

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

§312. Voting list

The chair or secretary of the municipal committee or the person or persons calling a biennial municipal caucus may request from the municipal registrar at no charge a certified copy of the voting list for use by the municipal committee once each biennial election cycle beginning January 1st in an election year. Upon receipt of a request, the registrar has 5 business days to prepare and provide the certified copy of the voting list to the requester.

Sec. 14. 21-A MRSA §503, sub-§2, as repealed and replaced by PL 1995, c. 459, §33, is amended to read:

2. Representation of parties. The municipal officers shall consider the following for appointment as election clerks.

A. The municipal officers shall consider persons nominated by the municipal committees of the major parties to serve as election clerks. The municipal officers shall appoint at least one election clerk from each of the major parties to serve at each voting place during the time the polls are open. The municipal officers shall also appoint a sufficient number of election clerks to serve as counters after the polls close. The election clerks must be selected so that the number of election clerks from one major party does not exceed the number of election clerks from another major party by more than one.

B. The municipal officers shall appoint at least one election clerk nominated by the municipal committee of a qualified minor party represented on the last general election ballot for each voting place at the committee's request.

C. Notwithstanding subsection 1, the municipal officers may also consider persons who are 17 years of age to serve as student election clerks for a specific election. A student election clerk may not assist a voter unless the voter specifically requests assistance from the student election clerk.

All nominations for election clerks must be submitted to the municipal officers no later than April 1st of each general election year. If a municipal committee of a major party fails to submit a list of nominees to serve as election clerks, the municipal officers may appoint registered voters enrolled in that party to serve as election clerks.

If the municipal officers are unable to appoint a sufficient number of election clerks as set forth in paragraphs A, B and C, they may appoint any other

registered voter, as long as the balance between major political parties is maintained.

See title page for effective date.

CHAPTER 451

H.P. 1518 - L.D. 2166

**An Act to Enhance Communications
Between the Department of
Corrections, the Judiciary and Law
Enforcement Agencies**

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

Whereas, an interagency task force is in the process of preparing a uniform offense table to be used in computerized record-keeping systems by a number of state agencies; and

Whereas, the preparation of that table has revealed a number of instances when one statutory element contains multiple criminal offenses or civil violations; and

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 revision requires the participation of many governmental agencies and people involved in the criminal justice system; 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. 16 MRSA §631, sub-§§4-A and 4-B are enacted to read:

4-A. Conditions of release information. Status and conditions of release of those persons on probation or parole or admitted to bail;

4-B. Protective order information. Information pertaining to conditions of protection, protected persons and the subjects of protection from abuse orders;

Sec. 2. 16 MRSA §633, as enacted by PL 1993, c. 346, §1, is amended to read:

§633. Policy board established; membership

There is established the Maine Criminal Justice Information System Policy Board, referred to in this subchapter as the "board." The board consists of 13 members that ~~includes~~ include the Attorney General, the Commissioner of Public Safety, the Commissioner of Corrections, ~~the Commissioner of Inland Fisheries and Wildlife~~, the State Court Administrator, the Chief of the State Police, ~~the Director of the Division of Probation and Parole~~ Associate Commissioner for Adult Services within the Department of Corrections, the Director of the Bureau of Information Services, a representative of the Maine Prosecutors Association appointed by the Attorney General, a representative of the Maine Chiefs of Police Association appointed by the Commissioner of Public Safety, a representative of the Maine Sheriff's Association appointed by the Commissioner of Public Safety, a representative of a federal criminal justice agency appointed by the Governor, a representative of a nongovernmental agency that provides services to victims of domestic violence appointed by the Governor and a public member who represents private users of criminal offender record information appointed by the Governor.

Sec. 3. 16 MRSA §635, as amended by PL 1997, c. 194, §1, is further amended to read:

§635. Duties

The board has the following duties.

1. Establish policies. The board shall establish policies and practices necessary to provide ready access to shared, uniform information on criminal offenders and crime data described in section 631.

