

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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

The department shall confer with the joint standing committee of the Legislature having jurisdiction over natural resource matters before it proposes any revisions to the state implementation plan, required in the federal Clean Air Act, Section 110, 42 United States Code, Section 7410, that would require the State to implement new emissions reduction strategies or programs or substantially revise or terminate existing emissions reduction strategies or programs. Notwithstanding any other parts of this section, rules adopted pursuant to this section relating to motor vehicle fuel standards are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

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

Effective April 30, 1999.

CHAPTER 108

H.P. 673 - L.D. 929

An Act to Require Reflective Material or Lamps on the Front of Utility Trailers

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

Sec. 1. 29-A MRSA §2385, sub-§4 is enacted to read:

4. Trailers. A trailer that is wider than the vehicle towing the trailer must be equipped with reflective material or a lamp on each front corner that is visible to oncoming traffic.

See title page for effective date.

CHAPTER 109

H.P. 977 - L.D. 1375

An Act to Provide Post-judgment Interest in Small Claims Actions

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

Sec. 1. 14 MRSA §7487 is enacted to read:

§7487. Interest

A person who is awarded a money judgment in a small claims action is entitled to post-judgment interest in accordance with section 1602-A.

See title page for effective date.

CHAPTER 110

H.P. 534 - L.D. 741

An Act to Assist the Department of Public Safety in Implementing the Requirements of Fingerprint-based Background Checks

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

Whereas, commencing July 1, 1999, certification, authorization, approval and renewal of teachers and educational personnel are subject to the provisions of the Maine Revised Statutes, Title 20-A, section 6103; and

Whereas, to aid in ensuing compliance with the July 1, 1999 beginning date, it is essential that certain changes be made in Title 20-A, section 6103 and Title 25, section 1542-A relating to the taking of the fingerprints of applicants; and

Whereas, the issue of certain expenses relating to obtaining the conviction data information required by Title 20-A, section 6103 needs to be expressly addressed; 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. 20-A MRSA §6103, sub-§6, as enacted by PL 1997, c. 452, §3, is repealed and the following enacted in its place:

6. Fingerprinting. The applicant shall submit to having fingerprints taken. The Maine State Police, upon payment by the applicant or any other entity required by law of the expenses specified in subsection 4, shall take or cause to be taken the applicant's fingerprints and shall forward the fingerprints to the State Bureau of Identification so that the bureau can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the

Federal Bureau of Investigation, all money received by the Maine State Police for purposes of this section must be paid over to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety.

Sec. 2. 20-A MRSA §6103, sub-§9 is enacted to read:

9. Applicant's right to have fingerprints removed from state repository upon retirement or career change. Teachers or educational personnel whose certification, authorization or approval has expired and who have not applied for renewal of certification, authorization or approval may request in writing that the State Bureau of Identification remove their fingerprints from the bureau's fingerprint file. In response to a written request, the bureau shall remove the requester's fingerprints from the fingerprint file and provide written confirmation of that removal to the requester.

Sec. 3. 25 MRSA §1541, sub-§7 is enacted to read:

7. Fees to obtain fingerprints for noncriminal justice background checks. Unless otherwise provided by law, an applicant shall pay a one-time processing fee of \$25 to the Department of Public Safety to offset the expenses incurred by the department to obtain fingerprints to be used for conducting state and national criminal history record checks for noncriminal justice purposes when the State Bureau of Identification is required to retain the fingerprints.

Sec. 4. 25 MRSA §1542-A, sub-§1, ¶E, as amended by PL 1991, c. 548, Pt. A, §22, is further amended to read:

E. Who dies under circumstances of death constituting a medical examiner case under Title 22, section 3025, if sought pursuant to Title 22, section 3028, subsection 3, or at the request of the Chief Medical Examiner or the Attorney General; or

Sec. 5. 25 MRSA §1542-A, sub-§1, ¶F, as enacted by PL 1987, c. 512, §3, is amended to read:

F. Whose fingerprints have been ordered by a court; or

Sec. 6. 25 MRSA §1542-A, sub-§1, ¶G is enacted to read:

G. Who is a teacher or educational personnel applicant subject to Title 20-A, section 6103.

Sec. 7. 25 MRSA §1542-A, sub-§3, ¶F is enacted to read:

F. The Maine State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph G, at the request of that person and upon payment of the expenses specified under Title 20-A, section 6103, subsection 4.

