

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

Sec. 8. 15 MRSA §3205, sub-§2, ¶B, as enacted by PL 2009, c. 93, §8, is amended to read:

B. If the person has attained 21 years of age or has been convicted as an adult in another jurisdiction and has attained 18 years ~~and 6 months~~ of age, any detention pursuant to section 3203-A and any confinement pursuant to section 3314, subsection 1, paragraph H or section 3314, subsection 7 must be in an adult section of a jail or other secure detention facility intended or primarily used for the detention of adults and may extend beyond the time limits set out in section 3203-A.

Sec. 9. 17-A MRSA §1259, as enacted by PL 2007, c. 686, §1, is further amended to read:

§1259. Commitments to the Department of Corrections of bound-over juveniles who have not attained 18 years of age at the time of sentence imposition

A juvenile who has been bound over, pursuant to Title 15, section 3101, subsection 4, for a juvenile crime for which the juvenile had the burden of proof with respect to the finding of appropriateness, who is subsequently, as to the juvenile crime's adult counterpart, convicted and sentenced to a sentence alternative involving imprisonment and who has not attained ~~46~~ 18 years of age at the time of sentence imposition must be committed to a Department of Corrections juvenile correctional facility for an indeterminate period not to extend beyond the juvenile's 18th birthday to serve the term of imprisonment or any unsuspended portion until discharge from the juvenile correctional facility and once discharged must be transferred to a ~~Department of Corrections adult~~ correctional facility in which adult offenders are confined to serve out the remainder of the imprisonment term or unsuspended portion, if any.

Sec. 10. 34-A MRSA §3061, sub-§1, as amended by PL 1991, c. 845, §5, is further amended to read:

1. Transfer. The commissioner may transfer any client from one correctional or detention facility or program, including prerelease centers, work release centers, halfway houses, supervised community confinement or specialized treatment facilities, to another, ~~except that no~~ A juvenile may not be transferred to another facility or program for adult offenders and an adult offender may not be transferred to another facility or program for juveniles, except that an adult offender may be housed in the Long Creek Youth Development Center or the Mountain View Youth Development Center pursuant to section 3816 or 4117 or Title 17-A, section 1259.

Sec. 11. 34-A MRSA §3816 is enacted to read:

§3816. Young adult offenders

The commissioner may confine adults sentenced and committed to the custody of the department who have not attained 26 years of age in the Long Creek Youth Development Center as long as the housing facilities for adult offenders are fully separated from the housing facilities for juvenile clients and the commissioner maintains at all times full compliance with mandatory sight and sound separation standards established by federal law. All provisions of this Title that are applicable to prisoners apply to adult offenders confined in the Long Creek Youth Development Center as if they were confined in a correctional facility housing only adults.

Sec. 12. 34-A MRSA §4117 is enacted to read:

§4117. Young adult offenders

The commissioner may confine adults sentenced and committed to the custody of the department who have not attained 26 years of age in the Mountain View Youth Development Center as long as the housing facilities for adult offenders are fully separated from the housing facilities for juvenile clients and the commissioner maintains at all times full compliance with mandatory sight and sound separation standards established by federal law. All provisions of this Title that are applicable to prisoners apply to adult offenders confined in the Mountain View Youth Development Center as if they were confined in a correctional facility housing only adults.

See title page for effective date.

CHAPTER 29

S.P. 119 - L.D. 286

An Act To Reduce Reporting Responsibilities of the Department of Agriculture, Conservation and Forestry

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

Sec. 1. 7 MRSA §222, sub-§4, as amended by PL 2001, c. 168, §2, is further amended to read:

4. Cooperation. Cooperate with appropriate local, state and federal agencies and institutions and with farm organizations and interested individuals, including the Department of Education, the Department of Labor, the University of Maine and the Cooperative Extension Service, in carrying out this chapter; and

Sec. 2. 7 MRSA §222, sub-§5, as enacted by PL 2001, c. 168, §3, is amended to read:

5. Staff support. Designate an employee of the department to oversee the Maine Agricultural and Internship Training Program; ~~and.~~

Sec. 3. 7 MRSA §222, sub-§6, as enacted by PL 2001, c. 168, §3, is repealed.

Sec. 4. 7 MRSA §4213, as enacted by PL 1999, c. 530, §7 and amended by PL 2011, c. 657, Pt. W, §5, is repealed.

See title page for effective date.

**CHAPTER 30
S.P. 13 - L.D. 21**

An Act To Amend the Motor Vehicle Laws Governing Requisite Tire Size and Frame Height

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

Sec. 1. 29-A MRSA §1917, sub-§2, as amended by PL 2009, c. 251, §8, is further amended to read:

2. Safe tires required. A motor vehicle may not be operated on a public way unless it is equipped with tires in safe operating condition. A tire mounted on a motor vehicle is not considered to be in safe operating condition unless it meets the visual and tread depth requirements set forth in subsections 3 and 4, ~~the overall diameter of the properly mounted and inflated tire is within 2 inches of the range of sizes recommended by the manufacturer for the model vehicle and the vehicle is in compliance with the frame height requirements provided in section 1920.~~

Sec. 2. 29-A MRSA §1920, sub-§1, as amended by PL 2005, c. 276, §2, is further amended to read:

1. Minimum and maximum frame end heights. A motor vehicle may not be operated on a public way or receive a certificate of inspection with a frame end height of less than 10 inches or with the frame end height lower than the vehicle was originally manufactured if originally manufactured to be less than 10 inches. A motor vehicle may not be operated on a public way or receive a certificate of inspection with a maximum frame end height based on the manufacturer's gross vehicle weight rating that is greater than:

B. For a vehicle of 4,500 pounds and less, 24 inches in the front and 26 inches in the rear;

C. For a vehicle of 4,501 pounds to 7,500 pounds, 27 inches in the front and 29 inches in the rear; ~~and~~

D. For a vehicle of 7,501 pounds to 10,000 pounds, 28 inches in the front and 30 inches in the rear; ~~and~~

E. For a vehicle of 10,001 pounds to 11,500 pounds, 29 inches in the front and 31 inches in the rear.

Measurements must be taken from a level surface to the bottom of the frame end. For the purposes of this subsection, "frame end" means the point at which the frame rail terminates at the bumper assembly.

See title page for effective date.

**CHAPTER 31
S.P. 88 - L.D. 252**

An Act Regarding Registration and Correction of Death Information on Death Certificates

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

Sec. 1. 22 MRSA §2842, sub-§§3 and 4, as amended by PL 2009, c. 601, §25, are further amended to read:

3. Medical certificate by medical examiner or the Office of the Chief Medical Examiner. When a death occurs under circumstances that make it a medical examiner case as defined in section 3025, or when inquiry as to the cause of death is required by law, the medical examiner or the Office of the Chief Medical Examiner shall complete the medical certification of the cause of death as specified by department rule and sign the death certificate. A certification need not be completed before the remains are ready for release.

The medical examiner or the Office of the Chief Medical Examiner is responsible for the identity of the deceased and the time, date, place, cause, manner and circumstances of death on the death certificate. Entries may be left "pending" if further study is needed; or, at the specific direction of the Attorney General relative to cases under investigation by the Attorney General's office, entries must be left "withheld" until such time as the Attorney General, in the Attorney General's sole discretion, determines that any criminal investigation and prosecution will not be harmed by public disclosure of such information. Notwithstanding section 2706, subsection 4, unless directed otherwise by the Attorney General as specified in this subsection, this information for which the medical examiner is responsible may be made available to the general public by the Office of the Chief Medical Examiner.