

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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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
2001

E. Have any liquor or imitation liquor in the minor's possession except:

- (1) In the scope of the minor's employment; or
- (2) In ~~the minor's own~~ a home in the presence of the minor's parent, legal guardian or custodian, as defined in Title 22, section 4002; or

See title page for effective date.

CHAPTER 10

H.P. 37 - L.D. 46

An Act to Allow Funeral Escort Vehicles in a Funeral Procession to be Equipped with Flashing Yellow Lights

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

Sec. 1. 29-A MRSA §2054, sub-§2, ¶H is enacted to read:

H. A vehicle in a funeral procession may be equipped with a flashing light. The light must emit a yellow beam of light. The light may not be more than 5 inches in diameter and must be placed on the dashboard. The light must be shielded so that the emitted light does not interfere with the operator's vision. The flashing light may be used only when the vehicle is used in a funeral procession.

See title page for effective date.

CHAPTER 11

H.P. 27 - L.D. 27

An Act to Implement the Recommendations of the Commission on Child Abuse

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

Sec. 1. 22 MRSA §3884, as amended by PL 1999, c. 529, §2 to 4, is repealed.

Sec. 2. 22 MRSA §3884-A is enacted to read:

§3884-A. Duties of board; powers of board

1. Duties. The board shall:

A. Develop a biennial working plan for trust activities that sets overall statewide goals and objectives for child abuse prevention activities, establishes priorities for distribution of money in the fund and provides a working plan for the trust for the biennium. In developing the plan, the board may:

- (1) Review and evaluate existing prevention programs, including high-quality child care options;
- (2) Ensure that equal opportunity exists for the establishment of prevention programs and receipt of money from the fund among all geographic areas in the State; and
- (3) Review and evaluate public and private funding sources;

B. Develop, initiate, propose or recommend ideas for innovations in rules, laws, policies and programs concerning child abuse and neglect to the Governor, the Legislature, state executive agencies, the business community and other entities. The board may also assist in the coordination and exchange of information and the maintenance of prevention programs;

C. Publicize criteria and review applications for grants and award those grants to recipients that best address the purposes of this chapter and submit to the Legislature the list of both successful and unsuccessful applicants who have allowed their names to be placed on the list along with reasons for and against the application;

D. Establish a process for monitoring and review of grants awarded pursuant to this chapter;

E. As a primary prevention activity of the trust, develop and implement a campaign to provide statewide education and public information to enhance public awareness concerning child abuse and neglect;

F. Enter into contracts with public or private agencies and accept gifts or grants from federal, state or private sources to carry out this chapter;

G. Employ staff as the board determines necessary to implement its responsibilities;

H. Cooperate with and avail itself of the services of governmental agencies and the University of Maine System and cooperate with, assist and otherwise encourage local or regional, private or public organizations in the various communities of the State in the prevention of abuse and neglect among children in the community and the State; and

I. Develop plans, with the cooperation of the child abuse and neglect councils established under chapter 1057, to provide a stable base for funding the councils in amounts no lower than the amounts provided in the biennial budget of fiscal years 1999-00 and 2000-01.

2. Powers. The board may:

A. Apply for and receive funds from any private source or governmental entity, whether by way of grant, donation, loan or other means;

B. Create partnerships between the public and private sectors to facilitate the purposes of this chapter and to:

(1) Bridge the gap in knowledge and communication between the public and private sectors regarding prevention programs and prevention policies;

(2) Build the leadership capacity of public and private sector individuals and institutions regarding prevention programs, prevention policies and the importance of high-quality child care in all children's early years; and

(3) Encourage active financial and in-kind participation from the public and private sectors in carrying out the purposes of this chapter;

C. Adopt bylaws, have the general powers accorded corporations under Title 13, chapter 81 and perform other acts necessary or convenient to carry out the lawful purposes of the trust;

D. Sue or be sued in the board's own name;

E. Purchase, receive, hold, lease or acquire by foreclosure, operate, manage, license and sell, convey, transfer, grant or lease real and personal property, together with those rights and privileges that may be incidental and appurtenant to the property and the use of the property, including, but not limited to, real or personal property acquired by the board from time to time in the satisfaction of debts or enforcement of obligations;

F. Make expenditures and incur obligations reasonably required in the exercise of sound business principles to secure possession of, preserve, maintain, insure and improve real and personal property interests acquired by the board;

G. Acquire, subscribe for, own, hold, sell, assign, transfer, mortgage or pledge the stock, shares, bonds, debentures, notes or other securi-

ties and evidences of interest in or indebtedness of a person, firm, corporation, joint stock company, partnership, association or trust, and, while the owner or holder of stock, shares, bonds, debentures, notes or other securities, exercise the rights, powers and privileges of ownership, including the right to vote on the stock, shares, bonds, debentures, notes or other securities;

H. Mortgage, pledge or otherwise encumber any property right or thing of value acquired pursuant to the powers contained in paragraph E, F or G as security for the payment of any part of the purchase price of the property right or thing of value; and

I. Expend principal from the endowment fund established in section 3885, subsection 5 only under emergency circumstances by 2/3 vote of the board.

