

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 9, 2013

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

Augusta, Maine
2013

that expired within the previous 90 days. Violation of this paragraph is a traffic infraction.

Sec. 2. 29-A MRSA §1251, sub-§7 is enacted to read:

7. Temporary permit to operate a motor vehicle with an expired license. Upon stopping an operator of a motor vehicle who is in violation of subsection 1, paragraph E, a law enforcement officer may issue a permit to the operator of the motor vehicle to operate the motor vehicle to the operator's residence or to an office of the bureau for the sole purpose of renewing the operator's license.

See title page for effective date.

CHAPTER 25
S.P. 76 - L.D. 240

An Act To Allow Motor Fuel
Taxable Sales Disclosure

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

Sec. 1. 36 MRSA §191, sub-§2, ¶L, as repealed and replaced by PL 1987, c. 769, Pt. A, §146, is amended to read:

L. The listing of gasoline distributors possessing a certificate under section 2904 and the number of taxable gallons sold by each gasoline distributor in this State each month;

Sec. 2. 36 MRSA §191, sub-§2, ¶Q, as amended by PL 2009, c. 434, §12, is further amended to read:

Q. The listing of persons possessing certificates under section 3204 and the number of taxable gallons sold by each person possessing a certificate in this State each month;

See title page for effective date.

CHAPTER 26
S.P. 91 - L.D. 255

An Act To Establish July 27th
as Maine Korean War Veteran
Recognition Day

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

Whereas, immediate enactment of this legislation is necessary in order to properly celebrate Maine Korean War veterans on the appropriate day; 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. 1 MRSA §150-I is enacted to read:

§150-I. Maine Korean War Veteran Recognition Day

In recognition of the service and contributions of those veterans of the United States Armed Forces who served during the Korean War, the State designates July 27th of each year as Maine Korean War Veteran Recognition Day. The Governor shall annually issue a proclamation urging the people of the State to observe the day with appropriate celebration and activity.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 8, 2013.

CHAPTER 27
S.P. 134 - L.D. 354

An Act To Amend the County
Jail Inspection Requirement
for Nationally Accredited
Facilities

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

Sec. 1. 34-A MRSA §1208, sub-§2, ¶A, as enacted by PL 1983, c. 581, §§10 and 59, is amended to read:

A. The commissioner shall conduct a comprehensive inspection of each county and municipal detention facility every 2 years, in order to provide the department with information, verified by on-site inspection, regarding compliance with all department standards. The commissioner may dispense with this inspection if, when it is due, the facility is accredited by a nationally recognized correctional accrediting body.

Sec. 2. 34-A MRSA §1208, sub-§2, ¶B, as enacted by PL 1983, c. 581, §§10 and 59, is amended to read:

B. The commissioner shall conduct every 2 years no fewer than 3 additional inspections of each county and municipal detention facility during the period between each comprehensive inspection, that are in addition to any comprehensive inspec-

tions conducted pursuant to paragraph A in order to determine continued compliance with standards.

See title page for effective date.

**CHAPTER 28
S.P. 133 - L.D. 353**

**An Act To Allow Young Adult
Offenders To Be Confined in
Juvenile Correctional Facilities
and To Comply with Federal
Law Requirements**

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

Sec. 1. 15 MRSA §3101, sub-§4, ¶E-1, as amended by PL 1997, c. 645, §5, is repealed.

Sec. 2. 15 MRSA §3101, sub-§4, ¶E-2, as enacted by PL 2003, c. 706, Pt. A, §1, is amended to read:

E-2. If the Juvenile Court binds a juvenile over to Superior Court and has ~~not~~ directed the detention of the juvenile ~~in a section of a jail that is used primarily for the detention of adults pursuant to paragraph E-1, the court shall order that~~, if the juvenile attains 18 years ~~and 6 months~~ of age and is being detained, the juvenile must be detained in an adult section of a jail.

Sec. 3. 15 MRSA §3203-A, sub-§7, ¶A, as amended by PL 2009, c. 93, §5, is further amended to read:

A. A juvenile may be detained in a jail or other secure detention facility intended for use or primarily used for the detention of adults only when the serving facility:

- (1) Contains an area where juveniles are under direct staff observation at all times, in a separate section for juveniles that complies with mandatory sight and sound separation standards established by the Department of Corrections pursuant to Title 34-A, section 1208;
- (2) Provides for no regular contact between the juveniles with the adult detainees or inmates; and
- (3) Has an adequate staff to provide direct observation and supervise the juvenile's activities at all times during emergency detention.

Juveniles detained in adult-serving facilities may be placed only in the separate juvenile sections that comply with mandatory separation standards

established by the Department of Corrections pursuant to Title 34-A, section 1208, unless the juvenile is held in an adult section of a facility under section 3205, subsection 2 or is bound over as an adult and held in an adult section of a facility pursuant to ~~court order~~ section 3101, subsection 4, paragraph E-2.

Sec. 4. 15 MRSA §3203-A, sub-§7, ¶B-4, as amended by PL 2009, c. 93, §6, is further amended to read:

B-4. The State is responsible for all physically restrictive juvenile detention statewide, except that the detention for up to 6 hours provided under subsection 1 remains the responsibility of the counties. At the discretion of the sheriff, if the requirements of paragraph B-5 are met, a county may assume responsibility for the detention of a juvenile for up to 48 hours, excluding Saturdays, Sundays and legal holidays. Upon mutual agreement of the Commissioner of Corrections and the sheriff and upon terms mutually agreeable to them, a juvenile may be detained by a county for a longer period of time in an approved detention facility or temporary holding resource complying with paragraph B. Any detention of a juvenile by a county must be in a section of a jail or other secure detention facility in compliance with paragraph A or in an approved detention facility or temporary holding resource in compliance with paragraph B. This paragraph does not apply to a juvenile who is held in an adult section of a jail pursuant to ~~court order under paragraph C or D;~~ section 3101, subsection 4, paragraph ~~E-1;~~ E-2 or section 3205, subsection 2.

Sec. 5. 15 MRSA §3203-A, sub-§7, ¶C, as amended by PL 1997, c. 752, §13, is repealed.

Sec. 6. 15 MRSA §3203-A, sub-§7, ¶D, as repealed and replaced by PL 1991, c. 824, Pt. A, §24, is repealed.

Sec. 7. 15 MRSA §3205, sub-§1, as amended by PL 2005, c. 507, §6, is further amended to read:

1. Generally. A juvenile may not be committed to or detained or confined in a jail or other secure detention facility intended or primarily used for the detention of adults, except when bound over as an adult and as provided in section 3101, subsection 4, paragraph E-2, or as provided in section 3203-A, subsection 1, paragraph B-1 or section 3203-A, subsection 7. A juvenile who is detained in a jail or other secure detention facility intended or primarily used for the detention of adults may be detained only in a section of a facility that meets the requirements of section 3203-A, subsection 7, paragraph A, unless bound over as an adult and held in an adult section of a facility pursuant to ~~court order~~ section 3101, subsection 4, paragraph E-2.