

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

**FIRST REGULAR SESSION**

December 5, 1984 to June 20, 1985

Chapters 1-384

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

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1986

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

AS PASSED AT THE  
FIRST REGULAR SESSION

of the  
ONE HUNDRED AND TWELFTH LEGISLATURE

1985

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A. Those participating local districts which have withdrawn pursuant to section 1034 by June 30, 1987, shall not be required by this section to provide cost-of-living adjustments for their retired employees or their beneficiaries. This section also does not apply to retired employees or their beneficiaries of participating local districts that do not provide coverage by the United States Social Security System for their employees and which, on or after September 19, 1985, engage in collective bargaining or have in force a collective bargaining agreement pursuant to Title 26, chapter 9-A, with some or all of the participating district's members. When such a participating local district subsequently agrees through the collective bargaining process to provide the cost-of-living adjustment set forth in this section, that adjustment shall be made applicable to all the district's retired employees or their beneficiaries receiving retirement allowances.

B. Other participating local districts may provide for adjustments in retirement allowances being paid to their retired employees or beneficiaries by application to the board of trustees supplying the necessary information. Upon acceptance of such a plan, the district shall supply a certified copy of its action and a statement of agreement of payment and costs.

Sec. 2. **Effective date.** This Act shall take effect June 30, 1987.

Effective June 30, 1987.

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## CHAPTER 282

S.P. 219 - L.D. 578

AN ACT to Make Certain Housekeeping Changes  
to the Maine Criminal Code.

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

Sec. 1. 17-A MRSA §4, sub-§2, as repealed and replaced by PL 1981, c. 324, §3, is repealed.

Sec. 2. 17-A MRSA §4-A, sub-§4, as amended by PL 1981, c. 698, §91, is repealed.

Sec. 3. 17-A MRSA §4-B is enacted to read:

§4-B. Civil violations

1. All civil violations are expressly declared not to be criminal offenses. They are enforceable by the Attorney General, his representative or any other appropriate public official in a civil action to recover what may be designated a fine, penalty or other sanction, or to secure the forfeiture that may be decreed by the law.

2. A law or ordinance may be expressly designated as a civil violation.

3. A law or ordinance which prohibits defined conduct, but does not provide an imprisonment penalty, is a civil violation, enforceable in accordance with subsection 1. A law or ordinance which is stated to be a criminal violation or which otherwise uses language indicating that it is a crime, but does not provide an imprisonment penalty is a civil violation, enforceable in accordance with subsection 1, unless the law or ordinance is an exception to the operation of this subsection.

4. Evidence obtained pursuant to an unlawful search and seizure shall not be admissible in a civil violation proceeding arising under Title 22, section 2383.

Sec. 4. 17-A MRSA §401, sub-§3, as amended by PL 1977, c. 510, §52, is further amended to read:

3. A person may be convicted both of burglary and of the crime which he committed or attempted to commit after entering or remaining in the structure, but sentencing for both crimes shall be governed by ~~chapter 47, section 1255~~ section 1256.

Sec. 5. 17-A MRSA §1203, sub-§3, as amended by PL 1977, c. 512, §40, is repealed.

Sec. 6. 17-A MRSA §1253, sub-§1-A, as amended by PL 1983, c. 456, §2, is repealed and the following enacted in its place:

1-A. When a person is sentenced to a concurrent sentence as authorized by section 1256, subsection 7, the provisions of this section shall apply and shall be administered by the supervisory officer of this State's institution when the person is committed to the custody of the department, or by the sheriff of this State's county jail when the person is committed to the custody of the sheriff. If the person is re-

leased from imprisonment under the sentence of the other jurisdiction prior to the termination of this State's sentence, the remainder of this State's sentence shall be served at the appropriate state institution or county jail.

Sec. 7. 17-A MRSA §1256, sub-§7 is enacted to read:

7. When a person who has been previously sentenced in another jurisdiction has not commenced or completed that sentence, the court, subject to subsection 1, may, with consideration of the factors stated in subsection 2, sentence the person to a term of imprisonment which shall be treated as a concurrent sentence from the date of sentencing although the person is incarcerated in an institution of the other jurisdiction. No concurrent sentence pursuant to this subsection may be imposed unless the person being sentenced consents or unless the person being sentenced executes, at the time of sentencing, a written waiver of extradition for his return to this State, upon completion of the sentence of the other jurisdiction, if any portion of this State's sentence remains unserved. In the absence of an order pursuant to this subsection requiring concurrent sentences, any sentence of imprisonment in this State shall commence as provided in section 1253, subsection 1, and shall run consecutively to the sentence of the other jurisdiction.

Effective September 19, 1985.

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## CHAPTER 283

S.P. 584 - L.D. 1533

AN ACT Relating to County Extension Work in  
Maine.

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

Sec. 1. 7 MRSA §191 is amended to read:

§191. Purpose

In order to aid in diffusing among the people of this State useful and practical information on subjects relating to agriculture and natural resources, home economies and rural life youth development, and