

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND TWELFTH LEGISLATURE

**SECOND REGULAR SESSION**  
January 8, 1986 to April 16, 1986

**SECOND SPECIAL SESSION**  
May 28, 1986 to May 30, 1986

AND AT THE

**THIRD SPECIAL SESSION**  
October 17, 1986

PUBLISHED BY THE DIRECTOR OF 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

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

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND TWELFTH LEGISLATURE  
1985

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## CHAPTER 556

S.P. 801 - L.D. 2008

### AN ACT to Make Certain Technical Changes in the Law Relating to Post-conviction Review.

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

Sec. 1. 15 MRSA §2121, sub-§2, as amended by PL 1983, c. 235, §1, is further amended to read:

2. Post-sentencing proceeding. "Post-sentencing proceeding" means a court proceeding or administrative action occurring during the course of and pursuant to the operation of a sentence which affects whether there is incarceration or its length, including revocation of parole or entrustment of a juvenile, failure to grant parole ~~or~~, an error of law in the computation of a sentence and default in payment of ~~finer under Title 17-A, section 1304~~ a fine or restitution. It does not include administrative disciplinary proceedings resulting in a ~~loss of time deductions under Title 17-A, section 1253, subsection 5~~ withdrawal of good-time deductions, revocation of probation or proceedings before the Appellate Division of the Supreme Judicial Court ~~pursuant to chapter 306~~.

Sec. 2. 15 MRSA §2126, as amended by PL 1981, c. 238, §3, is further amended to read:

#### §2126. Exhaustion

A person under restraint or impediment specified in section 2124 must also demonstrate that he has previously exhausted remedies incidental to proceedings in the trial court, on appeal or administrative remedies. A person who has taken an appeal from a judgment of conviction or a juvenile adjudication is not precluded from utilizing the remedy of this chapter while the appeal is pending, provided that the post-conviction review proceeding is automatically stayed pending resolution of the appeal unless the ~~Law Court~~ Appellate Court on motion and for good cause otherwise directs.

Sec. 3. 15 MRSA §2129, sub-§1, ¶C, as enacted by PL 1981, c. 238, §5, is amended to read:

C. Once the petition has been filed, the clerk shall forward a copy of the petition and any separate documents filed with it to the Chief Justice of the ~~Supreme Judicial~~ Superior Court and to the Attorney General.

Effective July 16, 1986.

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## CHAPTER 557

H.P. 1334 - L.D. 1871

### AN ACT to Amend the Protection from Abuse Law.

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

Whereas, a provision of the protection from abuse law, amended to protect children, was inadvertently omitted from the amendment; and

Whereas, without this provision being amended the protection from abuse law does not clearly extend its protection to children; and

Whereas, it is important that children receive the immediate protection available through the courts under the protection from abuse law; 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:

19 MRSA §762, sub-§1, as amended by PL 1979, c. 677, §4, is further amended to read:

1. Abuse. "Abuse" means the occurrence of the following acts between family or household members or by a family or household member upon a minor child of a family or household member: