

# MAINE STATE LEGISLATURE

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L.D. 1671

(Filing No. S-344)

STATE OF MAINE  
SENATE  
114TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671, Bill, "An Act to Correct Errors and Inconsistencies in the Laws of Maine"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

PART A

Sec. 1. 1 MRSA §814, 2nd ¶, as repealed and replaced by PL 1975, c. 470, §1, is amended to read:

All proceedings under this section shall be in accordance with Title 35 35-A, chapter 263 65.

Sec. 2. 2 MRSA §6, sub-§4, as amended by PL 1987, c. 715, §2, and c. 787, §1, is repealed and the following enacted in its place:

4. Range 88. The salaries of the following state officials and employees shall be within salary range 88:

State Purchasing Agent;

Director, Arts and Humanities Bureau;

Director, State Museum Bureau;

Director of the Bureau of Parks and Recreation;

State Director of Alcoholic Beverages;

Director of Public Lands;

State Librarian;

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 B. Cooperatives, as that term is used in Title 13, section  
2 1771, et seq; credit unions, as defined in Title 9-B,  
3 section 131; rural electrification cooperatives, as that  
4 term is used in Title 35-A, ~~see~~ chapter 37, subchapters  
5 I, II and III; consumers' cooperatives, as that term is used  
6 in Title 13, section 1501 et seq; and fish marketing  
7 associations, as that term is used in Title 13, section 2001  
8 et seq.

9  
10 **Sec. 39. 14 MRSA §5524**, as amended by PL 1987, c. 736, §15  
11 and as repealed by PL 1987, c. 758, §5, is repealed.

12 **Sec. 40. 14 MRSA §8111, sub-§1**, as repealed and replaced by PL  
13 1987, c. 740, §8, is amended to read:

14  
15 1. **Immunity.** Notwithstanding any liability that may have  
16 existed at common law, employees of governmental entities shall  
17 be absolutely immune from personal civil liability for the  
18 following:

19  
20 A. Undertaking or failing to undertake any legislative or  
21 quasi-legislative act, including, but not limited to, the  
22 adoption or failure to adopt any statute, charter,  
23 ordinance, order, rule, policy, resolution or resolve;

24  
25 B. Undertaking or failing to undertake any judicial or  
26 quasi-judicial act, including, but not limited to, the  
27 granting, granting with conditions, refusal to grant or  
28 revocation of any license, permit, order or other  
29 administrative approval or denial;

30  
31 C. Performing or failing to perform any discretionary  
32 function or duty, whether or not the discretion is abused;  
33 and whether or not any statute, charter, ordinance, order,  
34 resolution, rule or resolve under which the discretionary  
35 function or duty is performed is valid;

36  
37 D. Performing or failing to perform any prosecutorial  
38 function involving civil, criminal or administrative  
39 enforcement; or

40  
41 E. Any intentional act or omission within the course and  
42 scope of employment; provided that such immunity shall not  
43 exist in any case in which an employee's actions are found  
44 to have been in bad faith.

45  
46 The absolute immunity provided by ~~this subsection~~ paragraph C  
47 shall be applicable whenever a discretionary act is reasonably  
48 encompassed by the duties of the governmental employee in  
49 question, regardless of whether the exercise of discretion is  
50 specifically authorized by statute, charter, ordinance, order,  
51 resolution, rule or resolve and shall be available to all

1 governmental employees, including police officers and  
2 governmental employees involved in child welfare cases, who are  
3 required to exercise judgment or discretion in performing their  
4 official duties.

5  
6 **Sec. 41. 15 MRSA §3301, sub-§5, ¶A,** as amended by PL 1985, c.  
7 439, §11, is further amended to read:

9 A. Decide that no further action is required either in the  
10 interests of the public or of the juvenile. If the juvenile  
11 caseworker determines that the facts in the report prepared  
12 for him the caseworker by the referring officer pursuant to  
13 section ~~3203~~ 3203-A, subsection 3, are sufficient to file a  
14 petition, but in his the caseworker's judgment the interest  
15 of the juvenile and the public will be served best by  
16 providing the juvenile with services voluntarily accepted by  
17 the juvenile and his the juvenile's parents, guardian or  
18 legal custodian if the juvenile is not emancipated, the  
19 juvenile caseworker may refer the juvenile for that care and  
20 treatment and not request that a petition be filed;

21  
22 **Sec. 42. 15 MRSA §3309-B,** as enacted by PL 1987, c. 369, is  
23 amended to read:

24 **§3309-B. Limitations on diagnostic evaluations in a secure**  
25 **detention facility**

26  
27 The court shall not order a juvenile to undergo a diagnostic  
28 evaluation at a secure detention facility unless the juvenile  
29 meets the requirements of section ~~3202-A~~ 3203-A, subsection 4,  
30 paragraphs C and D.

31  
32 **Sec. 43. 15 MRSA §3314, sub-§1, ¶H,** as amended by PL 1989, c.  
33 231, §2, is further amended to read:

34  
35 H. The court may commit the juvenile to the Maine Youth  
36 Center and order that the sentence be suspended or may  
37 commit the juvenile for a period of detention which shall  
38 not exceed 30 days, with or without an underlying suspended  
39 sentence to the Maine Youth Center, which detention may be  
40 served intermittently as the court may order and which shall  
41 be ordered served in a county jail designated by the  
42 Department of Corrections as a place for the secure  
43 detention of juveniles, or in a nonsecure group care home or  
44 halfway house. When the detention is ordered served in a  
45 county jail, the juvenile may be detained only in that part  
46 of the jail which meets the requirements of section 3203-A,  
47 subsection 7, paragraph A, unless the court orders that the  
48 person be housed with adults for that portion of the  
49 detention served after the detainee has attained the age of  
50 18 years. The court may order such a sentence to be served  
51 as a part of and with a period of probation, which shall be



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COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 information to the Department of Transportation for publication  
of the official state map, as the Department of Transportation no  
3 longer publishes a state map.

5 Section 36 repeals Title 12, section 7034, subsection 9  
which required the Commissioner of Inland Fisheries and Wildlife  
7 to provide information to the Department of Transportation for  
publication of the official state map, as the department no  
9 longer publishes a state map.

11 Section 37 corrects a reference to a repealed section.

13 Section 38 corrects a technical error.

15 Section 39 resolves a conflict created as a result of the  
new Maine Bail Code, Title 15, chapter 105-A.

17 Section 40 clarifies a statutory reference.

19 Section 41 corrects a reference to a repealed section.

21 Section 42 corrects a statutory cross-reference.

23 Section 43 corrects an erroneous cross-reference.

25 Section 44 establishes an effective date.

27 Section 45 corrects a reference to a repealed section.

29 Section 46 corrects a cross-reference to a repealed  
31 subsection.

33 Section 47 corrects references to repealed sections.

35 Section 48 corrects a cross-reference to a repealed  
37 subsection.

39 Section 49 makes a technical correction.

41 Section 50 corrects a reference to a repealed section.

43 Section 51 corrects a reference to a repealed Title.

45 Section 52 corrects a reference to a repealed Title.

47 Section 53 corrects a reference to a repealed section.

49 Section 54 correctly places a section in a reallocated  
chapter of law.