

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
IN ACCORDANCE WITH MAINE REVISED STATUTES
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
JANUARY 4, 1984 TO APRIL 25, 1984

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

32 MRSA §9858, as enacted by PL 1983, c. 524, is repealed and the following enacted in its place:

§9858. Temporary licenses; special permits

1. Temporary licenses. The board may issue a temporary license to any person whose application for licensure is pending before the board when issuance is justified by special circumstances and no danger to the public health or safety exists. A temporary license shall be issued only once and shall expire either when the results of the next examination administered by the board are known, if the applicant is required to take that examination, or 90 days following issuance of the temporary license. An exception may be made if the applicant fails the examination administered by the board. In that case, another temporary license may be issued and shall expire at such time as the board may by rule direct.

2. Special permits. Upon special application by an individual, the board may issue a special permit to practice as a nuclear medicine technologist subject to the following conditions:

A. The applicant shall possess current national certification to practice as a radiographer;

B. The board finds to its satisfaction that there is substantial evidence that the people in the locality of the state in which such exemption is sought would be denied adequate medical care because of unavailability of certified licensed practitioners or persons holding certificates pursuant to this chapter; and

C. The special permit shall be granted for limited periods of time, not to exceed one year, at which time the applicant shall be eligible for examination and licensure under this chapter.

Effective July 25, 1984.

CHAPTER 673

H.P. 1680 - L.D. 2216

AN ACT to Amend Calculation of Period
of Imprisonment.

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

Whereas, in the First Regular Session, the Legislature enacted legislation concerning the sentencing of convicted persons; and

Whereas, questions have arisen as to whether a court must now commit convicted persons to the Department of Corrections rather than sentencing them to a particular institution; and

Whereas, this change may have neglected to preserve the option for the court to sentence to imprisonment in a county jail; and

Whereas, this change has also created some administrative problems in delivering prisoners; and

Whereas, the statutes should be clarified to remedy these impediments to the efficient use of judicial sentencing powers and the placement of unnecessary burdens on the Department of Corrections; and

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

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

Sec. 1. 17-A MRSA §1203, sub-§1, as amended by PL 1983, c. 268, §1, is further amended to read:

1. The court may sentence a person to a term of imprisonment, not to exceed the maximum term authorized for the crime, an initial portion of which shall be served and the remainder of which shall be suspended. The imprisonment for the initial unsuspended portion of the term may be at a different institution from that specified for the suspended portion. As to both the initial unsuspended portion and the suspended portion, the sentence of the court shall specify the place of imprisonment if that place is to be a county jail, otherwise the court shall commit the person to the Department of Corrections. The period of probation shall commence on the date the person is released from his initial unsuspended portion of the term of imprisonment, unless the court

orders that it shall commence on an earlier date. If the period of probation is to commence upon release from the initial unsuspended portion of the term of imprisonment, the court may nonetheless revoke probation for any criminal conduct committed during that initial period of imprisonment.

Sec. 2. 17-A MRSA §1203, sub-§2-A is enacted to read:

2-A. In any prosecution for a crime committed prior to September 23, 1983, the court may, with the consent of the defendant, impose sentence under subsection 1.

Sec. 3. 17-A MRSA §1251, as repealed and replaced by PL 1983, c. 581, §3, is repealed and the following enacted in its place:

§1251. Imprisonment for murder

A person convicted of the crime of murder shall be sentenced to imprisonment for life or for any term of years that is not less than 25. The sentence of the court shall specify the length of the sentence to be served and shall commit the person to the Department of Corrections.

Sec. 4. 17-A MRSA §1252, sub-§1, as repealed and replaced by PL 1983, c. 581, §4, is amended to read:

1. In the case of a person convicted of a crime other than murder, the court may sentence to imprisonment for a definite term as provided for in this section, unless the statute which the person is convicted of violating expressly provides that the fine and imprisonment penalties it authorizes may not be suspended, in which case the convicted person shall be sentenced to imprisonment and required to pay the fine authorized therein. The sentence of the court shall specify the term to be served and the place of imprisonment if that place is to be a county jail, otherwise the court shall commit the person to the Department of Corrections.

Sec. 5. 17-A MRSA §1257, as enacted by PL 1983, c. 581, §5, is repealed.

Sec. 6. 17-A MRSA §1258 is enacted to read:

§1258. Notification of commitments to the Department of Corrections

At the time of sentencing, the sheriff shall notify the Commissioner of Corrections that a person has been committed to the Department of Corrections and shall inquire as to the correctional facility to which the sentenced person shall be delivered by the sheriff or his deputies. The commissioner shall have complete discretion to determine the initial place of confinement. The commissioner shall immediately inform the sheriff and the court of the location of the correctional facility to which the sentenced person shall be transported.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective March 28, 1984.

CHAPTER 674

S.P. 709 - L.D. 1955

AN ACT to Amend Certain Rules of the
Emergency Medical Services.

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

32 MRSA §84, sub-§1, ¶D, as enacted by PL 1981, c. 661, §2, is amended to read:

D. Regulations promulgated pursuant to this chapter shall include, but not be limited to, the following:

- (1) The composition of regional councils and the process by which they come to be recognized as representing their regions;
- (2) The manner in which regional councils shall report their activities and finances, and the manner in which those activities shall be carried out under this chapter;
- (3) The designation of regions within the State;
- (4) The requirements for licensure for all vehicles, persons and services subject to this chapter, and including training and testing of personnel; and