

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

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

Augusta, Maine
2013

who is certified by the Board of Trustees of the Maine Criminal Justice Academy as a full-time law enforcement officer.

Sec. 6. 34-A MRSA §3011, as amended by PL 2009, c. 142, §16, is further amended to read:

§3011. Investigative officers and other law enforcement officers

1. Exercise of law enforcement powers. Investigative officers and other employees of the department who are certified by the Board of Trustees of the Maine Criminal Justice Academy as law enforcement officers may exercise the powers of other law enforcement officers with respect to offenses crimes or juvenile crimes relating to the security or orderly management of a facility or community program administered by the department and engage in any other activity that is related to the administration of criminal justice or the administration of juvenile criminal justice as defined in Title 15, section 3308, subsection 7, paragraph A, subparagraph (2), if authorized to exercise these powers by the commissioner. Investigative officers These employees may issue administrative subpoenas with respect to offenses relating to the security or orderly management of a facility administered by the department, if authorized to exercise these powers by the commissioner and by the Attorney General or the Attorney General's designee. These powers are in addition to any powers the officers employees may otherwise have as employees of the department. Internal investigations of employees of the department must be conducted pursuant to any applicable collective bargaining agreement.

2. Working agreement. The commissioner shall negotiate a working agreement with the Department of the Attorney General concerning procedures and respective responsibilities for the exercise of law enforcement powers by investigative officers and other employees pursuant to subsection 1.

Sec. 7. 34-A MRSA §3035, sub-§1, ¶D, as amended by PL 1991, c. 314, §40, is further amended to read:

D. Transportation to work release job sites must be arranged by the commissioner approved by the chief administrative officer.

(1) Clients participating in the work release program must may be assessed an equitable share of the cost of the transportation.

(2) Funds received from clients for work release transportation must be placed in the General Fund.

Sec. 8. 34-A MRSA §3040-A, sub-§1, as amended by PL 2005, c. 506, §8, is further amended to read:

1. Payment. Except as provided in subsection 4, if any client under the control in the custody of the department dies, leaving on deposit in the department's general client account and telephone call account an amount not exceeding \$1,000, and no personal representative of the client's estate is appointed, the chief administrative officer may pay the balance of the deposits in the accounts client's general client account and telephone call account, up to a maximum of \$1,000, to the surviving spouse or next of kin in accordance with the Probate Code, Title 18-A, sections 2-101 to 2-114, to the funeral director having any bill outstanding for the burial of the decedent or to any other preferred creditor or creditors who may appear to be entitled thereto, and shall deliver personal property in the chief administrative officer's custody to the surviving spouse or next of kin in accordance with the Probate Code, Title 18-A, sections 2-101 to 2-114.

See title page for effective date.

CHAPTER 81

H.P. 269 - L.D. 394

An Act To Add Members of the Aroostook Band of Micmacs to the Maine Indian Tribal-State Commission and Add Corresponding Members for the State

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

Sec. 1. 30 MRSA §6212, sub-§1, as amended by PL 2009, c. 384, Pt. F, §1 and affected by §4, is further amended to read:

1. Commission created. The Maine Indian Tribal-State Commission is established. The commission consists of ~~13~~ 17 members, ~~6~~ 8 to be appointed by the Governor, subject to review by the Joint Standing Committee on Judiciary and to confirmation by the Legislature, 2 to be appointed by the Aroostook Band of Micmacs, 2 to be appointed by the Houlton Band of Maliseet Indians, 2 to be appointed by the Passamaquoddy Tribe, 2 to be appointed by the Penobscot Nation and a chair, to be selected in accordance with subsection 2. The members of the commission, other than the chair, each serve for a term of 3 years and may be reappointed. In the event of the death, resignation or disability of a member, the appointing authority may fill the vacancy for the unexpired term.

