

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2063

H.P. 1451

House of Representatives, January 7, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MANNING of Portland.

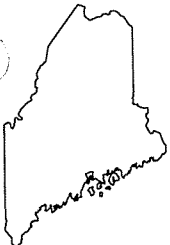
Cosponsored by Senator BUSTIN of Kennebec, Representative ANTHONY of South
Portland and Representative LARRIVEE of Gorham.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

**An Act to Make Electronic Monitoring and Substance Testing Programs
Economically Feasible.**

(EMERGENCY)



2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 Whereas, the State is experiencing severe economic troubles;
6 and

8 Whereas, it is vital to increase revenue whenever feasible;
and

10 Whereas, in the judgment of the Legislature, these facts
12 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
14 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

18 **17-A MRSA §1204, sub-§1-B is enacted to read:**

20 1-B. Upon the request of the Department of Corrections, the
22 court shall attach as a condition of probation or intensive
24 supervision that the convicted person pay an electronic
26 monitoring fee and substance testing fee, as determined by the
28 court, for the term of probation or intensive supervision unless
30 the court determines that the convicted person does not have the
32 financial resources to pay these fees. Funds received from
34 probationers or those sentenced to intensive supervision must be
36 deposited into the department's Correctional Program Improvement
38 Fund. These funds may be used to defray costs associated with
40 the purchase and operation of electronic monitoring and substance
42 testing programs.

44 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

STATEMENT OF FACT

This bill allows the courts to impose a condition of probation requiring that convicted persons pay the costs of electronic monitoring devices or substance testing programs needed to monitor supervised probation.