2. Establish information standards. The board shall establish, maintain and promote minimum standards for accessing the Maine Criminal Justice Information System to ensure complete, accurate and up-to-date information is received by criminal justice agencies and authorized private users. These standards include:

- A. Completeness and accuracy of information;
- B. Limitations on access and dissemination of information;
- C. System audits;
- D. System security;
- E. Individuals' rights to the review of records;
- F. Hardware and software requirements;

G. Networking and communications; and

H. Personnel qualifications and training.

~~**3. Recommendation of fees.** The board may recommend to the Information Services Policy Board established in Title 5, section 1891, reasonable fees to defray the cost of operating the Maine Criminal Justice Information System.~~

4. Report. The board shall ~~report to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than January 1st of each year concerning the methods devised to keep accurate, updated records of misdemeanor crimes of domestic violence, to ensure enforcement of 18 United States Code, Section 922 (1996)~~ submit the following reports to the Legislature.

A. The board shall report to the joint standing committees of the Legislature having jurisdiction over criminal justice matters and judiciary matters no later than January 1st of each year concerning the status of the development, implementation and operation of the Maine Criminal Justice Information System. The report must contain information about the ability of the Judicial Department, the Department of Public Safety and the Department of Corrections to maintain, furnish and disseminate information described in section 631 in an automated manner. The report must also contain a project plan that delineates the date upon which each category of information described in section 631 will be available to criminal justice agencies and authorized private users in an automated fashion and, for those categories for which the information is already available in an automated fashion but for which enhancements are planned, the date upon which enhanced service will be available.

B. The board shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than January 1st of each year concerning the methods devised to keep accurate, updated records of misdemeanor crimes of domestic violence to ensure enforcement of 18 United States Code, Section 922 (1996).

Sec. 4. 16 MRSA §636, as enacted by PL 1993, c. 346, §1, is amended to read:

§636. Administration

The Department of Public Safety shall provide general administrative oversight for the board's policies and responsibilities. The Department of Public Safety, ~~the Bureau of Information Services~~ and other criminal justice agencies when appropriate may

employ personnel necessary to carry out the purposes of the Maine Criminal Justice Information System, lease, rent or acquire adequate equipment and facilities, accept federal funds or grants that are available to carry out or implement its purpose and provide technical assistance and training to criminal justice agencies necessary to meet minimum standards for access.

Sec. 5. Resolve 1997, c. 105, §4, amended. Resolved: That Resolve 1997, c. 105, §4 is amended to read:

Sec. 4. Reports. Resolved: That the MCJUSTIS Board shall submit ~~a final~~ an interim 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 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 December 15, 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.

Sec. 6. Retroactivity. That section of this Act that amends Resolve 1997, chapter 105, section 4 applies retroactively to January 1, 1999.

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

Effective June 9, 1999.

CHAPTER 452

S.P. 69 - L.D. 172

An Act to Enhance Maine's Relationship with Aomori, Japan by Hosting a Cultural Exchange

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

Sec. 1. 27 MRSA §85-A, sub-§4, as amended by PL 1991, c. 780, Pt. M, §2, is further amended to read:

4. Acceptance of gifts, grants, donations, bequests, endowments and membership fees. To accept gifts, grants, donations, bequests, endowments and membership fees for purposes consistent with the purposes of this chapter. Any funds, if given as an endowment or trust, must be invested by the Treasurer of State according to the laws governing the investment of trust funds. All gifts, grants, donations, bequests and proceeds of endowment funds must be used solely to carry out the purposes for which they were made;

Sec. 2. Nonlapsing funds. Notwithstanding any other provisions of law, an amount not to exceed \$110,000 of General Fund appropriations in the Personal Services line category on June 30, 1999 in the Governor's office program in the Executive Department may not lapse but must be carried forward to June 30, 2000.

Sec. 3. Appropriation. The following fuannds are appropriated from the General Fund to carry out the purposes of this Act.

1999-00

EXECUTIVE DEPARTMENT

Administration - Executive-Governor's Office

Personal Services	(\$110,000)
Deappropriates funds no longer needed.	

EXECUTIVE DEPARTMENT

TOTAL \$110,000

MAINE STATE MUSEUM

Research and Collection - Museum

All Other	\$110,000
Provides funds to bring an art exhibit currently located in Aomori, Japan to Maine as part of a cultural exchange. This appropriation is to be considered one-time funding only.	

MAINE STATE MUSEUM

TOTAL \$110,000