

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

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

E. Standards and procedures for the enforcement of violations and the monitoring and certification of repairs made to bring a vehicle into compliance pursuant to this section.

5. Educational program. A person who causes operation of a diesel-powered motor vehicle that does not comply with the program's emission opacity standards must be given educational materials by the Department of Environmental Protection regarding the environmental and other benefits of a vehicle that is in compliance with the standards set forth in subsection 4.

~~**6. Implementation.** The Department of Environmental Protection shall implement the program no later than 7 days following the effective date of this section. An operator of a diesel powered motor vehicle that does not comply with the program's emission opacity standards is not subject to penalties.~~

7. Definition. As used in this section, "opacity" means the degree of light-obscuring capability of emissions of visible air contaminants expressed as a percentage. Complete obscuration must be expressed as 100% opacity.

~~As used in this section, "opacity" means the degree of light obscuring capability of emissions of visible air contaminants expressed as a percentage. Complete obscuration must be expressed as 100% opacity.~~

~~This section is repealed June 30, 1999.~~

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

Effective May 28, 1999.

CHAPTER 357

H.P. 1326 - L.D. 1909

An Act to Provide Continuing Financial Support for the Maine Community Policing Institute at the University of Maine at Augusta

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

Sec. 1. 4 MRSA §116, as amended by PL 1997, c. 24, §115, is further amended to read:

§116. Funds of court

All revenue received by the Supreme Judicial or Superior Court, whether directly or pursuant to an agreement entered into with the Department of

Administrative and Financial Services, Bureau of Taxation, from fines, forfeitures, penalties, fees and costs accrues to the State, except as otherwise provided under ~~section~~ sections 1057 and 1057-A, Title 12, sections 3055 and 4508, Title 23, section 1653 and Title 29-A, section 2602.

Funds received by the clerk as bail in criminal cases must be deposited daily in a special account. The clerk shall deposit the funds in an interest-bearing account unless the clerk determines that it is not cost effective to do so. Interest accrued in such an account is the property of and accrues to the State. The forfeiture and setoff of bail is as otherwise provided by law.

Sec. 2. 4 MRSA §163, sub-§1, as amended by PL 1995, c. 65, Pt. A, §3 and affected by §153 and Pt. C, §15, is further amended to read:

1. District Court funds. Except as otherwise provided by law, all fines, forfeitures, surcharges, assessments and fees collected in any division of the District Court or by the violations bureau must be paid to the clerk of that District Court, who shall deposit them in a special account in a timely manner. Once each month, the clerk shall remit the sums to the Treasurer of State, who shall credit them to the General Fund. At the same time, the clerk shall remit the sums that have been collected in accordance with ~~section~~ sections 1057 and 1057-A; Title 5, chapter 316-A; and Title 29-A, section 2411, subsection 7. Funds received by the clerk as bail in criminal cases must be deposited daily in a special account. The clerk shall deposit the funds in an interest-bearing account unless the clerk determines that it is not cost effective to do so. Interest accrued in the account is the property of and accrues to the State. The forfeiture and setoff of bail is governed as otherwise provided by law.

The court shall file a monthly report with the State Auditor itemizing the amount of fines, surcharges and assessments imposed and to whom each is payable.

Sec. 3. 4 MRSA §1057-A is enacted to read:

§1057-A. Maine Community Policing Institute Surcharge Fund

1. Fund established. There is established a nonlapsing fund to be known as the Maine Community Policing Institute Surcharge Fund. The Treasurer of State shall maintain the fund for the purposes of funding the Maine Community Policing Institute.

2. Surcharge imposed. In addition to the 12% surcharge collected pursuant to section 1057, a 2% surcharge must be added to every fine, forfeiture or penalty imposed by any court in this State, which for the purposes of collection and collection procedures is

considered a part of the fine, forfeiture or penalty. All funds collected pursuant to this section must be deposited monthly in the Maine Community Policing Institute Surcharge Fund. All funds collected pursuant to this section must be paid to the University of Maine System for the sole purpose of funding the Maine Community Policing Institute, except that the Judicial Department may incur reasonable expenses to implement the administration of the 2% surcharge, in an amount not to exceed \$11,000 annually, in fiscal years ending June 30, 2000 and June 30, 2002.

3. Report. Beginning July 1, 2000, the Maine Community Policing Institute shall annually report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters. The purpose of the report is to provide the Legislature with annual information, including training and educational program descriptions, program development and outreach and resource management.

4. Sunset. This section is repealed September 30, 2001.

Sec. 4. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1999-00	2000-01
JUDICIAL DEPARTMENT		
Courts - Supreme, Superior, District and Administrative		
All Other	\$11,000	
Pursuant to the Maine Revised Statutes, Title 4, section 1057-A, the Judicial Department may use proceeds from the Maine Community Policing Institute surcharge for the costs associated with implementing the surcharge. These costs include computer programming costs and costs associated with revising and distributing the law enforcement officers field reference manual.		
JUDICIAL DEPARTMENT TOTAL	\$11,000	
UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE		

Educational and General Activities -University of Maine System

All Other	\$270,250	\$375,000
Allocates funds pursuant to the Maine Revised Statutes, Title 4, section 1057-A, for the Maine Community Policing Institute.		

BOARD OF TRUSTEES OF THE UNIVERSITY OF MAINE SYSTEM

TOTAL	\$270,250	\$375,000
TOTAL ALLOCATIONS	\$281,250	\$375,000

See title page for effective date.

CHAPTER 358

H.P. 1411 - L.D. 2018

An Act to Simplify the Rule of Reasonable Belief in the Maine Criminal Code

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

Sec. 1. 17-A MRSA §101, sub-§3, as repealed and replaced by PL 1981, c. 324, §24, is amended to read:

3. Conduct ~~which that~~ is justifiable under this chapter constitutes a defense to any crime; provided that, if a person is justified in using force against another, but ~~he the person~~ recklessly injures or creates a risk of injury to 3rd persons, the justification afforded by this chapter is unavailable in a prosecution for such recklessness. If a defense provided under this chapter is precluded solely because the requirement that the ~~actor's person's~~ belief be reasonable has not been met, ~~he the person~~ may be convicted only of a crime for which recklessness or criminal negligence suffices, ~~depending on whether his holding the belief was reckless or criminally negligent and then, only if holding the belief, when viewed in light of the nature and purpose of the person's conduct and the circumstances known to the person, is grossly deviant from what a reasonable and prudent person would believe in the same situation.~~

See title page for effective date.