Sec. 3. 22 MRSA §3886, as enacted by PL 1993, c. 600, Pt. A, §16, is amended to read:

§3886. Limitation of powers

The board, notwithstanding section 3884 3884-A, subsection 8 1, paragraph E, may not enter into contracts, obligations or commitments of any kind on behalf of the State or its agencies, nor does it have the power of eminent domain or other powers not provided to business corporations generally. Bonds, notes and other evidences of indebtedness of the board are not debts or liabilities of the State and do not constitute a pledge of the faith and credit of the State.

Sec. 4. 22 MRSA §4004, sub-§1, as amended by PL 1993, c. 294, §§1 and 2, is further amended to read:

1. General. The department may take appropriate action, consistent with available funding, that will help prevent child abuse and neglect and achieve the goals of section 4003 and subchapter XI-A, including:

A. Developing and providing services which:

- (1) Support and reinforce parental care of children;
- (2) Supplement that care; and
- (3) When necessary, substitute for parental care of children;

B. Encouraging the voluntary use of these and other services by families and children who may need them;

C. Cooperating and coordinating with other agencies, facilities or persons providing related services to families and children;

D. Establishing and maintaining a Child Protective Services Contingency Fund to provide temporary assistance to families to help them provide proper care for their children; and

E. Establishing a child death and serious injury review panel for reviewing deaths and serious injuries to children. The panel consists of the following members: the Chief Medical Examiner, a pediatrician, a public health nurse, forensic and community mental health clinicians, law enforcement officers, departmental child welfare staff, district attorneys and criminal or civil assistant attorneys general.

The purpose of the panel is to recommend to state and local agencies methods of improving the child protection system, including modifications of statutes, rules, policies and procedures.

Sec. 5. Cooperative work. The Maine Children's Trust Incorporated, established under the Maine Revised Statutes, Title 22, chapter 1058, shall work cooperatively with the Department of Human Services, the child abuse and neglect councils and the Maine Association of Child Abuse and Neglect Councils, established under Title 22, chapter 1057, and statewide organizations working to prevent child abuse and neglect to develop a proposal to channel funding for the child abuse and neglect councils through the Maine Children's Trust Incorporated in order to maximize federal funding and to qualify for matching funds in as high amounts as possible. By January 15, 2002, the Maine Children's Trust Incorporated shall submit the proposal to the Second Regular Session of the 120th Legislature.

See title page for effective date.

CHAPTER 12

H.P. 440 - L.D. 561

An Act to Correct the Judicial Retirement Laws Regarding Administrative Court Judges

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

Whereas, corrections to the judicial retirement laws need to be made before the effective date of Public Law 1999, chapter 547, Part B; 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 preserva-

tion 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 §1201, sub-§12, as enacted by PL 1983, c. 853, Pt. C, §§15 and 18 and amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

12. Judge. "Judge" means a Justice of the Supreme Judicial Court or the Superior Court, any Judge of the District Court, any ~~District~~ Administrative Court Judge or any Associate ~~District~~ Administrative Court Judge who is actively serving as of December 1, 1984, or who is appointed subsequent to December 1, 1984, but does not include Active Retired Judges.

Sec. 2. 4 MRSA §1401, sub-§2, as enacted by PL 1983, c. 853, Pt. C, §§15 and 18 and amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

2. Judge. "Judge" means any Justice of the Supreme Judicial Court or the Superior Court and any Judge of the District Court who retired prior to December 1, 1984, and includes Active Retired Judges who retired prior to December 1, 1984. "Judge" also includes any ~~District~~ Administrative Court Judge or any Associate ~~District~~ Administrative Court Judge who retired prior to December 1, 1984.

Sec. 3. 4 MRSA §1404, as amended by PL 1983, c. 863, Pt. B, §§39 and 45 and PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

§1404. Regular retirement benefits

Any judge who resigned ~~his~~ that judge's office or ceased to serve at the expiration of any term thereof, after attaining the age of 70 years and after having served on the Supreme Judicial Court, the Superior Court, the District Court, the ~~District~~ Administrative Court or any combination of that service, for at least 7 years, or after attaining the age of 65 years and after having served as a judge on those courts for at least 12 years, or after attaining the age of 60 years and after having served as a judge on those courts for at least 20 years, ~~shall is entitled to~~ receive annually during the remainder of ~~his~~ that judge's life, whether or not ~~he~~ that judge is appointed an Active Retired Justice, a retirement benefit equal to 3/4 of the currently effective annual salary to be paid in the same manner as the salaries of the judges of that court from which ~~he~~ that judge retired were paid prior to December 1, 1984. The right of any judge drawing a retirement benefit to continue to receive it ~~shall cease~~ ceases immediately if ~~he~~ that judge acts as attorney or counsel or in any action or legal proceeding in which