

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

**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**  
**2005**

## CHAPTER 325

## H.P. 460 - L.D. 627

**An Act To Require Notification prior to Suspension of a Driver's License for a Nonmotor Vehicle Violation**

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

**Sec. 1. 14 MRSA §3142, sub-§2**, as amended by PL 2003, c. 193, §3, is further amended to read:

**2. Notification of issuing entity and person.**

Upon suspension of the person's license, certification, registration, permit, approval or other similar document evidencing the granting of authority to hunt, fish or trap or to engage in a profession, occupation, business or industry, the court shall notify the person and the issuing agency that the court has ordered the suspension. The issuing agency shall immediately record the suspension except that, in the case of a suspension of a driver's license or right to operate a motor vehicle, if the suspension results from the nonpayment of a fine that is not related to the operation of a motor vehicle, the suspension may not take effect until 60 days after the mailing of the notice. The court shall immediately notify that person by regular mail or personal service. Written notice is sufficient if sent to the person's last known address.

**Sec. 2. 29-A MRSA §2605, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**1. Suspension by clerk.** If a person fails to appear in court on the date and time specified in response to a Uniform Summons and Complaint, a summons, a condition of bail or order of court for any criminal violation of Title 23, section 1980; a civil violation under Title 28-A, section 2052; or any criminal provision of this Title, or for any further appearance ordered by the court, including one for the payment of a fine, either in person or by counsel, or fails to pay a fine imposed for a criminal traffic offense, the clerk shall suspend the person's license or permit, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit. The court shall immediately notify that person of the suspension by regular mail or personal service. Written notice is sufficient if sent to the person's last known address.

If a person who is not an individual fails to appear or pay a fine in a criminal traffic offense, the clerk shall suspend the registration of the motor vehicle involved in the offense or that person's right to operate that vehicle in the State.

**Sec. 3. 29-A MRSA §2605, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

**2. Notification of Secretary of State.** Upon suspension under subsection 1 of a person's license or permit, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit, the court shall notify the Secretary of State that the court has ordered the suspension. The Secretary of State shall immediately record the suspension.

See title page for effective date.

## CHAPTER 326

## H.P. 866 - L.D. 1248

**An Act Regarding the Initiation of Cases of Murder and Class A, B and C Crimes in Superior Court by Complaint**

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

**Sec. 1. 4 MRSA §165, sub-§3**, as enacted by PL 1999, c. 731, Pt. ZZZ, §6 and affected by §42, is amended to read:

**3. Crimes; one year or more imprisonment.**

The District Court has, concurrent with the Superior Court, original jurisdiction to receive pleas of guilty in criminal cases, other than murder, in which:

- A. The maximum term of imprisonment to which the defendant may be sentenced upon conviction of that crime is one year or more;
- B. The defendant has in writing waived the defendant's right to indictment by grand jury and the defendant's right to a jury trial; and
- C. The defendant has indicated the defendant's intention to enter a plea of guilty to the charges pending against the defendant.

When exercising such jurisdiction, the District Court possesses all of the powers of the Superior Court. The District Court shall exercise that jurisdiction in the manner that the Supreme Judicial Court by rule provides. Any person sentenced under this subsection is entitled to the rights provided by Title 15, chapter 306-A.

~~The District Court has jurisdiction to bind over for the grand jury all other crimes.~~

**Sec. 2. 17-A MRSA §9, sub-§3**, as amended by PL 1975, c. 740, §17, is further amended to read:

3. The District Courts ~~shall~~ have jurisdiction to try civil violations; and Class D and E crimes; and to impose sentence in Class A, B and C crimes in which the District Court has accepted a plea of guilty ~~and to bind over for the grand jury all other crimes.~~

**Sec. 3. 17-A MRSA §15-A, sub-§1,** as amended by PL 2003, c. 657, §2, is further amended to read:

1. A law enforcement officer who has probable cause to believe a crime has been or is being committed by a person may issue or have delivered a written summons to that person directing that person to appear in the ~~District Court~~ appropriate trial court to answer the allegation that the person has committed the crime. The summons must include the signature of the officer, a brief description of the alleged crime, the time and place of the alleged crime and the time, place and date the person is to appear in court. The form used must be the Uniform Summons and Complaint. A person to whom a summons is issued or delivered must give a written promise to appear. If the person refuses to sign the summons after having been ordered to do so by a law enforcement officer, the person commits a Class E crime. As soon as practicable after service of the summons, the officer shall cause a copy of the summons to be filed with the court.

**Sec. 4. 17-A MRSA §1205-A, sub-§2,** as amended by PL 1995, c. 502, Pt. F, §14, is further amended to read:

2. The preliminary hearing must be held before an official designated by the Commissioner of Corrections. It must be held at a location as near to the place where the violation is alleged to have taken place as is reasonable under the circumstances. If it is alleged that the person violated probation because of the commission of a new offense, the preliminary hearing is limited to the issue of identification, if probable cause on the new offense has been found by the District Court or by the Superior Court, or the person has been indicted, has waived indictment or has been convicted.

**Sec. 5. Effective date.** This Act takes effect January 1, 2006, except that those sections of this Act that amend the Maine Revised Statutes, Title 4, section 165, subsection 3 and Title 17-A, section 9, subsection 3 take effect July 1, 2006.

Effective January 1, 2006, unless otherwise indicated.

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## CHAPTER 327

### S.P. 300 - L.D. 892

#### An Act To Ensure an Adequate Supply of a Skilled Health Care Workforce

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

**Sec. 1. 22 MRSA §256,** as enacted by PL 1989, c. 579, §3, is repealed.

**Sec. 2. 22 MRSA §§256-A and 256-B** are enacted to read:

#### **§256-A. Health care occupations report**

Beginning in 2006, the Department of Labor, in conjunction with the Office of Health Data and Program Management's Office of Data, Research and Vital Statistics, shall compile and annually update a health care occupations report to be completed and presented to the health workforce forum established in section 257 by September 15th. The report must be posted on a publicly accessible site on the Internet maintained by the Department of Labor and provide the following information:

**1. Listing.** A listing of all health care occupations licensed, registered or certified under the authority of the boards listed in section 256-B, including:

A. A brief description of each occupation;

B. Minimum education requirements;

C. Schools in the State offering education in those health care occupations, including current enrollment and annual number of graduates; and

D. Average starting salary for each health care occupation listed;

**2. Future outlook.** An analysis of trends and the current outlook in employment supply and demand, including implications for the state and health care industry; and

**3. Financial aid.** Financial aid available for education.

#### **§256-B. Collection of professional data**

**1. Voluntary surveys.** All licensed, registered or certified persons, including all dependent practitioners, under the authority of the following boards must receive a voluntary survey with their licensure, registration or certification renewal beginning January 1, 2006: