

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

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IN ACCORDANCE WITH MAINE REVISED STATUTES
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

shall not be interpreted as providing for any adjustment for inflation in excess of the adjustment provided in sections 54, 55 and 58.

C. If an employee becomes incapacitated or dies on or after October 1, 1983, then compensation shall be payable in the same manner and amounts as provided in sections 54, 55 and 58.

9. Section not applicable. This section shall not apply to an asbestos-related disease of any worker who at the time of the last injurious exposure to asbestos was covered by the Longshoremen's and Harbor Workers' Compensation Act of March 4, 1927, c. 509, United States Code, Title 33, Section 901, or the Federal Employees Compensation Act, United States Code, Title 5, Section 8101. A worker shall be considered to be covered by one of those acts if, at the time of his last injurious exposure to asbestos, he was an employee, as therein defined, and was employed in employment which is subject to either of those acts.

Effective September 23, 1983.

CHAPTER 429

H.P. 701 - L.D. 890

AN ACT Relating to Bail Commissioners.

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

Sec. 1. 15 MRSA §942, sub-§1, as amended by PL 1979, c. 663, §103, is further amended to read:

1. Factors in the release decision. Any person charged with an offense, other than an offense punishable by life imprisonment, shall at his appearance before a Judge of the District Court, or bail commissioner, be ordered released pending trial on his personal recognizance or on execution of an unsecured bond which shall be in writing signed by ~~said~~ the person on forms approved by the Chief Judge of the District Court, unless ~~said~~ the judge or bail commissioner determines in the exercise of his discretion that ~~such~~ the release will not reasonably assure the appearance of the person as required. ~~In his determination,~~ said judge or bail commissioner shall, on

the basis of any reliable information which can be obtained, take into account the following factors: The official having custody of the accused shall promptly notify a judge or bail commissioner. The judge or bail commissioner shall interview the accused prior to making his determination as to release on personal recognizance or bond. In making that determination, he shall, on the basis of an interview with the accused and other reliable information which can be obtained, take into account the following factors:

- A. The nature and circumstances of the offense charged;
- B. The accused's family ties in the State of Maine;
- C. The accused's length of residence in the community;
- D. Employment of the accused in the State of Maine;
- E. Any previous flight by the accused to avoid arrest or prosecution for this or any prior alleged offense;
- F. Any previous unexcused failure to appear as required to answer prior criminal charges;
- G. The accused's financial ability to give bail;
- H. The accused's record of convictions;
- I. The fact that the offense is alleged to have been committed while the person charged was on probation or parole from a previous sentence as a reason for requiring more stringent bail; and
- J. The fact that such offense is alleged to have been committed while the person charged was released under this section pending further court proceedings for the alleged commission of another felony offense as a reason for requiring more stringent bail.

The judge or bail commissioner shall inform the accused of the penalties provided by subsection 4 if he should fail without just cause to appear before any court or judicial officer as required.

Sec. 2. 15 MRSA §942, sub-§1-A is enacted to read:

1-A. Denial of release on personal recognizance or unsecured bond; statement required. If the ac-

cused is not released on his personal recognizance or on execution of an unsecured bond, the bail commissioner shall state in writing why release on personal recognizance is not appropriate.

Effective September 23, 1983.

CHAPTER 430

H.P. 1245 - L.D. 1659

AN ACT to Ban Metal-piercing Ammunition.

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

17-A MRSA §1056 is enacted to read:

§1056. Possession of metal-piercing ammunition

1. A person is guilty of possession of metal-piercing ammunition if, without authority to do so, he knowingly possesses metal-piercing ammunition.

2. As used in this chapter, "metal-piercing ammunition" means any type of ammunition commonly known as KTW ammunition.

3. Possession of metal-piercing ammunition is a Class D crime.

4. This section shall not apply to members of the United States Armed Forces, the United States Reserve Forces or the National Guard, or to law enforcement officers or agencies or forensic laboratories, in the course of duty or employment.

Effective September 23, 1983.
