

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2008 to June 13, 2009**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 12, 2009**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2009**

council's bylaws or by rules of procedure adopted for the advisory board if an advisory board is established.

**Sec. 9. 22 MRSA §3883, sub-§2, ¶C**, as enacted by PL 1993, c. 600, Pt. A, §16, is amended to read:

C. Four members of the Maine ~~Association of Child Abuse and Neglect Prevention~~ Councils, selected by that ~~association organization~~. Of the initial appointees, one is appointed for a one-year term, one is appointed for a 2-year term and 2 are appointed for 3-year terms. After the initial appointments, appointees are appointed for 3-year terms;

**Sec. 10. 22 MRSA §3884-A, sub-§1, ¶I**, as enacted by PL 2001, c. 11, §2, is amended to read:

I. Develop plans, with the cooperation of the child abuse and neglect prevention councils established under chapter 1057, to provide a stable base for funding the councils in amounts no lower than the amounts provided in the biennial budget of fiscal years 1999-00 and 2000-01.

**Sec. 11. 22 MRSA §3890-A, sub-§2**, as enacted by PL 1993, c. 600, Pt. A, §16, is amended to read:

**2. Dissolution of fund.** Upon dissolution of the fund, the members shall transfer any unexpended General Fund appropriations to the State and pay or make provisions for the payment of all other liabilities of the fund.

All other principal and accrued interest in the fund must be transferred to the Maine ~~Association of Child Abuse and Neglect Prevention~~ Councils and restricted to the support of primary prevention of child abuse and neglect in the State.

**Sec. 12. 36 MRSA §1760, sub-§49**, as amended by PL 2005, c. 622, §7, is further amended to read:

**49. Child abuse and neglect prevention councils; child advocacy organizations; community action agencies.** Sales to:

A. Incorporated, nonprofit child abuse and neglect prevention councils as defined in Title 22, section 3872, subsection 1-A;

B. Statewide organizations that advocate for children and that are members of the Medicaid Advisory Committee; and

C. Community action agencies designated in accordance with Title 22, section 5324.

**Sec. 13. 36 MRSA §2557, sub-§13**, as amended by PL 2005, c. 622, §11, is further amended to read:

**13. Child abuse and neglect prevention councils; child advocacy organizations; community action agencies.** Sales to:

A. Incorporated, nonprofit child abuse and neglect prevention councils as defined in Title 22, section 3872, subsection 1-A;

B. Statewide organizations that advocate for children and that are members of the Medicaid Advisory Committee; and

C. Community action agencies designated in accordance with Title 22, section 5324;

**Sec. 14. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 22, chapter 1057, in the chapter headnote, the words "child abuse and neglect councils" are amended to read "child abuse and neglect prevention councils" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

**CHAPTER 205**

**H.P. 419 - L.D. 581**

**An Act To Allow Law Enforcement Officers To Obtain a Personal Recognizance Bond in Certain Cases**

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

**Sec. 1. 14 MRSA §3135, 2nd ¶**, as amended by PL 1987, c. 708, §10, is further amended to read:

After a civil order of arrest has been issued, the sheriff shall cause the individual named in the order to be arrested and shall deliver ~~him~~ the individual without undue delay to the division of the District Court designated in the civil order of arrest or obtain from the debtor a personal recognizance bond to appear in court at the specified date and time. Should the debtor fail to appear at that time a warrant may issue for the debtor's arrest. The sheriff may take such steps ~~as he determines~~ determined necessary for ~~his~~ the sheriff's safety or the safety of others then present, including searching the debtor for weapons, if ~~he~~ the sheriff has a reasonable suspicion that the debtor has a weapon, and handcuffing the debtor if that is necessary to transport the debtor to the court or to cause the debtor to remain peaceably at the court. Upon arrival at the court, the sheriff shall notify the clerk or bailiff that the debtor is present and may release the debtor into the custody of the bailiff. The sheriff shall instruct the debtor that the debtor must wait at the court until re-

leased by the court or clerk. Upon release of the debtor into the custody of the bailiff, the sheriff need not remain with the debtor at the court. A debtor who fails to appear for the disclosure hearing after being released upon the debtor's personal recognizance commits a Class E crime.

**Sec. 2. 14 MRSA §3135, 4th ¶**, as amended by PL 1995, c. 694, Pt. D, §20 and affected by Pt. E, §2, is further amended to read:

Unless the judgment debtor shows good cause for failure to appear after being duly served with a disclosure subpoena under section 3123, a contempt subpoena under section 3136 or an order to appear and disclose under Title 19-A, section 2361, the debtor must be ordered to pay the costs of issuing and serving the civil order for arrest. The costs of issuing and serving the civil order for arrest are \$25 plus mileage at a rate of ~~22¢~~ 42¢ per mile. The fee payable to sheriffs and their deputies for civil orders for arrest is governed by Title 30-A, section 421, subsection 6.

**Sec. 3. 30-A MRSA §421, sub-§6**, as amended by PL 1991, c. 498, §2, is further amended to read:

**6. Civil arrests and custody.** For civil arrests and custody under the arrest, including arrest and custody under paternity proceedings, \$25 plus mileage at a rate of ~~22¢~~ 42¢ per mile;

See title page for effective date.

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**CHAPTER 206**

**H.P. 804 - L.D. 1165**

**An Act To Improve Children's Safety in Public Swimming Pools**

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

**Sec. 1. 22 MRSA §2666, sub-§4** is enacted to read:

**4. Anti-entrapment devices required.** Every public pool and public spa must comply with the federal swimming pool and spa drain cover standards as specified in the Virginia Graeme Baker Pool and Spa Safety Act, 15 United States Code, Sections 8001 to 8006. The Maine Center for Disease Control and Prevention shall enforce the provisions of this subsection provided federal funds are available to cover all costs associated with this enforcement activity. Enforcement includes, but is not limited to, the closure of any

public pool or public spa that does not meet the requirements of the federal swimming pool and spa drain cover standards.

See title page for effective date.

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**CHAPTER 207**

**H.P. 624 - L.D. 906**

**An Act Relating to Sales Tax on Certain Trailers**

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

**Sec. 1. 36 MRSA §1752, sub-§19-A**, as enacted by PL 2007, c. 375, §1, is amended to read:

**19-A. Trailer.** "Trailer" means a vehicle without motive power and mounted on wheels that is designed to carry persons or property and to be drawn by a motor vehicle and not operated on tracks. "Trailer" includes a camper trailer as defined in section 1481, subsection 1-A but without restriction on length.

**Sec. 2. 36 MRSA §1765, sub-§7**, as amended by PL 1989, c. 533, §9, is further amended to read:

**7. Special mobile equipment.** Special mobile equipment; or

**Sec. 3. 36 MRSA §1765, sub-§8**, as amended by PL 2007, c. 375, §3, is further amended to read:

**8. Trailers and truck campers.** Trailers; ~~or~~ and truck campers.

**Sec. 4. 36 MRSA §1765, sub-§9**, as amended by PL 2007, c. 375, §3, is repealed.

**Sec. 5. 36 MRSA §1765, last ¶**, as enacted by PL 2007, c. 627, §50 and affected by §96, is amended to read:

The trade-in credit allowed by this section is not available unless the items traded are in the same category; ~~except that when a truck camper is taken in trade for a camper trailer or a camper trailer is taken in trade for a truck camper, the~~ The tax must be levied only upon the difference between the sale price of the purchased property and the trade-in allowance of the property taken in trade.

See title page for effective date.