

# 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**

**THE GENERAL EFFECTIVE DATE FOR**  
**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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

full-time basis and the new employment did not materialize for reasons attributable to the new employing unit; ~~or~~

(4) The leaving was necessary to protect the claimant from domestic abuse and the claimant made all reasonable efforts to preserve the employment; ~~or~~

(5) The claimant's employer announced in writing to employees that it planned to reduce the work force through a layoff or reduction in force and that employees may offer to be among those included in the layoff or reduction in force, at which time the claimant offered to be one of the employees included in the layoff or reduction in force and the claimant's employer accepted the claimant's offer, thereby ending the employment relationship.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 8, 2003.

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**CHAPTER 29**

**H.P. 269 - L.D. 340**

**An Act To Amend Certain Aspects of Post-conviction Review Procedure**

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

**Sec. 1. 15 MRSA §2121, sub-§1-A**, as enacted by PL 1985, c. 209, §1, is amended to read:

**1-A. Assigned justice.** "Assigned justice" means the Justice or Active Retired Justice of the Supreme Judicial Court ~~or~~ the Justice or Active Retired Justice of the Superior Court or the judge authorized to sit in the Superior Court on post-conviction review cases who is assigned the post-conviction review proceeding when a special assignment has been made. It means any Justice or Active Retired Justice justice, active retired justice or authorized judge attending to the regular criminal calendar when the post-conviction review proceeding is assigned to the regular criminal calendar.

**Sec. 2. 15 MRSA §2123, sub-§1-A**, as enacted by PL 1985, c. 209, §2, is amended to read:

**1-A. Supreme Court Justice or authorized Judge of the District Court.** A single Justice of the Supreme Judicial Court ~~or~~ an Active Retired Justice of the Supreme Judicial Court ~~shall have~~ or a judge

authorized to sit in the Superior Court on post-conviction review cases has and shall exercise jurisdiction; and have has and shall exercise all of the powers, duties and authority necessary for exercising the same jurisdiction as the Superior Court relative to a post-conviction review proceeding.

**Sec. 3. 15 MRSA §2129, sub-§1, ¶C**, as amended by PL 1985, c. 556, §3, is further amended to read:

C. Once the petition has been filed, the clerk shall forward a copy of the petition and any separate documents filed with it to the Chief Justice of the Superior Court and to the ~~Attorney General~~ prosecutorial office that earlier represented the State in the underlying criminal or juvenile proceeding.

**Sec. 4. 15 MRSA §2129, sub-§2**, as repealed and replaced by PL 1985, c. 209, §4, is repealed.

**Sec. 5. 15 MRSA §2129, sub-§5**, as repealed and replaced by PL 1981, c. 238, §5, is amended to read:

**5. Procedure in proceedings pursuant to this chapter.** In all respects not covered by statute, the procedure in proceedings under this chapter ~~shall be~~ is as the Supreme Judicial Court ~~shall by rule provide~~ provides by rule.

See title page for effective date.

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**CHAPTER 30**

**H.P. 143 - L.D. 184**

**An Act to Clarify the Ability of the Maine Forest Service and Tax Assessors to View Private Landowners' Forest Management Plans**

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

**Sec. 1. 36 MRSA §579, 4th ¶**, as amended by PL 2001, c. 603, §6, is further amended to read:

The assessor or the assessor's duly authorized representative may enter and examine the forest lands under this subchapter and may examine any information submitted by the owner or owners. A copy of the forest management and harvest plan required under section 574-B must be available to the assessor to review upon request and to the Director of the Bureau of Forestry within the Department of Conservation or the director's designee to review upon request when the assessor seeks assistance in accordance with