

# 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.

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

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**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

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4. Taxable entity. "Taxable entity" means a commercial bank, savings bank, savings institution, industrial bank, savings and loan association, loan and building association, financial institution holding company and subsidiary of any financial institution.

5. Unitary business. "Unitary business" means a business activity which is characterized by unity of ownership, functional integration, centralization of management or economies of scale.

Sec. 5. 36 MRSA §5206-C is enacted to read:

§5206-C. Refunds

A claim for a refund for any tax year prior to 1983, resulting from the deduction from federal taxable income of interest earned on obligations of the Federal Government, shall be filed on or before May 15, 1984. For tax years ending in 1983, a tax entity shall deduct interest earned on obligations of the Federal Government from federal taxable income in computing Maine net income. A tax entity shall be entitled to a refund of any estimated tax payments during the year 1983 which exceed tax liability.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, except sections 1 to 4 of this Act shall become effective for taxable years ending during or after 1984.

Effective April 30, 1984, unless otherwise indicated.

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## CHAPTER 843

H.P. 1622 - L.D. 2146

AN ACT to Amend the Criminal Extradition Act.

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

Sec. 1. 15 MRSA §203, sub-§4 is enacted to read:

4. Showing of substantial prejudice. Notwithstanding any other provision of law, defects in the written demand of the executive authority of another

state or in any accompanying document or in the application for requisition may not be raised as a defense to extradition, in a petition contesting extradition pursuant to sections 210 and 210-A, unless it is shown by the petitioner that any such defect is substantially prejudicial to him.

Sec. 2. 15 MRSA §207, as amended by PL 1977, c. 671, §6, is further amended to read:

§207. Governor to issue warrant and deliver to officer

If the Governor decides that the demand should be complied with, he shall sign a warrant of arrest, which shall be sealed with the state seal and be directed to any law enforcement officer or other person whom he may think fit to entrust with the execution thereof. The warrant must substantially recite the facts necessary to the validity of its issue. Notwithstanding any other provision of law, defects in the Governor's warrant may not be raised as a defense to extradition, in a petition contesting extradition pursuant to sections 210 and 210-A, unless it is shown by the petitioner that any such defect is substantially prejudicial to him.

Sec. 3. 15 MRSA §208, as amended by PL 1977, c. 671, §8, is further amended to read:

§208. Warrant to authorize arrest

Such warrant shall authorize the officer or other person to whom directed to arrest the accused at any place where he may be found within the State and to command the aid of any law enforcement officer in the execution of the warrant and to deliver the accused, subject to this chapter, to the duly authorized agent of the demanding state. A law enforcement officer may arrest a fugitive from justice pursuant to a warrant issued by the Governor even if he does not have physical possession of it upon the representation of the prosecuting attorney that such a warrant has, in fact, been issued.

Sec. 4. 15 MRSA §210, 2nd ¶, as amended by PL 1979, c. 701, §4, is repealed and the following enacted in its place:

A person arrested upon the warrant of the Governor shall not be admitted to bail, except as provided as follows: If a petition contesting extradition is granted and the order is appealed by the State to the

Supreme Judicial Court sitting as the Law Court, the petitioner may be admitted to bail, in the discretion of the presiding justice, pending that appeal. If the appeal is sustained, the petitioner shall be immediately placed in custody without bail to await delivery to the agent of the demanding state.

Sec. 5. 15 MRSA §210, sub-§§1 and 2, as enacted by PL 1979, c. 274, §3, are repealed.

Sec. 6. 15 MRSA §210, sub-§3, as amended by PL 1979, c. 701, §5, is repealed.

Sec. 7. 15 MRSA §217, as repealed and replaced by PL 1977, c. 671, §15, is amended to read:

§217. Extension of time of commitment

If the accused is not arrested under a warrant of the Governor by the expiration of time specified in the warrant, bond or undertaking, the judge or magistrate may discharge him or may continue the case for any further time not to exceed 60 days. If, after the expiration of any further time specified by the judge or magistrate, the accused has not been arrested under a Governor's warrant, the complaint shall be dismissed. Nothing in this section shall be construed to prevent the rearrest of the accused upon a Governor's warrant issued subsequent to the expiration of the time period specified in this section. The court shall grant a reasonable extension of time under this section upon the representation of the prosecuting attorney that a written demand of the executive authority of another state has been issued but has not been received or acted upon by the Governor.

Sec. 8. 15 MRSA §222 is amended to read:

§222. Warrant for agent to receive accused from another state

Whenever the Governor shall demand a person fugitive from justice, charged with crime or with escaping from confinement or breaking the terms of his bail, probation or parole in this State, from the executive authority of any other state, or from the Chief Justice or an Associate Justice of the Supreme Court of the District of Columbia authorized to receive such demand under the laws of the United States, he shall issue a warrant commission under the seal of this State to some agent, commanding him to receive the person so charged, if delivered to him and convey him to the proper officer of the county in this State in which the offense was committed.

