

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2008 to March 31, 2008**

**FIRST SPECIAL SESSION**  
**April 1, 2008 to April 18, 2008**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 30, 2008**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 18, 2008**

**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**  
**2008**

initiating a rate case for a set period of time, the commission shall, in order to ensure that rates at the starting point of the alternative form of regulation are just and reasonable, conduct a revenue requirement and earnings review pursuant to the standards of section 301. In conducting such a review under this subsection, the commission, at its discretion, may conduct the review in a manner designed to minimize the cost of the review.

**Sec. 2. Application.** In accordance with the Maine Revised Statutes, Title 1, section 302, this Act does not apply to any proceeding relating to an alternative form of regulation pending before the Public Utilities Commission on the effective date of this Act.

See title page for effective date.

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**CHAPTER 551**

**H.P. 1527 - L.D. 2147**

**An Act To Ensure That State Government Is a Model Employer of People with Disabilities**

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

**Sec. 1. 5 MRSA §23001, sub-§2,** as enacted by PL 2005, c. 570, Pt. A, §1, is amended to read:

**2. Plan.** Develop by January 1, 2007 and update annually thereafter a plan to increase the opportunities for individuals with disabilities to be employed by that department, agency or instrumentality of the State. This plan must include a description of the extent to which the special needs of employees who are individuals with disabilities are being met. Beginning with the plans updated in 2009, each department, agency and instrumentality of the State shall submit the plans to the Director of the Bureau of Human Resources within the Department of Administrative and Financial Services;

**Sec. 2. 5 MRSA §23001, sub-§2-A** is enacted to read:

**2-A. Report to committees.** Submit a biennial report beginning March 1, 2009, compiled by the Director of the Bureau of Human Resources within the Department of Administrative and Financial Services, on the plans developed pursuant to subsection 2 to the joint standing committees of the Legislature having jurisdiction over state and local government matters and over labor matters and to the Governor's office. The report must include any changes made to the plans, an assessment made by the director of the effectiveness of the plans and any recommendations for legislative action pertaining to the report. The joint standing committee of the Legislature having jurisdic-

tion over state and local government matters may submit legislation pertaining to the report to the first regular session of each Legislature;

See title page for effective date.

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**CHAPTER 552**

**H.P. 1609 - L.D. 2248**

**An Act To Delete Outdated References to Rule 42 of the Maine Rules of Criminal Procedure from the Maine Bail Code and the Provision Allowing for Appeals by Aggrieved Contemnors**

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

**Sec. 1. 15 MRSA §1004,** as amended by PL 2005, c. 507, §4, is further amended to read:

**§1004. Applicability and exclusions**

This chapter applies to the setting of bail for a defendant in a criminal proceeding, including the setting of bail for an alleged contemnor in a plenary contempt proceeding involving a punitive sanction under ~~the Maine Rules of Criminal Procedure, Rule 42 or~~ the Maine Rules of Civil Procedure, Rule 66. It does not apply to the setting of bail in extradition proceedings under sections 201 to 229 ~~or~~, post-conviction review proceedings under sections 2121 to 2132, probation revocation proceedings under Title 17-A, sections 1205 to 1207, supervised release revocation proceedings under Title 17-A, section 1233 or administrative release revocation proceedings under Title 17-A, sections 1349 to 1349-F, except to the extent and under the conditions stated in those sections. This chapter applies to the setting of bail for an alleged contemnor in a summary contempt proceeding involving a punitive sanction under ~~the Maine Rules of Criminal Procedure, Rule 42 or~~ the Maine Rules of Civil Procedure, Rule 66 and to the setting of bail relative to a material witness only as specified in sections 1103 and 1104, respectively. This chapter does not apply to a person under 18 years of age who is arrested for a crime defined under Title 12 or Title 29-A that is not a juvenile crime as defined in section 3103.

**Sec. 2. 15 MRSA §1103,** as enacted by PL 1997, c. 317, Pt. A, §2, is amended to read:

**§1103. Summary contempt proceeding involving a punitive sanction**

The setting of bail for an alleged contemnor in a summary contempt proceeding involving a punitive sanction under ~~the Maine Rules of Criminal Procedure, Rule 42 or~~ the Maine Rules of Civil Procedure,