

# 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**

account as provided in section 594, ~~or~~ and, if requested by the municipality, provide a list identifying those owners and their interests, including the periods of ownership, to the municipal tax collector who may then proceed to collect the taxes on those interests as allowed by law.

If the tax collector and treasurer use the lien procedure described in Title 36, sections 942, 942-A and 943 to collect delinquent taxes on time-share estates, whenever a notice called for by Title 36, section 942, 942-A or 943 is sent to a time-share estate owner, the tax collector and treasurer shall give to the managing entity or leave at the managing entity's last and usual place of abode or send to the managing entity by certified mail, return receipt requested, either a copy of the notice sent to the time-share estate owner or a notice that lists all time-share estate owners to whom notices have been delivered. For sending the notice or notices to the managing entity, the tax collector or treasurer is entitled to receive \$5 plus all certified mail, return receipt requested fees, plus the cost of any photocopying.

**Sec. 2. Application.** This Act applies to taxes assessed based on the status of property on or after April 1, 2003.

See title page for effective date.

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## CHAPTER 230

H.P. 764 - L.D. 1047

### **An Act To Ensure Communication about Public Complaints against State Employees**

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

**Sec. 1. 5 MRSA §7036, sub-§26,** as amended by PL 1991, c. 780, Pt. Y, §95, is further amended to read:

**26. Administer employee assistance program for state employees.** Oversee and direct an employee assistance program for the purpose of assisting state employees to address and overcome personal difficulties that interfere with performance and productivity; ~~and~~

**Sec. 2. 5 MRSA §7036, sub-§27,** as enacted by PL 1991, c. 780, Pt. Y, §96, is amended to read:

**27. Administer state employee workers' compensation program.** Administer the program of workers' compensation for state employees in conjunction with the programs for health and wellness and health insurance; and

**Sec. 3. 5 MRSA §7036, sub-§28** is enacted to read:

**28. Ensure establishment of policies regarding complaints against state employees.** Ensure that each state agency establishes a policy that makes certain that complaints filed by the public against a state employee or group of state employees are addressed by that agency. Each agency policy must ensure that there are written instructions describing the most effective way for the public to file a complaint with the agency, a procedure for the agency to address complaints from the public and a provision that requires the agency to notify a complainant of the outcome of the complaint. This subsection does not authorize the release of confidential information that may not otherwise be released to the public.

See title page for effective date.

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## CHAPTER 231

H.P. 147 - L.D. 188

### **An Act To Amend the Waste Management Laws Regarding the Spreading of Sludge on Land**

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

**Sec. 1. 38 MRSA §1304, sub-§§18 and 19** are enacted to read:

**18. Use of residuals containing human pathogens.** The department may not license the utilization and distribution of residuals containing human pathogens, such as municipal treatment plant sludge, under permit-by-rule provisions established by the department pursuant to the provisions of section 344, subsection 7.

**19. Interested parties notice for distribution of composted sludge.** The department shall establish and maintain a list of interested parties, including a statewide organization that represents municipalities in this State, to whom notice of license applications and applications to modify existing licenses for the distribution in this State of composted sludge must be provided. In addition, the department shall electronically mail the notice to each municipality in the State that is equipped to receive electronic mail. Notice must be provided upon the department's finding that the application is complete for processing.

**Sec. 2. Rulemaking.** Notwithstanding the Maine Revised Statutes, Title 38, section 1304, subsection 1-C, any amendment to Board of Environmental Protection rules to make the rules consistent

with this Act is a routine technical rule as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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## CHAPTER 232

### H.P. 633 - L.D. 856

#### An Act To Change Mandatory Minimum Sentences in Certain Cases

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

**Sec. 1. 17-A MRSA §1252, sub-§5-A, ¶B,** as amended by PL 2001, c. 383, §151 and affected by §156, is further amended to read:

B. The court may impose a sentence other than a minimum unsuspended term of imprisonment set forth in paragraph A, if:

(1) The court finds by substantial evidence that:

(a) Imposition of a minimum unsuspended term of imprisonment under paragraph A will result in substantial injustice to the defendant. In making this determination, the court shall consider, among other considerations, whether the defendant did not know and reasonably should not have known that the victim was less than 18 years of age;

(b) Failure to impose a minimum unsuspended term of imprisonment under paragraph A will not have an adverse effect on public safety; and

(c) Failure to impose a minimum unsuspended term of imprisonment under paragraph A will not appreciably impair the effect of paragraph A in deterring others from violating section 1105-A, 1105-B, 1105-C or 1105-D; and

(2) The court finds that:

~~(a) The defendant has no prior criminal history; and~~

(b) The defendant is an appropriate candidate for an intensive supervision program, but would be ineligible to participate under a sentence imposed under paragraph A; or

(c) The defendant's background, attitude and prospects for rehabilitation and the nature of the victim and the offense indicate that imposition of a sentence under paragraph A would frustrate the general purposes of sentencing set forth in section 1151.

If the court imposes a sentence under this paragraph, the court shall state in writing its reasons for its findings and for imposing a sentence under this paragraph rather than under paragraph A; and

See title page for effective date.

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## CHAPTER 233

### H.P. 361 - L.D. 469

#### An Act To Enhance the Powers of Law Enforcement Officers Authorized To Make Out-of-county or Out-of-municipality Arrests

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

**Sec. 1. 30-A MRSA §405, sub-§1,** as enacted by PL 1993, c. 594, §1, is repealed.

**Sec. 2. 30-A MRSA §405, sub-§1-A** is enacted to read:

**1-A. Optional powers.** The county commissioners may authorize a county's sheriff and certified full-time deputy sheriffs who have met the requirements of Title 25, section 2804-C to perform any of the acts described in Title 17-A, section 15 while outside the jurisdiction in which they are appointed if, when possible, the law enforcement agency of a foreign municipality in which the arrest is to be made is notified in advance or, when not possible, the law enforcement agency of the foreign municipality in which the arrest has been made is notified immediately after the arrest.

**Sec. 3. 30-A MRSA §405, sub-§2,** as enacted by PL 1993, c. 594, §1, is amended to read:

**2. Liability.** When a county sheriff or deputy sheriff makes an arrest, as authorized in subsection ~~1~~ 1-A, outside of jurisdictional limits of the county in which the sheriff or deputy sheriff is appointed, that sheriff or deputy sheriff has the same immunity from tort liability and all of the pension, relief, disability, worker's compensation, insurance and any other benefits the sheriff or deputy sheriff enjoys while performing duties within the sheriff or deputy sheriff's appointing county.