

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.

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.

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.

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

section 575-A. For the purposes of this paragraph, "to review" means to see or possess a copy of a plan for a reasonable amount of time to verify that the plan exists or to facilitate an evaluation as to whether the plan is appropriate and is being followed. Upon completion of the review, the plan must be returned to the owner or an agent of the owner. A forest management and harvest plan provided in accordance with this section is confidential and is not a public record as defined in Title 1, section 402, subsection 3.

See title page for effective date.

CHAPTER 31

H.P. 94 - L.D. 85

An Act to Further Define a Strain of Maine Standardbred Horses

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the breeding season for horses begins February 15th; 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 preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 8 MRSA §281-A is enacted to read:

§281-A. Standardbred horses eligible for registration

Notwithstanding section 281, a foal resulting from insemination during the 2003, 2004 or 2005 breeding season may be registered as a Maine Standardbred if it is the offspring of a stallion registered with the department to stand at stud in the State for the breeding season during which the insemination took place and all other registration requirements are met.

Sec. 2. Report on breeding and registration of Maine Standardbred horses. No later than February 1, 2005, the State Harness Racing Commission shall report to the joint standing committee of the Legislature having jurisdiction over agricultural matters on the breeding of Maine Standardbred horses. The report must include a discussion of the definition of "Maine Standardbred horse" and the impact on Maine breeders and racing of allowing

registration as a Maine Standardbred of the offspring of a mare inseminated with semen transported out of state. The commission shall make recommendations regarding the definition of "Maine Standardbred horse." During the First Regular Session of the 122nd Legislature, the joint standing committee of the Legislature having jurisdiction over agricultural matters may report out legislation regarding the definition of "Maine Standardbred horse."

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

Effective April 8, 2003.

CHAPTER 32

S.P. 212 - L.D. 603

An Act To Simplify the Bonding Limitations of the Maine Turnpike Authority

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

Sec. 1. 23 MRSA §1968, sub-§1, as amended by PL 2001, c. 311, §1, is further amended to read:

1. Turnpike revenue bonds. In addition to bonds outstanding pursuant to any other provision of this chapter, the authority may provide by resolution from time to time for the issuance of turnpike revenue bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this chapter, but not exceeding ~~\$210,000,000~~ \$291,000,000 in the principal amount at any one time outstanding exclusive of refundings, for any purpose described in section 1969, subsection 1.

Sec. 2. 23 MRSA §1968, sub-§2, as amended by PL 1997, c. 646, §1, is repealed.

Sec. 3. 23 MRSA §1968, sub-§2-B, as enacted by PL 1997, c. 646, §3, is repealed.

See title page for effective date.

CHAPTER 33

S.P. 56 - L.D. 133

An Act to Clarify the Laws Relating to Public Water Systems

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