Sec. 2. 30 MRSA §6212, sub-§2, as amended by PL 2009, c. 384, Pt. F, §2 and affected by §4, is further amended to read:

2. Chair. The commission, by a majority vote of its ~~12~~ 16 members, shall select an individual who is a

resident of the State to act as chair. In the event of the death, resignation, replacement or disability of the chair, the commission may select, by a majority vote of its ~~12~~ 16 remaining members, a new chair. When the commission is unable to select a chair within 120 days of the death, resignation, replacement or disability, the Governor, after consulting with the chiefs of the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Penobscot Nation and the Passamaquoddy Tribe, shall appoint an interim chair for a period of one year or for the period until the commission selects a chair in accordance with this section, whichever is shorter. The chair is a full-voting member of the commission and, except when appointed for an interim term, ~~shall serve~~ serves for 4 years.

Sec. 3. 30 MRSA §6212, sub-§3, as amended by PL 2009, c. 384, Pt. F, §3 and affected by §4, is further amended to read:

3. Responsibilities. In addition to the responsibilities set forth in this Act, the commission shall continually review the effectiveness of this Act and the social, economic and legal relationship between the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation and the State and shall make such reports and recommendations to the Legislature, the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation as it determines appropriate.

~~Nine~~ Twelve members constitute a quorum of the commission and a decision or action of the commission is not valid unless ~~7~~ 9 members vote in favor of the action or decision.

Sec. 4. 30 MRSA §6212, sub-§6, ¶¶B and C, as enacted by PL 2009, c. 636, Pt. C, §3 and affected by §4, are amended to read:

B. The Passamaquoddy Tribe; ~~and~~

C. The Penobscot Nation; ~~and~~

Sec. 5. 30 MRSA §6212, sub-§6, ¶D is enacted to read:

D. The Aroostook Band of Micmacs.

Sec. 6. Contingent effective date. This Act takes effect October 1, 2013 only if, within 90 days after the adjournment of the First Regular Session of the 126th Legislature, the Secretary of State receives written certification from the Council of the Aroostook Band of Micmacs that the band has agreed to the provisions of this Act, written certification from the Houlton Band Council of the Houlton Band of Maliseet Indians that the band has agreed to the provisions of this Act, written certification from the Joint Tribal Council of the Passamaquoddy Tribe that the tribe has agreed to the provisions of this Act and written certification from the Governor and Council of the Penobscot Nation that the nation has agreed to the provisions

of this Act pursuant to 25 United States Code, Section 1725(e), copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House and the Revisor of Statutes.

See title page for effective date, unless otherwise indicated.

CHAPTER 82

H.P. 351 - L.D. 532

An Act To Amend the Laws Governing the Maine State Library

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

Sec. 1. 27 MRSA §31, as amended by PL 1973, c. 626, §1, is further amended to read:

§31. Library hours

The State Librarian shall keep the library open at least 35 hours per week. ~~Neither the State Director of Public Improvements nor any of the state employees under his jurisdiction shall admit anyone~~ A person may not be admitted to the library rooms out of library hours or permit take any book to be taken therefrom or other material from the library without the consent of the librarian.

Sec. 2. 27 MRSA §34, sub-§9, as enacted by PL 1989, c. 700, Pt. B, §17, is repealed.

Sec. 3. 27 MRSA §34, sub-§10, as enacted by PL 1989, c. 700, Pt. B, §17, is amended to read:

10. Related activities. Related activities in cooperation with the Maine State Cultural Affairs Council; ~~and~~

Sec. 4. 27 MRSA §34, sub-§11 is enacted to read:

11. Electronic resources and database library. Maintaining and providing an electronic library service as well as a database library for use by elementary and secondary schools.

Sec. 5. 27 MRSA §37, as amended by PL 1973, c. 626, §4, is repealed.

Sec. 6. 27 MRSA §66 is amended to read:

§66. Reports of departments and institutions

The State Librarian shall distribute reports of the departments and institutions of the State and other books and documents published or purchased by the State in such manner as the law may direct. ~~He~~ The State Librarian may transmit one copy of each published report of each department of the State Government to each library in the State and to the libraries of