

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

or other governing body, as its bylaws may provide. Membership on the committee need not be restricted to attorneys. The County Law Library Committee shall appoint a ~~chairman~~ chair, a treasurer and a clerk.

Sec. 4. 4 MRSA §196, as enacted by PL 1981, c. 510, §1, is amended to read:

§196. Duties, county committee

The County Law Library Committee shall, in conjunction with the State Court Library Committee, establish local operating policies, such as, but not limited to, hours, circulation policies, ~~smoking rules, access~~ and photocopy privileges. Each county committee shall exercise supervision over the expenditures of private and nonstate funds, including endowments, and may use those funds to upgrade its county law library. ~~Each County Law Library Committee, together with the State Court Library Committee, shall develop its basic collection within guidelines established by the State Court Library Committee. Each county committee, in consultation with the State Court Library Committee, shall determine new acquisitions.~~ Each county committee shall determine space requirements, with the advice and assistance of the State Court Library Committee.

See title page for effective date.

CHAPTER 251

H.P. 1217 - L.D. 1658

An Act Regarding Passamaquoddy Land in Township 19, M.D.

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

Sec. 1. 30 MRSA §6205, sub-§1, ¶B, as amended by PL 1993, c. 713, §1, is further amended to read:

B. The first 150,000 acres of land acquired by the secretary for the benefit of the Passamaquoddy Tribe from the following areas or lands to the extent that those lands are acquired by the secretary prior to January 31, 1991, are not held in common with any other person or entity and are certified by the secretary by January 31, 1991, as held for the benefit of the Passamaquoddy Tribe:

The lands of Great Northern Nekoosa Corporation located in T.1, R.8, W.B.K.P. (Lowelltown), T.6, R.1, N.B.K.P. (Holeb), T.2, R.10, W.E.L.S. and T.2, R.9, W.E.L.S.; the land of Raymidga Company located in T.1, R.5, W.B.K.P. (Jim Pond), T.4, R.5, B.K.P.W.K.R. (King and Bart-

lett), T.5, R.6, B.K.P.W.K.R. and T.3, R.5, B.K.P.W.K.R.; the land of the heirs of David Pingree located in T.6, R.8, W.E.L.S.; any portion of Sugar Island in Moosehead Lake; the lands of Prentiss and Carlisle Company located in T.9, S.D.; any portion of T.24, M.D.B.P.P.; the lands of Bertram C. Tackeff or Northeastern Blueberry Company, Inc. in T.19, M.D.B.P.P.; any portion of T.2, R.8, N.W.P.; any portion of T.2, R.5, W.B.K.P. (Alder Stream); the lands of Dead River Company in T.3, R.9, N.W.P., T.2, R.9, N.W.P., T.5, R.1, N.B.P.P. and T.5, N.D.B.P.P.; any portion of T.3, R.1, N.B.P.P.; any portion of T.3, N.D.; any portion of T.4, N.D.; any portion of T.39, M.D.; any portion of T.40, M.D.; any portion of T.41, M.D.; any portion of T.42, M.D.B.P.P.; the lands of Diamond International Corporation, International Paper Company and Lincoln Pulp and Paper Company located in Argyle; and the lands of the Dyer Interests in T.A.R.7 W.E.L.S., T.3 R.9 N.W.P., T.3 R.3 N.B.K.P. (Alder Brook Township), T.3 R.4 N.B.K.P. (Hammond Township), T.2 R.4 N.B.K.P. (Pittston Academy Grant), T.2 R.3 N.B.K.P. (Soldiertown Township), and T.4 R.4 N.B.K.P. (Prentiss Township), and any lands in Albany Township acquired by the Passamaquoddy Tribe before January 1, 1991; ~~and~~

Sec. 2. 30 MRSA §6205, sub-§1, ¶C, as enacted by PL 1993, c. 713, §1 and affected by §2, is amended to read:

C. Any land not exceeding 100 acres in the City of Calais acquired by the secretary for the benefit of the Passamaquoddy Tribe as long as the land is acquired by the secretary prior to January 1, 2001, is not held in common with any other person or entity and is certified by the secretary by January 31, 2001, as held for the benefit of the Passamaquoddy Tribe, if:

- (1) The acquisition of the land by the tribe is approved by the legislative body of that city; and
- (2) A tribal-state compact under the federal Indian Gaming Regulatory Act is agreed to by the State and the Passamaquoddy Tribe or the State is ordered by a court to negotiate such a compact; and

Sec. 3. 30 MRSA §6205, sub-§1, ¶D is enacted to read:

D. All land acquired by the secretary for the benefit of the Passamaquoddy Tribe in T. 19, M.D. to the extent that the land is acquired by the secretary prior to January 31, 2020, is not held in common with any other person or entity and is

certified by the secretary by January 31, 2020 as held for the benefit of the Passamaquoddy Tribe.

Sec. 4. Effective date; certification. This Act does not take effect unless, within 60 days of the adjournment of the Legislature, the Secretary of State receives written certification by the Joint Tribal Council of the Passamaquoddy Tribe that the tribe has agreed to the provisions of this Act pursuant to 25 United States Code, Section 1725(e), copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes, except that in no event may this Act become effective until 90 days after the adjournment of the Legislature.

See title page for effective date.

CHAPTER 252

H.P. 922 - L.D. 1236

An Act to Strengthen the Bail Laws for Repeat Offenders

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

Sec. 1. 15 MRSA §1026, sub-§2, as amended by PL 1997, c. 585, §3, is further amended to read:

2. Release on personal recognizance or unsecured appearance bond. The judicial officer shall order the pretrial release of the defendant on personal recognizance or upon execution of an unsecured appearance bond in an amount specified by the judicial officer, unless, after consideration of the factors listed in subsection 4, the judicial officer determines that the release will not reasonably ensure the appearance of the defendant as required or will not otherwise reasonably ensure the integrity of the judicial process.

Sec. 2. 15 MRSA §1026, sub-§3, ¶A, as amended by PL 1997, c. 543, §7, is further amended by amending the first paragraph to read:

A. If, after consideration of the factors listed in subsection 4, the judicial officer determines that the release described in subsection 2 will not reasonably ensure the appearance of the defendant as required or will not otherwise reasonably ensure the integrity of the judicial process, the judicial officer shall order the pretrial release of the defendant subject to the least restrictive further condition or combination of conditions that the judicial officer determines will reasonably ensure the appearance of the defendant as required and will otherwise reasonably ensure the integrity of

the judicial process. These conditions may include that the defendant:

See title page for effective date.

CHAPTER 253

H.P. 569 - L.D. 724

An Act to Implement the Recommendations of the Courts' Guardian ad Litem Committee

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

Sec. 1. 4 MRSA §1503, as enacted by PL 1985, c. 581, §1, is amended to read:

§1503. Court appointed special advocates

The Director of the Court Appointed Special Advocate Program shall recruit the services of qualified persons to serve as volunteer court appointed special advocates. The volunteer court appointed special advocates ~~shall not be considered employees of the State for any purpose~~ are considered employees of the State for the purposes of the Maine Tort Claims Act and shall are not entitled to receive no compensation, but shall be are reimbursed for their actual, necessary and reasonable expenses incurred in the performance of their duties, consistent with policies established by the Administrative Office of the Courts.

Sec. 2. 4 MRSA §1506, as amended by PL 1997, c. 393, Pt. C, §2, is further amended to read:

§1506. Immunity from civil liability

A person serving as a court appointed special advocate for the Judicial Department or as Director, deputy director or regional volunteer coordinator of the Court Appointed Special Advocate Program is immune from any civil liability, as are employees of governmental entities, under the Maine Tort Claims Act, Title 14, chapter 741, for acts performed within the scope of that person's administrative duties, and is entitled to quasi-judicial immunity for acts performed within the scope of the person's duties as a guardian ad litem.

Sec. 3. 19-A MRSA §1507, sub-§5, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is repealed and the following enacted in its place:

5. Written report. A guardian ad litem shall make a final written report to the parties and the court reasonably in advance of the hearing. The report is admissible as evidence and subject to cross-