

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

Sec. 4. 22 MRSA §4088, sub-§8 is enacted to read:

8. Due process. Any finding of out-of-home abuse or neglect made under this section is subject to the due process requirements of the Maine Administrative Procedure Act.

See title page for effective date.

CHAPTER 400

S.P. 110 - L.D. 328

An Act to Increase Courthouse Security

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

Sec. 1. 4 MRSA §17, sub-§15, as amended by PL 1993, c. 675, Pt. C, §7, is repealed and the following enacted in its place:

15. Provide for court security. Plan and implement arrangements for safe and secure court premises to ensure the orderly conduct of judicial proceedings.

A. The State Court Administrator may contract for the services of qualified individuals as needed on a per diem basis to perform court security-related functions and services.

(1) For the purposes of this subsection, "qualified individuals" means individuals who are certified pursuant to Title 25, section 2804-B or 2804-C and have successfully completed additional training in court security provided by the Maine Criminal Justice Academy or equivalent training.

(2) When under contract pursuant to this paragraph and then only for the assignment specifically contracted for, qualified individuals have the same duties and powers throughout the counties of the State as sheriffs have in their respective counties.

(3) Qualified deputy sheriffs performing contractual services pursuant to this paragraph continue to be employees of the counties in which they are deputized.

(4) Qualified individuals other than deputy sheriffs performing contractual services pursuant to this paragraph may not be considered employees of the State for any purpose, except that they must be treated as employees of the State for purposes of the

Maine Tort Claims Act and the Maine Workers' Compensation Act of 1992. They must be paid reasonable per diem fees plus reimbursement of actual, necessary and reasonable expenses incurred in the performance of their duties, consistent with policies established by the State Court Administrator.

B. The State Court Administrator may employ other qualified individuals to perform court security-related functions and services as court security officers.

(1) Court security officers employed under this paragraph must be certified pursuant to Title 25, section 2803-A, subsection 8-B.

(2) When on assignment for court security functions, court security officers have the same powers and duties throughout the counties of the State as sheriffs have in their respective counties.

(3) Court security officers employed under this paragraph are state employees for all purposes.

C. Notwithstanding any other provision of law, the plans, arrangements and files involving court security matters are confidential. Nothing in this section precludes dissemination of that information to another criminal justice agency;

Sec. 2. 25 MRSA §2801-A, sub-§2-A is enacted to read:

2-A. Court security officer. "Court security officer" means a law enforcement officer employed by the Judicial Branch to provide security and protection to the Judicial Branch and the courts located within the State.

Sec. 3. 25 MRSA §2801-B, sub-§1, ¶¶H and I, as repealed and replaced by PL 2001, c. 710, §11 and affected by §12, are amended to read:

H. The State Fire Marshal; ~~or~~

I. The Chief of the Bureau of Liquor Enforcement within the Department of Public Safety; ~~or~~

Sec. 4. 25 MRSA §2801-B, sub-§1, ¶J is enacted to read:

J. A court security officer.

Sec. 5. 25 MRSA §2803-A, sub-§8-B is enacted to read:

8-B. Training of court security officers. To establish certification standards and a preservice and

in-service training program for court security officers. This program must include:

A. Preservice law enforcement training under section 2804-B;

B. An additional 40-hour basic court security training program developed and approved by the board that is specific to the duties of a court security officer; and

C. In-service law enforcement training that is specifically approved by the board as prescribed in section 2804-E.

Court security officers are exempt from section 2804-C, but completion of basic training under section 2804-C exempts a person from the preservice training requirement under paragraph A;

Sec. 6. 25 MRSA §2804-K is enacted to read:

§2804-K. Law enforcement training for court security officers

As a condition to the continued employment of any person as a full-time court security officer, that person must successfully complete, within the first 12 months of employment, the training required under section 2803-A, subsection 8-B. Thereafter, as a condition of continued employment as a full-time court security officer, the officer must satisfactorily maintain the court security officer certification by completing recertification requirements prescribed by the board. The board, under extenuating and emergency circumstances in individual cases, may extend that period for not more than 90 days.

See title page for effective date.

CHAPTER 401

H.P. 521 - L.D. 704

**An Act Relating to Harness Racing
Laws**

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

Whereas, the harness racing season is already underway for 2003; and

Whereas, what constitutes a "commercial track" and what constitutes a "market area" for commercial racetracks and off-track betting facilities need to be clarified; 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 §263-B, sub-§§2 and 3, as enacted by PL 1997, c. 528, §6, are amended to read:

2. Leadership in policy making. The department, in conjunction with the commission, shall ~~take the lead in developing~~ develop state policy with regard to the harness racing industry and shall address the needs of the industry to remain competitive.

3. Review of statutes. The department, in conjunction with the commission, shall maintain an ongoing review of the statutes ~~and rules~~ relating to harness racing and make recommendations to the Governor, and the Legislature ~~and the commission~~ regarding the need for changes in statutes ~~and rules~~ to improve the condition of the harness racing industry and the conduct and regulation of harness racing and off-track betting.

Sec. 2. 8 MRSA §263-C, sub-§1, as reallocated by PL 1999, c. 790, Pt. A, §8, is amended to read:

1. Position. The executive director is ~~an unclassified~~ a classified position within the department.

Sec. 3. 8 MRSA §263-C, sub-§2, as reallocated by PL 1999, c. 790, Pt. A, §8, is repealed and the following enacted in its place:

2. Appointment. The commissioner shall appoint an executive director with the approval of the commission. The executive director is the principal administrative, operational and executive employee of the commission.

Sec. 4. 8 MRSA §263-C, sub-§4, ¶¶A and B, as reallocated by PL 1999, c. 790, Pt. A, §8, are amended to read:

A. Management of the work of the commission, including:

- (1) Rulemaking;
- (2) Processing appeals;
- (3) Licensing of tracks and off-track betting facilities; ~~and~~
- (4) Setting race dates; and