

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

Sec. 1. 32 MRSA §2401-B, sub-§1, ¶A, as enacted by PL 1999, c. 386, Pt. J, §14, is repealed and the following enacted in its place:

A. For a journeyman oil burner technician license, a person must present satisfactory evidence to the board of at least:

(1) One year's licensed practical experience as an apprentice oil burner technician;

(2) Six months of licensed practical experience and completion of an oil burner technician course at a Maine technical college, applied technology center or applied technology region or a comparable institute from Maine or another state consisting, at a minimum, of 160 hours of study, of which at least 75 hours are made up of laboratory work on oil burner equipment and related systems; or

(3) Successful completion of a minimum one-year accredited heating course at a Maine technical college consisting, at a minimum, of 320 hours of study, of which at least 150 hours are made up of laboratory work on oil burner equipment and related systems.

An out-of-state applicant must present satisfactory evidence to the board of experience in installing, cleaning, servicing, altering and repairing oil burning equipment.

See title page for effective date.

CHAPTER 12

H.P. 295 - L.D. 375

An Act To Amend the Law Regarding Security Officer Qualifications

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

Sec. 1. 32 MRSA §9410-A, sub-§1, ¶F, as enacted by PL 1987, c. 170, §12, is amended to read:

F. Does not have a ~~combination of 3 or more convictions for crimes punishable by less than one year of imprisonment or adjudications for civil violations~~ within the past 5 years;

See title page for effective date.

CHAPTER 13

H.P. 406 - L.D. 521

An Act To Clarify That the Application Process for the Homestead Property Tax Exemption Is a One-time Process

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

Sec. 1. 36 MRSA §684, sub-§3, as enacted by PL 1997, c. 643, Pt. HHH, §3 and affected by §10, is amended to read:

3. Continuation of eligibility. The assessor shall evaluate annually the ongoing eligibility of property for which a homestead exemption has been approved under this subchapter. The evaluation must be based on the status of the property on April 1st of the year on which the homestead exemption is based. The evaluation must include, but is not limited to, a review of whether the ownership of the property has changed in any manner that would disqualify the property for an exemption under this subchapter or whether the owner has ceased to use the property as a homestead. Unless the assessor determines that the property is no longer entitled to an exemption under this subchapter, the owner is entitled to receive the exemption without having to reapply. If the assessor determines that the property is no longer entitled to an exemption under this subchapter, the assessor shall notify the owner as provided in section 686 that the property is no longer entitled to an exemption under this subchapter.

See title page for effective date.

CHAPTER 14

H.P. 125 - L.D. 166

An Act to Amend the Maine Probate Code Regarding the Fee for a Copy of a Will Provided to a Beneficiary

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

Sec. 1. 18-A MRSA §1-505, as enacted by PL 1979, c. 540, §1, is amended to read:

§1-505. Notice to beneficiaries; furnishing of copies

Registers of probate shall, within 30 days after any will is probated, notify by mail all beneficiaries under that will that devises have been made to them, stating the name of the testator and the name of the personal representative, if one has been appointed at

the time this notification is sent. Beneficiaries in a will shall ~~must~~, upon application to the register of probate, be furnished with a copy of ~~so much of any the~~ probated will as relates to them, upon payment of a fee of \$1, ~~provided the copy does not exceed 10 lines of legal cap paper of not less than 10 words in each line, and 10¢ for each additional line of 10 words per page.~~

See title page for effective date.

CHAPTER 15

H.P. 183 - L.D. 224

An Act to Amend the Maine Bail Code as Recommended by the Criminal Law Advisory Commission

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

Sec. 1. 15 MRSA §1003, sub-§5-A, as enacted by PL 1995, c. 356, §1, is amended to read:

5-A. Failure to appear. "Failure to appear" includes a failure to appear at the time or place required by a release order and the failure to surrender into custody at the time and place required by a release order or by the Maine Rules of Criminal Procedure, Rule 32(a) and Rule 38(c).

Sec. 2. 15 MRSA §1075 is enacted to read:

§1075. Attorney not to act as surety or deposit cash bail for client

An attorney, while representing a defendant, may not act as surety for or deposit cash bail for the client.

See title page for effective date.

CHAPTER 16

H.P. 182 - L.D. 223

An Act To Amend the Maine Juvenile Code as Recommended by the Criminal Law Advisory Commission

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

Sec. 1. 15 MRSA §3304, sub-§8 is enacted to read:

8. Authority of juvenile community corrections officer to issue and serve summons. The Commissioner of Corrections, at the commissioner's

discretion, may authorize a juvenile community corrections officer to issue and serve a summons, subject to conditions the commissioner may impose as to when and under what circumstances such authority may be exercised.

See title page for effective date.

CHAPTER 17

H.P. 216 - L.D. 273

An Act To Modify Certain Criminal Appeal Statutes in View of the New Maine Rules of Appellate Procedure

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

Sec. 1. 15 MRSA §210-A, as amended by PL 1997, c. 181, §2, is further amended to read:

§210-A. Procedure at hearing

At the hearing on the petition contesting extradition, if the Governor's warrant and the demand comply with the provisions of this chapter, the petitioner has the burden of proving by clear and convincing evidence that the petitioner has not been charged with a crime in the demanding state and that the petitioner is not a fugitive from justice. If the name of the petitioner is the same as that of the person named in the Governor's warrant, the petitioner has the burden of proving, by clear and convincing evidence, that the petitioner is not the person whom the demanding state is seeking to extradite. If the names are not identical, the ~~respondent~~ State has the burden of proving by a preponderance of the evidence that the petitioner is the person sought to be extradited by the demanding state. The following are conclusive on the issue of probable cause:

1. Indictment. An indictment or an information issued upon a waiver of indictment; or

2. Judicial determination of probable cause. An information or other formal charging instrument or an arrest warrant issued on a determination of probable cause by a judicial officer in the demanding state.

Affidavits, including any affidavits supplied pursuant to the provisions of section 203 or in support of an application for requisition, and any other hearsay evidence that may be deemed reliable by the court, are admissible at the hearing on the petition contesting extradition, for the purpose of showing that the petitioner is charged with a crime in the demanding state, that there is probable cause, that the petitioner is