

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

**FIRST REGULAR SESSION**

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH  
MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 163-A,  
SUBSECTION 4.

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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  
FIRST REGULAR SESSION

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ONE HUNDRED AND TWELFTH LEGISLATURE

1985

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1-A. Supreme Court Justice. A single Justice of the Supreme Judicial Court or an Active Retired Justice of the Supreme Judicial Court shall have and exercise jurisdiction, and have and exercise all of the powers, duties and authority necessary for exercising the same jurisdiction as the Superior Court relative to a post-conviction review proceeding.

Sec. 3. 15 MRSA §2124, sub-§3, ¶A, as enacted by PL 1979, c. 701, §15, is amended to read:

A. Incarceration imposed in this State, in another state or in a Federal Court pursuant to a sentence for a subsequent criminal judgment for a crime punishable by incarceration for a year or more, the length of the incarceration being greater than it would otherwise have been in the absence of the challenged criminal judgment of this State. The criminal judgment which is challenged must be for a crime punishable by incarceration for a year or more. This requirement is not satisfied by a showing only that the court imposing the present sentence was aware of the challenged criminal judgment or if it appears from the length or seriousness of the person's total criminal record that the challenged criminal judgment, taking into account its seriousness and date, could have little or no effect on the length of incarceration under the subsequent sentence;

Sec. 4. 15 MRSA §2129, sub-§2, as amended by PL 1983, c. 688, §9, is repealed and the following enacted in its place:

2. Assignment of case. The procedure for the assignment of a post-conviction review case shall be as the Chief Justice of the Supreme Judicial Court shall provide by administrative order.

Effective September 19, 1985.

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## CHAPTER 210

S.P. 303 - L.D. 792

AN ACT to Provide that an Unpermitted Leave  
from a Court Appearance shall be  
Classified as an Escape.

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

17-A MRSA §755, sub-§3, as amended by PL 1981, c. 493, §3, is further amended to read:

3. As used in this section, "official custody" means arrest, custody in, or on the way to or from a courthouse or a jail, police station, house of correction, or any institution or facility under the control of the Department of Corrections, or under contract with the department for the housing of persons sentenced to imprisonment, the custody of any official of the department, the custody of any institution in another jurisdiction pursuant to a sentence imposed under the authority of section 1253, subsection 1-A or any custody pursuant to court order. A person on a parole or probation status is not, for that reason alone, in "official custody" for purposes of this section.

Effective September 19, 1985.

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## CHAPTER 211

S.P. 551 - L.D. 1469

AN ACT Relating to Fishing by Net, Trap or Weir in the Waters of Union River Bay and the Lower Union River in Hancock County.

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

Whereas, a significant private investment has been made in rejuvenating the commercial alewife fishery on the Union River; and

Whereas, the reestablished fishery which has been built up entirely through private investment may be threatened by uncontrolled fishing in the Union River Bay; 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: