

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

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

J.S. McCarthy Company
Augusta, Maine
1999

CHAPTER 457**H.P. 30 - L.D. 39****An Act to Increase the Deer Hunting Day by 15 Minutes****Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 12 MRSA §7406, sub-§6, as enacted by PL 1979, c. 420, §1, is amended to read:

6. Twilight hunting. A person is guilty of twilight hunting if ~~he~~ that person hunts wild animals, except raccoons as provided in chapters 701 to 721, between 15 minutes after sunset and 1/2 hour after sunset during the open firearm season on deer.

See title page for effective date.

CHAPTER 458**H.P. 341 - L.D. 457****An Act to Increase the Sanctions for Criminal Mischief Within a Correctional Facility****Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 17-A MRSA §1256, sub-§1, as amended by PL 1993, c. 522, §1, is further amended to read:

1. Other provisions of this section notwithstanding, when a person subject to an undischarged term of imprisonment is convicted of a violation of section 752-A, 755 or 757 or of any other crime against the person of a member of the staff of the institution in which the convicted person was imprisoned or of a violation of section 806 involving government property in the institution in which the convicted person was imprisoned or any other crime against government property in the institution in which the convicted person was imprisoned, or of an attempt to commit any of the crimes mentioned in this subsection, the sentence is not concurrent with the undischarged terms of imprisonment. The court may order that the undischarged terms of imprisonment be tolled and service of the nonconcurrent sentence commence immediately and the court shall so order if any undischarged term of imprisonment is a split sentence. No portion of the nonconcurrent sentence may be suspended. All sentences that the convicted person receives as a result of the crimes mentioned in this

subsection must be nonconcurrent with all other sentences.

See title page for effective date.

CHAPTER 459**S.P. 455 - L.D. 1330****An Act Concerning Corrections Employees****Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 34-A MRSA §1403, sub-§2, ¶A, as amended by PL 1995, c. 502, Pt. F, §18, is further amended to read:

A. The commissioner may appoint, subject to the Civil Service Law and except as otherwise provided, any employees who may be necessary, including those intermittent employees as defined in Title 5, section 7053 needed to offset the overtime costs related to unscheduled, unanticipated overtime. These intermittent positions ~~may only be used at specific posts or work sites to be identified through an agreed upon discussion process with labor in the institutional services unit must be identified through a separate agreement with labor and may be used only at preidentified posts and work sites.~~ Use of intermittent employees for the purposes of overtime must be governed by an agreement between the parties.

Sec. 2. Intermittent positions. Notwithstanding the Maine Revised Statutes, Title 5, section 1583-A or any other provision of law, the Department of Corrections for fiscal year 1999-00 only may establish, providing funds are available, intermittent positions for the purpose of performing duties for which unbudgeted overtime would otherwise be incurred.

Notwithstanding any other restriction on funds appropriated or allocated to the Department of Corrections, the State Budget Officer may, after determining that funds are available, either approve the use of the funds or recommend appropriate action to the Governor when the Governor's approval is required.

Available funds may include amounts appropriated or allocated to the Department of Corrections for Personal Services, including funds in any salary account or special account for state employee salary increases, All Other and Capital Expenditures or unallocated funds.