Sec. 9. 15 MRSA §224, sub-§1, as enacted by PL 1977, c. 66, is amended to read:

1. Expenses paid from funds allotted to prosecuting attorney. When a prisoner fugitive from justice is returned to the State of Maine for prosecution, expenses incurred which are necessary and proper for the return shall be paid out of the funds allotted for that purpose to the prosecuting attorney district attorney or from the Extradition Account established by section 224-A. In those cases prosecuted by the Attorney General, the expenses for extradition shall be paid by the district attorney in whose county the crime is alleged to have been committed. Prosecuting attorney shall have the same meaning as set forth in section 1318. District attorneys may agree to share expenses whenever a fugitive from justice is charged in the State with more than one offense.

Sec. 10. 15 MRSA §224, sub-§2, as enacted by PL 1977, c. 66, is repealed and the following enacted in its place:

2. Violations of probation and parole. Expenses incurred in connection with the extradition of persons charged with violating the terms and conditions of probation, shall be shared equally between the district attorney of the county in which the person was convicted and the Department of Corrections, Division of Probation and Parole. Expenses incurred in connection with the extradition of persons charged with violating the terms and conditions of parole shall be paid by the Department of Corrections, Division of Probation and Parole.

Sec. 11. 15 MRSA §224-A is enacted to read:

§224-A. Extradition Account

1. Establishment. Notwithstanding any other provision of law, there is established an Extradition Account in each prosecutorial district in an amount not to exceed \$10,000, to be administered by the district attorney and to be used solely for the purpose of paying the expenses of extraditing persons charged with or convicted of a crime in this State and who are fugitives from justice, as defined in section 201, subsection 4.

2. Funding. The Extradition Account in each prosecutorial district shall be funded by bail forfeited to and recovered by the State pursuant to the Maine Rules of Criminal Procedure, Rule 46D. Whenever bail is so forfeited and recovered by the State, the

district attorney shall determine whether it or a portion of it shall be deposited in the Extradition Account for his prosecutorial district, but in no event may the account exceed \$10,000. Any bail so forfeited and recovered and not deposited in the Extradition Account shall be deposited in the General Fund. Any unexpended balance in the Extradition Account of a prosecutorial district established by this section shall not lapse but shall be carried forward into the next year.

3. Review by district attorney. The district attorney shall regularly review the Extradition Account and the expenses of his prosecutorial district in connection with the extradition of fugitives from justice and shall determine whether any funds in the account shall be transferred to the General Fund.

4. Audit. Every district attorney shall have an annual audit made by the Department of Audit or by a certified public accountant selected by the district attorney of the Extradition Account for his prosecutorial district, covering the last complete fiscal year.

If the auditor finds in the course of his audit evidence of improper transactions, incompetency in keeping accounts or handling funds, failure to comply with this section or any other improper practice of financial administration, he shall report the same to the Attorney General immediately.

5. Advances and accounting. The district attorney shall advance funds from the Extradition Account to the agents designated by him to return a fugitive from justice to this State. A full accounting of all expenses and the return of all unused funds shall be made by the agents no later than 3 business days from the date of return. All funds returned shall be credited to the Extradition Account from which they were paid.

Sec. 12. 15 MRSA §226, as amended by PL 1979, c. 701, §10, is further amended by adding at the end the following:

Notwithstanding any other provision of law, a law enforcement agency in this State holding a person who is alleged to have broken the terms of his probation, parole, bail or any other release in the demanding state, shall immediately deliver the person to the duly authorized agent of the demanding state without the requirement of a Governor's warrant, if all of the following apply:



1. Waiver. The person has signed a prior waiver of extradition as a term of his current probation, parole, bail or other release in the demanding state; and

2. Authenticated copy. The law enforcement agency holding the person has received an authenticated copy of the prior waiver of extradition signed by the person and photographs or fingerprints or other evidence properly identifying the person as the person who signed the waiver.

Sec. 13. 15 MRSA §226-A is enacted to read:

§226-A. Delivery of fugitive to agents

Whenever a person held as a fugitive in this State has exhausted his remedies under this chapter to challenge his extradition or has waived extradition, the district attorney shall promptly notify the agents of the demanding state that the fugitive is available to be returned to that state. If no agent appears within 30 days after such notification, the fugitive may be discharged from custody, provided that after the discharge the fugitive may be rearrested and delivered to the agent for return to the demanding state, unless the Governor's warrant has been recalled.

Effective July 25, 1984.

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## CHAPTER 844

. S.P. 883 - L.D. 2388

AN ACT to Assure Appropriate Placement and Service Provision to State Assisted Residents of Boarding Homes and Adult Foster Homes.

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

Sec. 1. 22 MRSA §7910 is enacted to read:

§7910. Assessment of and care planning for adult boarding home and foster home residents who receive state assistance; rules

Every individual who is eligible to receive state assistance for a portion of the costs of adult boarding home or foster care and who is referred to or