

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

4-A. If the State pleads and proves that, at the time any crime, excluding murder, under chapter 9, 11, 13 or 27 was committed, the defendant had been convicted of 2 or more crimes violating chapter 9, 11, 13 or 27 or essentially similar crimes in other jurisdictions, the sentencing class for the crime is one class higher than it would otherwise be. In the case of a Class A crime, the sentencing class is not increased, but the prior record must be given serious consideration by the court when imposing a sentence. Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this subsection, for violations under chapter 11, the dates of prior convictions may have occurred at any time. This subsection does not apply to section 210-A if the prior convictions have already served to enhance the sentencing class under section 210-A, subsection 1, paragraph C.

Sec. 10. 17-A MRSA §1252-B, as repealed and replaced by PL 1995, c. 433, §1, is repealed.

Sec. 11. 17-A MRSA §1302, sub-§1, as enacted by PL 1999, c. 367, §3, is amended to read:

1. In determining the amount of a fine, unless the fine amount is mandatory, and in determining the method of payment of a fine, the court shall take into account the present and future financial capacity of the offender to pay the fine and the nature of the financial burden that payment of the fine will impose on the offender or a dependent of the offender, if any.

Sec. 12. 17-A MRSA §1352, sub-§3, as enacted by PL 1975, c. 740, §124, is amended to read:

3. In the event of the death or resignation of ~~any~~ a member, the vacancy for ~~his~~ the member's unexpired term ~~shall must~~ be filled by the Attorney General.

Sec. 13. 17-A MRSA §1355, sub-§1, as enacted by PL 1975, c. 740, §124, is amended to read:

1. The Attorney General shall notify all members of the time and place of the first meeting. At that time the commission shall organize, elect a ~~chairman~~ chair, ~~vice-chairman~~ vice-chair and secretary-treasurer and adopt rules as to the administration of the commission and its affairs. The commission shall maintain such financial records as may be required by the State Auditor.

Sec. 14. Effective date. That section of this Act that repeals the Maine Revised Statutes, Title 17-A, section 1252-B takes effect January 1, 2004.

See title page for effective date, unless otherwise indicated.

CHAPTER 144

H.P. 595 - L.D. 818

An Act To Amend Motor Vehicle Frame Height Laws

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

Sec. 1. 29-A MRSA §1920, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. **Minimum and maximum frame end heights.** A motor vehicle may not be operated on a public way or receive a certificate of inspection with a frame end height of less than 10 inches or a maximum frame end height based on the manufacturer's gross vehicle weight rating that is greater than:

A. For an automobile, 22 inches in the front and rear;

B. For a vehicle of 4,500 pounds and less, 24 inches in the front and 26 inches in the rear;

C. For a vehicle of 4,501 pounds to 7,500 pounds, 27 inches in the front and 29 inches in the rear; and

D. For a vehicle of 7,501 pounds to 10,000 pounds, 28 inches in the front and 30 inches in the rear.

Measurements must be taken from a level surface to the ~~lowest point on bottom of the frame end~~. For the purposes of this subsection, "frame end" means the point at which the frame rail terminates at the bumper assembly.

See title page for effective date.

CHAPTER 145

S.P. 370 - L.D. 1098

An Act Regarding Mandated Reporters and Child Abuse

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

Sec. 1. 22 MRSA §3477, sub-§1, ¶A, as enacted by PL 2001, c. 345, §3, is amended to read:

A. While acting in a professional capacity:

(1) An allopathic or osteopathic physician;

(2) A medical intern;

- (3) A medical examiner;
- (4) A physician's assistant;
- (5) A dentist;
- (6) A chiropractor;
- (7) A podiatrist;
- (8) A registered or licensed practical nurse;
- (9) A certified nursing assistant;
- (10) A social worker;
- (11) A psychologist;
- (12) A pharmacist;
- (13) A physical therapist;
- (14) A speech therapist;
- (15) An occupational therapist;
- (16) A mental health professional;
- (17) A law enforcement official;
- (18) A coroner;
- (19) Emergency room personnel;
- (20) An ambulance attendant;
- (21) An emergency medical technician; ~~or~~
- (22) Unlicensed assistive personnel; or
- (23) A humane agent employed by the Department of Agriculture, Food and Rural Resources; or

Sec. 2. 22 MRSA §4011-A, sub-§1, ¶A, as enacted by PL 2001, c. 345, §5, is amended to read:

A. When acting in a professional capacity:

- (1) An allopathic or osteopathic physician, resident or intern;
- (2) An emergency medical services person;
- (3) A medical examiner;
- (4) A physician's assistant;
- (5) A dentist;
- (6) A dental hygienist;
- (7) A dental assistant;
- (8) A chiropractor;

- (9) A podiatrist;
 - (10) A registered or licensed practical nurse;
 - (11) A teacher;
 - (12) A guidance counselor;
 - (13) A school official;
 - (14) A children's summer camp administrator or counselor;
 - (15) A social worker;
 - (16) A court-appointed special advocate or guardian ad litem for the child;
 - (17) A homemaker;
 - (18) A home health aide;
 - (19) A medical or social service worker;
 - (20) A psychologist;
 - (21) Child care personnel;
 - (22) A mental health professional;
 - (23) A law enforcement official;
 - (24) A state or municipal fire inspector;
 - (25) A municipal code enforcement official;
 - (26) A commercial film and photographic print processor;
 - (27) A clergy member acquiring the information as a result of clerical professional work except for information received during confidential communications; ~~or~~
 - (28) A chair of a professional licensing board that has jurisdiction over mandated reporters; or
 - (29) A humane agent employed by the Department of Agriculture, Food and Rural Resources; or
- See title page for effective date.

CHAPTER 146

H.P. 543 - L.D. 737

**An Act To Clarify Inspection
Standards Related to Vehicle Wheel
Size**