

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
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SUBSECTION 4.

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1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TWELFTH LEGISLATURE

1985

B. Local or statewide support groups for Parkinson's Syndrome victims or their families and friends.

Effective September 19, 1985.

CHAPTER 352

H.P. 952 - L.D. 1371

AN ACT to Include Restitution as a Disciplinary Consequence to Inmate Misconduct at State Correctional Facilities.

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

Whereas, inmates or juveniles at penal institutions may exhibit behavior which results in the damage or destruction of property; and

Whereas, it is an important part of their punishment and rehabilitation for them to assume responsibility for their actions; and

Whereas, immediate legislation is necessary to authorize restitution for these damages; 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:

Sec. 1. 30 MRSA §1804, sub-§5-A is enacted to read:

5-A. Restitution disbursements. Notwithstanding subsection 5, the wages or salaries of employed prisoners, employment income of self-employed prisoners or income from any other source shall be disbursed by the sheriff in accordance with any restitution authorized by section 1807. These disbursements

shall not be authorized until any disbursements required by subsection 5, paragraphs A to D, have been made.

Sec. 2. 30 MRSA §1807 is enacted to read:

§1807. Damage to property by inmates; restitution

Restitution may be imposed for the purpose of replacing or repairing property destroyed or damaged by the inmate or juvenile while at the jail. When restitution is imposed, any inmate or juvenile subject to that punishment and who is able to generate income from whatever source shall pay 25% of that income to the county jail where the damage occurred. The jail shall collect that income and apply it to defray the cost of replacement or repair of the items destroyed or damaged. Any payments made for support of dependents which is required by the Department of Human Services shall not be available for restitution payments.

Any inmate or juvenile who is transferred to another facility remains liable for any restitution authorized under this chapter. The facility receiving the inmate or juvenile shall collect the restitution and transfer it to the facility where the damage occurred.

Sec. 3. 34-A MRSA §3032, sub-§5, as enacted by PL 1983, c. 459, §6, is amended to read:

5. Specific facilities. Punishment at specific correctional facilities is governed as follows.

A. Punishment at all correctional facilities, except the Maine Youth Center, may consist of warnings, loss of privileges, restitution, labor at any lawful work, confinement to a cell, segregation or a combination of these.

B. Punishment at the Maine Youth Center may consist of seclusion, in accordance with section 3809, warnings, restitution, labor at any lawful work and loss of privileges.

Sec. 4. 34-A MRSA §3032, sub-§5-A is enacted to read:

5-A. Restitution. The imposition of restitution at all correctional facilities shall be subject to the following conditions.

A. Restitution may be imposed for the purpose of replacing or repairing property destroyed or damaged by the inmate or juvenile while he is at the institution. When restitution is imposed as a punishment at a correctional facility, any prisoner, or any juvenile committed to the Maine Youth Center or who is committed to the custody of the Department of Corrections and placed at the Maine Youth Center, who is subject to that punishment and who is able to generate income from whatever source, shall pay 25% of that income to the facility where the damage occurred. The facility shall collect that income and apply it to defray the cost of replacement or repair of the items destroyed or damaged. Restitution shall not be authorized if the imposition of that punishment would create an excessive financial hardship, as determined by the department, on the dependents of the offender. Any payments made for the support of the dependents which is required by the Department of Human Services shall not be available for restitution payments.

B. An inmate or juvenile who is transferred to another facility remains liable for any restitution authorized under this chapter. The facility receiving the inmate or juvenile shall collect the restitution and transfer it to the facility where the damage occurred.

Sec. 5. 34-A MRSA §3032, sub-§6, as enacted by PL 1983, c. 459, §6, is amended to read:

6. Impartial hearing. If the punishment may affect the term of commitment, sentence or parole eligibility or may involve restitution, labor at any lawful work or segregation, the chief administrative officer of the facility shall, before imposing punishment, provide an impartial hearing at which the committed offender has the following rights.

A. He is entitled to be informed in writing of the specific nature of his alleged misconduct.

B. He is entitled to the right to be present.

C. He is entitled to present evidence on his own behalf.

D. He is entitled to call one or more witnesses, which right may not be unreasonably withheld or restricted.

E. He is entitled to question any witness who testifies at the hearing, which right may not be unreasonably withheld or restricted.

F. He is entitled to be represented by counsel substitute as prescribed in the rules.

G. A record shall be maintained of all disciplinary complaints, hearings, proceedings and dispositions.

H. He is entitled to appeal the final disposition, before imposition of punishment, to the chief administrative officer of the correctional facility.

I. If, at any stage of the proceedings, he is cleared of the charges in a complaint, or the complaint is withdrawn, all documentation relating to the complaint shall be expunged.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 14, 1985.

CHAPTER 353

H.P. 1124 - L.D. 1620

AN ACT to Examine the Lobster Resources of
the State.

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

Sec. 1. 12 MRSA §6451, sub-§1, as amended by PL 1981, c. 480, §2, is further amended to read:

1. Allocation of license fees. Ten dollars of each \$33 fee and \$5 of each \$13 fee for each lobster and crab fishing license shall be allocated to the Lobster Fund, which shall be used for the purpose of lobster biology research and of propagation of lobsters by liberating seed and female lobsters in Maine coastal waters.

Sec. 2. Study authorized. The Legislature shall authorize an independent review of all available, relevant scientific literature on lobster biology in