

# 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

---

---

Senate District Number 6, consisting of the municipalities of Alton, Bradford, Burlington, Carroll Plantation, Charleston, Corinth, Edinburg, Enfield, Exeter, Garland, Glenburn, Greenbush, Howland, Hudson, Kenduskeag, ~~LaGrange~~ LaGrange Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell, Old Town, Passadumkeag, Penobscot Indian Reservation, Springfield, Webster Plantation, Winn and the unorganized territories of Argyle Township, Summit Township and Grand Falls Plantation in Penobscot County.

Senate District Number 27, consisting of the municipalities of Cumberland, including Chebeague Island, Falmouth, Gray, North Yarmouth, Raymond and Windham in Cumberland County.

Effective July 25, 1984.

---

---

## CHAPTER 795

H.P. 1844 - L.D. 2439

AN ACT to Amend the Laws Regarding Bail.

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

Sec. 1. 15 MRSA §§813 and 814 are enacted to read:

§813. State's attorney present at proceedings

An attorney for the State shall be present at all proceedings pursuant to Maine District Court Criminal Rule 5 and Maine Rule of Criminal Procedure Rule 5 in the District Court with respect to all persons presented on a charging instrument alleging violations of crimes which constitute murder or a Class A, Class B or Class C crime.

§814. Opportunity for State to present relevant evidence

A Judge of the District Court or Justice of the Supreme Judicial or Superior Courts or bail commissioner, before making a determination as to whether or not to admit a person accused of murder or a Class A, Class B or Class C crime to bail, shall afford the attorney for the State or a law enforcement officer

familiar with the charges to present any evidence relevant to bail considerations.

Sec. 2. 15 MRSA §851, as amended by PL 1965, c. 356, §33, is further amended by adding at the end a new paragraph to read:

Any person who offers real estate as surety for the appearance before a court of a person accused of murder or a Class A, Class B or Class C crime shall be required to file a bail lien with the register of deeds in the county where the real estate lies. If the accused is to be bailed prior to his appearance in a court for the first time, the person offering that real estate shall file a copy of the lien attested by the register of deeds, stating the book and page number at which the lien is recorded, on the next business day after which the real estate is so offered. If the accused is bailed after having appeared in court for the first time, the suspect shall not be released from custody until the person so offering his real estate has filed with the court, with whom the bail is posted, a copy of the lien attested by the register of deeds, stating the book and page number at which the lien is recorded. If a suspect is released from custody prior to his first appearance in court upon a person offering real estate as surety and that person fails to file a duly attested copy of the lien required by this section within the prescribed time limits, the suspect may be taken into custody without the issuance of further process and shall be held as though the surety had not offered his real estate as surety. The person filing the lien is responsible for a fee to be paid to the register of deeds for receiving, recording and indexing the bail lien and for discharge of the bail lien as provided in Title 33, chapter 11, subchapter IV. A bail lien shall not be required if bail is posted through a non-profit bail assistance project.

Sec. 3. 15 MRSA §942, sub-§1-A, as enacted by PL 1983, c. 429, §2, is amended to read:

1-A. Denial of release on personal recognizance or unsecured bond; statement required. If the accused is not released on his personal recognizance or on execution of an unsecured bond, the justice, judge or bail commissioner admitting the accused to bail, shall state in writing why release on personal recognizance is not appropriate. If a person accused of a Class A, Class B or Class C crime is released on his personal recognizance or on execution of an unsecured bond, the justice, judge or bail commissioner shall state on the record or in writing why release on per-

sonal recognizance or unsecured bond was appropriate.

Sec. 4. 15 MRSA §942, sub-§5 is enacted to read:

5. Violation of a condition of release. Any person charged with an offense who has been ordered released pending trial who violates a condition of release is guilty of a Class E crime.

Sec. 5. 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) Violation of a condition of release in violation of Title 15, section 942, subsection 5; and

Sec. 6. 33 MRSA §751, sub-§14-A is enacted to read:

14-A. Bail liens. Receiving, recording and indexing any bail lien or discharge thereof, the sum of \$5 each; and

Sec. 7. Study. In order to ensure the availability of accurate and complete criminal history record information to allow criminal justice officials to make informed decisions, the Department of Public Safety is directed to study the systems, methods and purposes for reporting and disseminating criminal history record information. The department shall submit a report, together with any suggested legislation, to the Legislature by November 1, 1984. The report shall determine the needs of the State in regard to receiving and disseminating criminal history record information, assess the current delivery system for criminal history records and make recommendations concerning the establishment and implementation of a criminal history record information system which will adequately meet the needs of the State to provide accurate and complete criminal history record information in a timely and efficient manner. The department shall specifically evaluate the desirability of establishing a computer-based information system for law enforcement agencies throughout the State. The department shall consult with the various state agencies involved in collecting, disseminating and receiving criminal history record information, including, but not limited to, local and state law enforcement agencies, sheriffs' offices, state prosecutorial agencies and the court system.

Effective July 25, 1984.

---

## CHAPTER 796

S.P. 900 - L.D. 2418

### AN ACT Relating to Enforcement of Land Use Laws.

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

Sec. 1. 4 MRSA §152, as amended by PL 1983, cc. 29, §1 and 447 and as repealed and replaced by PL 1983, c. 583, §1, is repealed and the following enacted in its place:

§152. Jurisdiction