

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.

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

PUBLIC LAWS
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lished in 16 Code of Federal Regulations, Part 455, except that the Division of Motor Vehicles shall not include in any such uniform disclosure form or sticker information from the Federal Trade Commission rule which conflicts in any manner with the information required by this section.

Sec. 4. 29 MRSA §343, sub-§1, as repealed and replaced by PL 1977, c. 694, §493, is amended to read:

1. Facilities and personnel. To qualify as a dealer under this subchapter the applicant shall have at least the following facilities and personnel set forth in paragraphs A to E and make the following disclosures set forth in paragraph F:

A. Proper facilities for the display of the vehicles being handled;

B. Repair department for the repair of 2 vehicles simultaneously;

C. Sufficient tools and equipment for proper servicing of the vehicles handled;

D. A suitable office from which business is conducted and records of the business are kept; and

E. At least one mechanic, who may be the owner, who has a thorough knowledge of the vehicles being handled; and

F. On all used motor vehicles being offered for sale, the written vehicle history statement required to be conspicuously affixed to the vehicle pursuant to Title 10, section 1475.

Sec. 5. 29 MRSA §343, sub-§3, as enacted by PL 1979, c. 673, §5, is amended to read:

3. Penalty. Failure to comply with this section paragraphs A to E is a Class E crime.

Effective September 19, 1985.

CHAPTER 266

H.P. 808 - L.D. 1154

AN ACT to Expand the Victim's Rights Laws.

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

Sec. 1. 17-A MRSA §1257-A is enacted to read:

§1257-A. Notification of sentenced person's release

A victim of any Class A, B or C crime for which the perpetrator is committed to the Department of Corrections may receive notice of that person's release from custody, including furloughs or work-release programs, upon complying with this section, unless the Department of Corrections determines that giving this notice could pose a threat to the safety of the sentenced person.

1. Request filed. The victim must file a request for notification of the sentenced person's release with the district attorney's office at any time after the close of judicial proceedings concerning the case. The district attorney shall forward this request form to the Department of Corrections which shall forward the form to the correctional facility in which that person is confined.

2. Notice sent. The correctional facility in which the sentenced person is confined shall keep the victim's request in the file of the sentenced person and shall notify the victim by mail of any impending release as soon as the release date is set. This notice shall be mailed to the address provided in the victim's request or any subsequent address provided by him.

3. Content of notice. The notice required by subsection 2 shall contain:

A. The name of the sentenced person;

B. The nature of the release authorized whether it is a parole, furlough, work-release or similar program;

C. The anticipated date of his release from confinement and any date on which he must return to confinement; and

D. The geographical area to which his release is limited, if any.

4. Termination of notice. Notice of the sentenced person's release is no longer required when either:

A. The sentenced person has served his entire sentence for a crime with regard to which the victim has requested notice; or

B. The victim has filed a signed request with the Department of Corrections which has been forwarded to the correctional facility in which the sentenced person is confined asking that no further notice be given.

5. Liability. Neither the failure of any state officer or employee to perform the requirements of this section nor compliance with it shall subject the State or the officer or employee to liability in any civil action.

Sec. 2. 34-A MRSA §3003, sub-§1, as repealed and replaced by PL 1983, c. 581, §§14 and 59, is amended to read:

1. Limited disclosure. All orders of commitment, medical and administrative records, applications and reports, and facts contained in them, pertaining to any person receiving services from the department, shall be kept confidential and may not be disclosed by any person, except that documents, other than those pertaining to information obtained by the department for the purpose of evaluating a committed offender's ability to participate in a community-based program or from informants in a correctional facility for the purpose of determining whether prison rules have been violated or a victim's request for notice of release, may be disclosed:

A. To any person, if the person receiving services, his legal guardian, if any, or, if he is a minor, his parent or legal guardian, gives his informed written consent to the disclosure of the documents referred to in subsection 1 after being given the opportunity to review the documents sought to be disclosed;

B. To any state agency if necessary to carry out the statutory functions of that agency; and

C. If ordered by a court of record, subject to any limitation in the Maine Rules of Evidence, Rule 503.