

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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:

34-A MRSA §3035, sub-§1, ¶E is enacted to read:

E. Every prisoner participating in the work release program shall be liable for the cost of his board in the correctional facility.

(1) The reasonable cost of board for a prisoner in a correctional facility shall be fixed by the commissioner. In fixing the reasonable cost of the board to be paid, the commissioner shall take into consideration other state laws or judicial determinations which affect the prisoner's income.

(2) Funds received from prisoners for the board shall be placed in the General Fund.

Effective July 25, 1984.

CHAPTER 735

H.P. 1659 - L.D. 2189

AN ACT to Amend Provisions Relating to Violation of Probation or Parole.

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

Sec. 1. 17-A MRSA §15, sub-§1, ¶A, as amended by PL 1983, c. 450, §1, is further amended to read:

A. Any person who he has probable cause to believe has committed or is committing:

- (1) Murder;
- (2) Any Class A, Class B or Class C crime;
- (3) Assault while hunting;
- (4) Any offense defined in chapter 45;
- (5) Assault, if the officer reasonably believes that the person may cause injury to others unless immediately arrested;

(5-A) Assault, criminal threatening, terrorizing or reckless conduct, if the officer reasonably believes that the person and the victim are family or household members, as defined in Title 15, section 301;

(6) Theft as defined in section 357, when the value of the services is \$1,000 or less, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(7) Forgery, if the officer reasonably believes that the person will not be apprehended unless immediately arrested; ~~or~~

(8) Negotiating a worthless instrument, if the officer reasonably believes that the person will not be apprehended unless immediately arrested; ~~and~~ or

(9) A violation of a condition of his probation when requested by an official of the Division of Probation and Parole; and

Sec. 2. 34-A MRSA §5404, sub-§3, as enacted by PL 1983, c. 459, §6, is amended to read:

3. Supervision. Supervise persons as follows:

A. Supervise the probation or parole of each person placed under his supervision;

B. Supervise persons released from a correctional facility under section 3035, if the chief administrative officer of the facility requests the supervision and the director agrees to the supervision; ~~and~~

C. Keep informed of the conduct and condition of each person placed under his supervision and use suitable methods to encourage him to improve his conduct and condition; and

D. With the approval of the commissioner, delegate his responsibility to warn persons interfering with a probationer or parolee to a district supervisor.

Sec. 3. 34-A MRSA §9861, as enacted by PL 1983, c. 459, §6, is amended to read:

§9861. Preliminary hearing required, detention

Where supervision of a parolee or probationer is being administered pursuant to Articles I and II, the appropriate judicial or administrative authorities in this State shall notify the compact administrator of the sending state whenever, in their view, consideration should be given to retaking or reincarceration for a parole or probation violation. ~~Prior to the giving of any such notification,~~ a hearing shall be held in accordance with this chapter within a reasonable time, unless such hearing is waived by the parolee or probationer. The appropriate officer or officers of this State shall as soon as practicable, following termination of any such hearing, report to the sending state, furnish a copy of the hearing record and make recommendations regarding the disposition to be made of the parolee or probationer by the sending state. Pending any proceeding pursuant to this chapter, the appropriate officers of this State may take custody of and detain the parolee or probationer involved for a period not to exceed 15 days prior to the hearing and, if it appears to the hearing officer or officers that retaking or reincarceration is likely to follow, for such reasonable period after the hearing or waiver as may be necessary to arrange for the retaking or reincarceration.

Effective July 25, 1984.

CHAPTER 736

H.P. 1666 - L.D. 2198

AN ACT Concerning Hazardous Materials Control.

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

Sec. 1. 25 MRSA §2102, as enacted by PL 1977, c. 622, is repealed.

Sec. 2. 25 MRSA §2102-A is enacted to read:

§2102-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.