

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.

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

PUBLIC LAWS
OF THE
STATE OF MAINE

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

testing on the highway system and both in-process and final evaluation reports covering productivity, operating characteristics and safety. Additional reports may be required by the commissioner if deemed necessary during the experimental phase. The Commissioner of Transportation shall issue these permits on a limited basis and only if he judges that a significant potential exists for increased productivity without undue compromise in safety by the eventual legal general operation of the experimental vehicle, without permit, on the highway system. No commitment to that eventual operation is implied by the issuance of the temporary experimental vehicle permit. The Commissioner of Transportation shall ratify, at his discretion, all conditions of the experimental programs proposed, including, but not limited to, preparatory off-road vehicle tests, time limits, vehicle dimensions, axle and gross weight limits, routing, insurance and reporting provisions. The commissioner may terminate any evaluation at any time if in his judgment the operation of the vehicle poses an undue threat to public safety or the integrity of the highway system or if the conditions of the permit are violated.

The commissioner shall submit a report biennially to the joint standing committee of the Legislature having jurisdiction over transportation before the first regular session of each Legislature. This report shall discuss the progress of any experimental vehicle evaluations and contain recommendations, if any, for legislation leading to their eventual general use on the highway system.

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

Effective April 18, 1986.

CHAPTER 742

H.P. 1677 - L.D. 2363

AN ACT to Authorize Certified Law Enforcement Officers to Prosecute Violations of Municipal Ordinances.

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

Sec. 1. 4 MRSA §807, first ¶, as amended by PL 1985, c. 124, §8, is further amended to read:

No person may practice law or hold himself out to practice law within the State or before its courts, or demand or receive any remuneration for those services rendered in this State, unless he has been admitted to the bar of this State and has complied with section 806-A, or unless he has been admitted to try cases in the courts of this State under section 802. Any person who practices law in violation of these requirements is guilty of the unauthorized practice of law, which is a Class E crime. This section shall not be construed to apply to practice before any Federal Court by any person admitted to practice therein; nor to a person pleading or managing his own cause in court; nor to the officer or employee of a corporation, partnership, sole proprietorship or governmental entity, who is not an attorney, but is appearing for that organization in an action cognizable as a small claim under Title 14, chapter 738; nor to a person who is not an attorney, but is representing a municipality under ~~Title 12, section 4812-C, subsection 2~~; Title 30, section 2361, subsection 3; section 3222, subsection 2; or Title 30, section 4966, subsection 1; or Title 38, section 441, subsection 2; nor to a person who is not an attorney, but is representing the Department of Environmental Protection under Title 38, section 342, subsection 7. In all proceedings, the fact, as shown by the records of the Board of Overseers of the Bar, that that person is not recorded as a member of the bar shall be prima facie evidence that he is not a member of the bar licensed to practice law in the State.

Sec. 2. 25 MRSA §2803, sub-§3-A is enacted to read:

3-A. Training and certification in court procedures. To establish certification standards and a program to certify law enforcement officers as being familiar with current court procedures. This program must include:

A. Sufficient instruction in the basic training course approved by the trustees under section 2805 to satisfy certification standards upon successful completion of the course;

B. A method by which law enforcement officers whose basic training course did not contain the instruction required by paragraph A may satisfy the certification standards; and

C. A requirement that in-service training programs required under section 2805 include instruction on current court procedures;

Sec. 3. 30 MRSA §2361, sub-§3 is enacted to read:

3. Representation of the municipality in District Court. The municipal officers may authorize a law enforcement officer certified by the Maine Criminal Justice Academy under Title 25, section 2803, subsection 3-A, to represent the municipality in District Court in the prosecution of alleged violations of ordinances which the officer may enforce. Under this subsection, the municipal officers may delegate their power to authorize law enforcement officers to represent the municipality to the municipality's full-time chief of police.

Effective July 16, 1986.

CHAPTER 743

H.P. 1688 - L.D. 2378

AN ACT Concerning Post-conviction Bail.

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

15 MRSA §1701-B is enacted to read:

§1701-B. Post-conviction bail

1. Application to presiding judge or justice. After a verdict or finding of guilt, a defendant convicted of an offense other than murder may apply to the judge or justice who presided at his trial for bail pending imposition or execution of sentence or entry of judgment or appeal. If the trial judge or justice is not available, the defendant may apply for bail under this section to another judge or justice of the court in which he was tried.

The judge or justice shall hold a hearing on the record on the bail application and shall state in writing or on the record his reasons for denying or granting bail. If bail is granted, he shall also state in writing or on the record his reasons: