

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Augusta, Maine
2002

reimburse a child's guardian or other person providing room and board for the child. The waiver program must provide reimbursement for room and board on the same terms that providers are reimbursed for children in the care or custody of the department under Title 22, chapter 1071.

4. Retention of responsibility. The waiver program must allow the child's parent or guardian to retain responsibility for the child so that decision-making by the parent or guardian is maintained until the earliest of the following 3 events occurs: the parent or guardian enters into an agreement under Title 22, section 4004-A or 4022, in which case the terms of the agreement govern responsibility for the child; the department proceeds with an action under Title 22, chapter 1071 and the court enters an order regarding responsibility for the child; or 2 years elapse from the date of the contract signed under subsection 1. A contract signed under subsection 1 that has terminated under the terms of this subsection may be renewed in the discretion of the department.

See title page for effective date.

CHAPTER 697

H.P. 1670 - L.D. 2173

An Act to Implement the Recommendations of the Joint Standing Committee on Criminal Justice Regarding the Review of the Department of Public Safety under the State Government Evaluation Act

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

PART A

Sec. A-1. 3 MRSA §959, sub-§1, ¶F, as amended by PL 1999, c. 127, Pt. C, §10 and PL 2001, c. 354, §3, is further amended to read:

F. The joint standing committee of the Legislature having jurisdiction over human resource matters shall use the following list as a guideline for scheduling reviews:

- (2) Office of Substance Abuse in 1997;
- (3) Maine Advisory Committee on Mental Retardation in 1999;
- ~~(5) Maine Emergency Medical Services in 2001;~~
- (6) Department of Human Services in 2001;

(7) Board of the Maine Children's Trust Incorporated in 2003;

(8) Governor's Committee on Employment of People with Disabilities in 2003;

(9) Maine Developmental Disabilities Council in 2003; and

(10) Department of Behavioral and Developmental Services in 2005.

PART B

Sec. B-1. 25 MRSA §2801-B, sub-§1, as amended by PL 2001, c. 472, §§1 and 2, is further amended to read:

1. Exemption. The training standards and requirements of this chapter do not apply to ~~the persons~~ a person defined by this chapter as a law enforcement officer ~~officers officer~~ who ~~are~~ is:

A. ~~Employees~~ An employee of the Department of Corrections with a duty to perform probation functions or to perform intensive supervision functions;

B. ~~Agents~~ An agent or ~~representatives~~ a representative of the Department of Conservation, Bureau of Parks and Lands; whose law enforcement powers are limited to those specified in Title 12, section 1821;

C. ~~Agents~~ An agent or ~~representatives~~ a representative of the Department of Conservation, Bureau of Forestry; whose law enforcement powers are limited to those specified by Title 12, section 8901, subsection 3;

E. ~~Harbor masters~~ A harbor master;

F. ~~Municipal~~ A municipal shellfish conservation ~~wardens~~ warden; ~~or~~

G. ~~Security officer~~ A security officer appointed by the Commissioner of Public Safety ~~and~~ whose duties and powers have been expanded pursuant to section 2908. This paragraph is repealed December 31, 2002;

H. The State Fire Marshal; or

I. The Chief of the Bureau of Liquor Enforcement within the Department of Public Safety.

PART C

Sec. C-1. 32 MRSA §85, sub-§6, as amended by PL 2001, c. 45, §1, is further amended to read:

6. Ambulance operator course. By January 1, 2004 ~~2005~~, a person whose job description includes operating an ambulance in an emergency mode or transporting a patient must possess certification of successful completion of a basic ambulance vehicle operator course, or a course that has been approved by the board as an equivalent, in order to operate an ambulance in an emergency mode or to transport a patient. This requirement applies to all paid and volunteer ambulance operators and transporters. This requirement is in addition to vehicle operator requirements of Title 29-A or other law. A person whose job description includes operating an ambulance in an emergency mode or transporting a patient who successfully completes a basic ambulance vehicle operator course or a course that has been approved by the board as an equivalent may apply to the board for reimbursement for the cost of the course.

Sec. C-2. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC SAFETY, DEPARTMENT OF

Bureau of Emergency Medical Services

Initiative: Allocates funds for one Public Health Educator III position to implement the training and certification of all ambulance operators by January 1, 2005, as required by law. All Other costs will be supplemented by pending approval of federal grant applications.

Other Special Revenue Funds	2001-02	2002-03
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	\$0	\$49,520
All Other	0	(49,520)
 Total	 \$0	 \$0

Sec. C-3. Report. The Department of Public Safety, Bureau of Emergency Medical Services shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the progress of the training and certification of ambulance operators by February 1, 2004.

See title page for effective date.

CHAPTER 698

S.P. 810 - L.D. 2175

**An Act to Amend the County Jail
Prisoner Support and Community
Corrections Fund**

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

Sec. 1. 4 MRSA §116, first ¶, as amended by PL 1999, c. 357, §1, is further amended to read:

All revenue received by the Supreme Judicial or Superior Court, whether directly or pursuant to an agreement entered into with the Department of Administrative and Financial Services, Bureau of ~~Taxation~~ Revenue Services, from fines, forfeitures, penalties, fees and costs accrues to the State, except as otherwise provided under sections 1057 and 1057-A; Title 12, sections 3055 and 4508; Title 23, section 1653 ~~and~~; Title 29-A, section 2602; and Title 34-A, section 1210-A, subsection 9.

Sec. 2. 4 MRSA §163, sub-§1, as amended by PL 1999, c. 357, §2, is further amended to read:

1. District Court funds. Except as otherwise provided by law, all fines, forfeitures, surcharges, assessments and fees collected in any division of the District Court or by the violations bureau must be paid to the clerk of that District Court, who shall deposit them in a special account in a timely manner. Once each month, the clerk shall remit the sums to the Treasurer of State, who shall credit them to the General Fund. At the same time, the clerk shall remit the sums that have been collected in accordance with sections 1057 and 1057-A; Title 5, chapter 316-A; ~~and~~ Title 29-A, section 2411, subsection 7; and Title 34-A, section 1210-A, subsection 9. Funds received by the clerk as bail in criminal cases must be deposited daily in a special account. The clerk shall deposit the funds in an interest-bearing account unless the clerk determines that it is not cost effective to do so. Interest accrued in the account is the property of and accrues to the State. The forfeiture and setoff of bail is governed as otherwise provided by law.

The court shall file a monthly report with the State Auditor itemizing the amount of fines, surcharges and assessments imposed and to whom each is payable.

Sec. 3. 4 MRSA §1057-A, sub-§2, as enacted by PL 1999, c. 357, §3, is amended to read:

2. Surcharge imposed. In addition to the 12% surcharge collected pursuant to section 1057 and the 1% surcharge collected pursuant to Title 34-A, section 1210-A, subsection 9, a 2% surcharge must be added to every fine, forfeiture or penalty imposed by any court in this State, which for the purposes of collection and collection procedures is considered a part of the fine, forfeiture or penalty. All funds collected pursuant to this section must be deposited monthly in the Maine Community Policing Institute Surcharge Fund. All funds collected pursuant to this section must be paid to the University of Maine System for the sole purpose of funding the Maine Community Policing Institute, except that the Judicial Department may incur reasonable expenses to implement the administration of the 2% surcharge, in an amount not to exceed \$11,000 annually, in fiscal years ending June 30, 2000 and June 30, 2002.