

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

or immediately following attendance at daily sessions of the Legislature. The presiding officers may establish reasonable policies regarding allowances for meals and overnight accommodations for the day immediately preceding the session, which may include policies regarding whether an allowance is paid, whether the full amount or a portion of the statutory allowance is paid and whether receipts are required. In lieu of the meal and housing allowance, each member is entitled to a daily meal allowance in the amount of \$32 and actual daily mileage allowances in an amount up to but not exceeding \$38 per day. Each member of the Senate also receives an annual allowance for constituent services in the amount of ~~\$1,000~~ ~~\$2,000~~, ~~\$650~~ \$1,300 at the start of each regular session and ~~\$350~~ \$700 in the month following adjournment of the regular session. Each member of the House of Representatives also receives an annual allowance for constituent services in the amount of ~~\$750~~ \$1,500, ~~\$500~~ \$1,005 at the start of each regular session and ~~\$250~~ \$495 in the month following adjournment of the regular session.

Sec. 3. Report. The Joint Standing Committee on State and Local Government is authorized to report out legislation on the recommendations of the State Compensation Commission in the Second Regular Session of the 119th Legislature.

Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

LEGISLATURE

Legislature

Personal Services	\$63,523
All Other	100,015
Provides funds for the costs related to the increased salary and constituent service allowance for Legislators.	

LEGISLATURE

TOTAL \$163,538

See title page for effective date.

CHAPTER 510

H.P. 1605 - L.D. 2252

An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine

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

Whereas, Acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the laws of Maine; and

Whereas, these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary that these uncertainties and this confusion be resolved in order to prevent any injustice or hardship to the citizens of Maine; 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. 4 MRSA §157, sub-§1, ¶A, as amended by PL 1997, c. 10, §1, is further amended to read:

A. The Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and to confirmation by the Legislature, shall appoint to the District Court ~~27~~ 31 judges. At least one judge must be appointed from each district who is a resident of a county in which the district lies, except that in District 3 there must be 2 judges appointed who are residents of a county in which the district lies; in District 6 there must be 2 judges appointed who are residents of a county in which the district lies; and in District 9 there must be 2 judges appointed who are residents of a county in which the district lies. Each District Court Judge has a term of office of 7 years.

To be eligible for appointment as a District Judge, a person must be a member of the bar of the State. The term "District Judge" includes the Chief Judge and Deputy Chief Judge.

Sec. 2. 10 MRSA §1320, sub-§2-B, as repealed by PL 1999, c. 150, §9 and amended by c. 184, §11, is repealed.

Sec. 3. 15 MRSA §101-B, sub-§1, as amended by PL 1999, c. 373, §1, is further amended to read:

1. Court order; permissive. The District Court or the Superior Court having jurisdiction in any

criminal case for cause shown may order the defendant examined to determine the defendant's mental condition with reference to the issues of competency, criminal responsibility, abnormal condition of mind and any other issue involving the mental or emotional condition of the defendant. The examination may be conducted by the State Forensic Service or by a psychiatrist or licensed clinical psychologist independent of the State Forensic Service. If additional examinations are ordered, the court shall ensure that at least one examination is conducted by the State Forensic Service. The court in selecting an independent practitioner and the site of any examination shall consider proximity to the court, availability of an examiner or examiners and the necessity for security precautions. A person may not be presented for examination under this subsection without arrangements for that examination with the State Forensic Service or the independent practitioner being first made by the court, clerk of courts or sheriff. If the defendant is incarcerated, the examination is to be completed within 45 days from the date of ~~arrest~~ the order. The State Forensic Service shall notify the court upon the completion of the examination. The opinion of the examiner or examiners relative to the competence, criminal responsibility, abnormal condition of mind or any other mental or emotional condition of the respondent must be reported without delay to the court following examination, together with copies to counsel for the respondent and counsel for the State.

Sec. 4. 17-A MRSA §210-A, sub-§3, as enacted by PL 1995, c. 668, §3, is amended to read:

3. Stalking is a Class D crime for which the court shall impose a sentencing alternative involving a term of imprisonment of at least 60 days, of which 48 hours may not be suspended, and may order the actor to attend an abuser education program approved by the court, except that stalking is a Class C crime when the actor has 2 or more prior convictions for violations of this section, 2 or more convictions under Title 5, section 4659; Title 15, section 321; ~~or~~ Title 19, section 769; or Title 19-A, section 4011 or 2 or more prior convictions for violations of any other temporary, emergency, interim or final protective order, an order of a tribal court of the Passamaquoddy Tribe or the Penobscot Nation, any similar order issued by any court of the United States or of any other state, territory, commonwealth or tribe or a court-approved consent agreement. The court shall impose a sentencing alternative involving a term of imprisonment, in the case of a Class C crime, of at least 6 months, of which 14 days may not be suspended, and may order the actor to attend an abuser education program approved by the court. For purposes of this subsection, the dates of both of the prior convictions must precede the commission of the offense being enhanced by no more than 10 years, although both prior

convictions may have occurred on the same day. Stalking is not a Class C crime if the commission of the 2 prior offenses occurred within a 3-day period. The date of the conviction is determined to be the date that the sentence is imposed, even though an appeal was taken. The date of a commission of a prior offense is presumed to be that stated in the complaint, information, indictment or other formal charging instrument, notwithstanding the use of the words "on or about" or the equivalent.

Sec. 5. 34-A MRSA §3809-A, sub-§1, as enacted by PL 1997, c. 752, §38, is amended to read:

1. Juvenile client. The commissioner has all the power over a juvenile client that a guardian has over a ward and that a parent has over a child with regard to person, allowable property that the juvenile client has at the Maine Youth Center, earnings that the juvenile client receives during the juvenile client's stay at the Maine Youth Center and the rehabilitation of every juvenile client. If a juvenile client is or becomes 18 years of age while still under commitment, the statutory guardianship of the commissioner over the juvenile client terminates, but the juvenile client remains subject to the control of the commissioner, staff and rules of the center until the expiration of the period of commitment or until discharge from the center.

Sec. 6. PL 1999, c. 260, Pt. B, §18 is amended to read:

Sec. B-18. Effective date. This ~~Act~~ Part takes effect September 1, 2000.

Sec. 7. P&SL 1999, c. 25, §1 is amended by amending the 10th line to read:

Property Tax Assessment - Operations	<u>533,947</u>
	<u>553,947</u>

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

Effective June 11, 1999.

CHAPTER 511

H.P. 77 - L.D. 90

**An Act to Establish the Endowment
Incentive Fund**

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

Sec. 1. 20-A MRSA §10006 is enacted to read: