

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

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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

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

the State is an adverse party or has any interest adverse to the person or persons in whose behalf ~~he~~ that judge acts.

Sec. 4. 5 MRSA §18055, sub-§1, ¶C, as corrected by RR 1999, c. 2, §4 and affected by §5, is amended to read:

C. Justices of the Supreme Judicial Court and the Superior Court and Judges of the District Court and the Administrative Court; and

Sec. 5. 5 MRSA §18061, sub-§2, ¶B, as amended by PL 1993, c. 386, §4 and PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

B. The reduction set out in paragraph A, subparagraph (1) does not apply to any Justice of the Supreme Judicial Court or Superior Court, to any Judge of the District Court or ~~District Administrative~~ Administrative Court, nor to any retired justice or judge who was insured and who was living on September 14, 1979.

(1) The initial amount of basic life insurance that continued into retirement for any justice or judge must be continued in force at no cost to the justice or judge until the justice or judge reaches 70 years of age.

(2) When a justice or judge reaches 70 years of age, the amount of insurance in force must be reduced to 25% of the initial amount of basic life insurance that continued into retirement. This reduction becomes effective at 12:01 a.m. of the day following the date on which the justice or judge reaches 70 years of age.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect March 15, 2001.

Effective March 15, 2001.

CHAPTER 13

S.P. 22 - L.D. 38

An Act to Increase the Fine for Allowing a Dog to Roam at Large

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

Sec. 1. 7 MRSA §3915, as amended by PL 1997, c. 690, §12, is further amended to read:

§3915. Violation

Any person who violates this chapter commits a civil violation for which a forfeiture of not less than \$50 nor more than \$250 may be adjudged for a first violation and not less than \$100 nor more than \$500 for 2 or more violations.

See title page for effective date.

CHAPTER 14

H.P. 165 - L.D. 176

An Act Providing for the Revocation of a Driver's License upon Conviction for Certain Crimes

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

Sec. 1. 29-A MRSA §2463 is enacted to read:

§2463. Revocations upon conviction of certain crimes under Maine Criminal Code

1. Recording; notice by the Secretary of State.

On receipt of an attested copy of the court record of any person who, as a result of the operation of a motor vehicle in such a manner as to cause serious bodily injury or bodily injury to any person or create a substantial risk of serious bodily injury or place another person in fear of imminent bodily injury, has been convicted of assault, aggravated assault, elevated aggravated assault, criminal threatening, reckless conduct or an attempt thereat, or who has been adjudicated to have committed the juvenile offenses of assault, aggravated assault, elevated aggravated assault, criminal threatening, reckless conduct or an attempt thereat, the Secretary of State shall immediately revoke the person's license without further hearing for an indefinite period of time.

2. Appeal. Unless the court orders otherwise, a person's license that is revoked pursuant to this section remains revoked during the course of any appeal.

3. Pleas. For the purposes of this section, a person is deemed to have been convicted of assault, aggravated assault, elevated aggravated assault, criminal threatening, reckless conduct or an attempt thereat if the person pleaded guilty or nolo contendere or was otherwise adjudged or found guilty by a court of competent jurisdiction. In the case of a juvenile offender, the juvenile is deemed to have been adjudicated of having committed a juvenile offense of assault, aggravated assault, elevated aggravated assault, criminal threatening, reckless conduct or an attempt thereat if the juvenile admits to the juvenile offense or was otherwise adjudged or found to have committed the juvenile offense by a court of competent jurisdiction.