Sec. 8. 25 MRSA §1542-A, sub-§4, as enacted by PL 1987, c. 512, §3, is amended to read:

4. Duty to submit to State Bureau of Identification. It is the duty of the law enforcement agency taking the fingerprints as required by subsection 3, paragraphs A and B; to transmit forthwith to the State Bureau of Identification the criminal fingerprint record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F; or pursuant to subsection 5; shall may not be submitted to the State Bureau of Identification unless an express request is made by the commanding officer of the State Bureau of Identification. Fingerprints taken pursuant to subsection 1, paragraph G must be transmitted forthwith to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Education. The bureau shall retain the fingerprints, except as provided under Title 20-A, section 6103, subsection 9.

Sec. 9. 25 MRSA §1542-A, sub-§8, as enacted by PL 1987, c. 512, §3, is amended to read:

8. Fingerprint record forms. Fingerprints taken pursuant to subsection 1, paragraphs A, B and D; and subsection 5, paragraphs B, C and D, shall must be taken on a form furnished by the State Bureau of Identification, such form to be known as the Criminal Fingerprint Record. Fingerprints taken pursuant to subsection 1, paragraph E, shall paragraphs E, F and G must be taken on a form furnished by the bureau, such form to be known as the Non-criminal Fingerprint Record. Fingerprints taken pursuant to subsection 5, paragraph A, shall must be taken on a form furnished by the State Bureau of Identification, such form to be known as the Juvenile Crime Fingerprint Record. Fingerprints taken pursuant to subsection 1, paragraphs C or F, shall must be taken upon the form appropriate for that purpose.

Sec. 10. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1999-00	2000-01
PUBLIC SAFETY, DEPARTMENT OF Bureau of State Police		
All Other	\$735,000	\$392,000
Allocates funds for the costs of conducting		

fingerprint-based
background checks for
teachers and educational
personnel.

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

Effective May 3, 1999.

CHAPTER 111

H.P. 572 - L.D. 812

An Act to Allow the State Police to Accept Revenue for Providing Services to Municipalities and Counties

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

Sec. 1. 25 MRSA §1508, as enacted by PL 1985, c. 275, §1, is repealed and the following enacted in its place:

§1508. Criminal justice telecommunications and radio communications systems

1. Telecommunications system. The Bureau of the State Police shall provide for the installation, operation and maintenance of a criminal justice telecommunications system for the purpose of promptly collecting, exchanging and distributing information relating to criminal justice problems of the State, counties and municipalities. The system may be connected, directly or indirectly, with similar systems operated and maintained by other states or the Federal Government.

2. Telecommunications expenses; revenue. The Chief of the State Police shall provide for the location and maintenance of the central processing system and telecommunications lines. Federal agencies, state departments and agencies, counties and municipalities shall provide, at their own expense, the terminals, personnel and supplies for their proper operation. The Bureau of the State Police may charge the various federal agencies, state departments and agencies, counties and municipalities for the installation and maintenance of the end-user routers and modems necessary to connect to the criminal justice telecommunications system. Revenue received from federal agencies, state departments and agencies, counties and municipalities must be allocated for the purpose of funding the cost of providing the services.

3. Guidelines. The criminal justice telecommunications system must be installed, operated and

maintained in accordance with the rules adopted by the National Law Enforcement Telecommunications System, the National Crime Information Center and the Chief of the State Police or the chief's designee. The character of the communications sent, the time, place and manner of sending messages and all matters connected with the system are under the control and management of the Chief of the State Police or the chief's designee.

4. Radio communications and dispatch. The Bureau of the State Police may provide, at the request of a municipality or county, radio communications and dispatch services to the municipality or county.

5. Radio communications and dispatch revenue. The Chief of the State Police may charge the various federal agencies, state departments and agencies, counties and municipalities for the radio communications and dispatch services. Revenue received from federal agencies, state departments and agencies, counties and municipalities must be allocated for the purpose of funding the cost of providing the services.

See title page for effective date.

CHAPTER 112

H.P. 513 - L.D. 720

An Act Concerning the Method of Taking of Soft Shell Clams

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

Sec. 1. 12 MRSA §6623, sub-§1-A is enacted to read:

1-A. Artificial breathing device prohibited. A person may not fish for or take soft shell clams while using an artificial breathing device that allows that person to breathe underwater. This subsection does not apply to the holder of a lease issued under section 6072, 6072-A or 6072-B when fishing for or taking soft shell clams cultivated on the leased area.

See title page for effective date.

CHAPTER 113

S.P. 401 - L.D. 1192

An Act to Update Insurance Financial Standards

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