exclusive benefit of that organization by duly authorized members. The Chief of the State Police may also issue a license to any auxiliary associated with an organization, department or association qualified for a license under this section if the auxiliary was founded, chartered or organized in this State and has been in existence at least 2 years before applying for a license and the games are sponsored, operated and conducted for the exclusive benefit of the auxiliary by duly authorized members of the auxiliary. Proceeds from any game conducted by the auxiliary or the auxiliary's parent organization may not be used to provide salaries, wages or other remuneration to members, officers or employees of the auxiliary or its parent organization, except as provided in sections 326 and 335. The 2 years' limitation does not apply to any organizations in this State having a charter from a national organization, or auxiliaries of those organizations, even though the organizations have not been in existence for 2 years prior to their application for a license. The 2 years' limitation does not apply to any volunteer fire department or rescue unit or auxiliary of that department or unit. A license may be issued to an agricultural fair association when sponsored, operated and conducted for the benefit of such agricultural fair association.

Sec. 2. 17 MRSA §336, sub-§2, as enacted by PL 1977, c. 350, §6, is amended to read:

2. Disposition of funds reports. Within ~~6~~ 10 business days after the last day of any period during which a licensed game of chance is conducted with other than an annual license or within 10 business days after the end of each calendar month during which a licensed game of chance is conducted with an annual license, the licensee shall file with the Chief of

the State Police a disposition of funds form prescribed and furnished by the Chief of the State Police, detailing for the period the total receipts and expenditures of the game and the disposition of funds. Every statement ~~shall~~ must be made under oath by an officer of the licensee or by the member in charge of the conduct of the game.

See title page for effective date.

CHAPTER 64**S.P. 373 - L.D. 1074****An Act to Change the Percent of Gross Sales of Tri-State Lotto That May Be Paid Out As Prizes**

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

Sec. 1. 8 MRSA §415, sub-§2, as enacted by PL 1983, c. 732, §1, is amended to read:

2. Tri-state Lotto Prize Account. Within one week after a Tri-state Lotto drawing has been held, the party state commission shall pay to the commission, who in turn shall promptly pay to an account known as the Tri-state Lotto Prize Account, such ~~moneys~~ money as ~~are~~ is necessary for the payment of prizes, less actual prizes paid by the respective party state in the preceding week, but not to exceed ~~50%~~ 60% of the total amount for which tickets have been sold.

See title page for effective date.

CHAPTER 65**H.P. 571 - L.D. 811****An Act to Amend the Law Regarding the Evaluation of Juvenile Sex Offenders**

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

Sec. 1. 15 MRSA §3309-A, sub-§4, as amended by PL 1997, c. 752, §16, is further amended to read:

4. Juvenile adjudicated of gross sexual assault. After adjudication and before disposition when a juvenile 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, the court shall order the juvenile to undergo a diagnostic evaluation and may order the evaluation to take place

at a detention facility described in section 3203-A, subsection 7, paragraph B.

Sec. 2. 15 MRSA §3309-B, as amended by PL 1997, c. 752, §17, is further amended to read:

§3309-B. Limitations on diagnostic evaluations in a secure detention facility

Except as provided in section 3309-A, subsection 4, the court may not order a juvenile to undergo a diagnostic evaluation at a detention facility ~~described in section 3203-A, subsection 7, paragraph B or a secure detention facility~~ unless the juvenile meets the requirements of section 3203-A, subsection 4, paragraphs C and D, the facility is one in which the juvenile may otherwise be detained and the diagnostic evaluation is unable to take place outside the facility on either a residential or nonresidential basis.

See title page for effective date.

CHAPTER 66

H.P. 442 - L.D. 605

An Act to Clarify the Probate Code Regarding Durable Financial Powers of Attorney

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

Sec. 1. 18-A MRSA §5-508, sub-§(g), as enacted by PL 1997, c. 683, Pt. C, §6, is amended to read:

(g) The requirements of subsections (b), (c) and (d) do not render ineffective a durable financial power of attorney validly executed prior to September 19, 1997 or a durable financial power of attorney executed prior to December 31, 1998 in accordance with this section as in effect on September 19, 1997.

See title page for effective date.

CHAPTER 67

H.P. 798 - L.D. 1121

An Act to Clarify the Laws Governing Service of Protection from Abuse Orders in Court

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

Whereas, it has recently become apparent that the laws governing service of protection from abuse orders were not amended to allow for service by court security officers when the statutory authority for those officers was established; and

Whereas, in many counties, court security officers are often the only law enforcement personnel in a courthouse during civil proceedings, including protection from abuse cases; and

Whereas, the best opportunity for service on a defendant is often when the defendant is in court and the opportunity for service may be lost if a court security officer is not authorized to handle this task; and

Whereas, the safety and security of a person who has been issued a protection from abuse order may be at greater risk while the order is unserved; 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. 19-A MRSA §4006, sub-§6, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

6. Service of order. If the court issues a temporary order or orders emergency or interim relief, ~~the~~ the court shall order an appropriate law enforcement agency, or, if the defendant is present in the courthouse, a court security officer qualified pursuant to Title 4, section 17, subsection 15, to serve the defendant personally with the order, the complaint and the summons. To protect the plaintiff, the court may order the omission or deletion of the plaintiff's address from papers served on the defendant. The court shall cause the order to be delivered to the law enforcement agency or court security officer as soon as practicable following the issuance of the order and the law enforcement agency or court security officer shall make a good faith effort to serve process expeditiously.

Sec. 2. 19-A MRSA §4007, sub-§6, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

6. Service of order. The court shall order a law enforcement agency or, if the defendant is present in the courthouse, a court security officer qualified pursuant to Title 4, section 17, subsection 15 to serve