

# 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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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.

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## 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:

- A. For the kind and amount of bail set;
- B. For any condition of release imposed; and
- C. For the omission of a condition of release sought by the State.

The judge or justice may enter an order for bail pending appeal before a notice of appeal is filed but conditioned upon its timely filing.

2. Standards. Except as provided in subsection 4, a defendant may not be admitted to bail under this section unless the judge or justice has reasonable grounds to believe that:

- A. There is no substantial risk that the defendant will fail to appear as required; and
- B. There is no substantial risk that the defendant will pose a danger to another or to the community.

In determining whether to admit a defendant to bail, the judge or justice shall consider the factors relevant to pretrial release listed in section 942, subsection 1, as well as the facts proved at trial, the length of the term of imprisonment imposed, any prior history of dangerousness and any previous unexcused failure to appear before any court as required, or to submit to any order or judgment of any court as required.

If the judge or justice determines to admit a defendant to bail, he shall apply these same factors in setting the kind and amount of that bail.

3. Conditions of release. Except as provided in subsection 4, the judge or justice may impose, in lieu of or in addition to an appearance or bail bond, any condition considered reasonably necessary to minimize the risk of flight or danger.

4. Standards applicable to bail arising out of a State's appeal under section 2115-A, subsection 2. In the instance where the State initiates an appeal under section 2115-A, subsection 2, the judge or justice shall apply section 942, subsections 1 and 2 to a defendant's application for bail pending that appeal.

5. Appeal by a defendant. A defendant may appeal a denial of bail, the kind or the amount of bail set

or the conditions of release imposed which aggrieve him to a single justice of the Supreme Judicial Court. The single justice shall not conduct a hearing de novo respecting bail but shall review the lower court's order. The defendant has the burden of showing that there is no rational basis in the record for the lower court's denial of bail, the kind or amount of bail set or the conditions of release imposed of which he complains.

6. Appeal by the State. The State may appeal the granting of bail, the kind or the amount of bail set or the court's failure to impose a condition of release to a single justice of the Supreme Judicial Court. The single justice shall not conduct a hearing de novo respecting bail, but shall review the lower court's order. The State has the burden of showing that there is no rational basis in the record for the lower court's granting of bail, the kind or the amount of bail set or the omission of the condition of which the State complains.

7. Revocation of bail. An order of post-conviction bail entered by a judge or justice may be revoked by that judge or justice or, if he is not available, by another judge or justice of the same court, upon a determination made after notice and opportunity for hearing that:

A. The defendant has violated a condition of bail;

B. The defendant has been charged with a crime allegedly committed while he was released under this section; or

C. The defendant's appeal has been taken for purposes of delay.

If bail is revoked, the defendant may appeal to a single justice of the Supreme Judicial Court who shall review the revocation as under subsection 5.

8. Failure to appear; penalty. Any person who has been ordered released under this section and who fails without just cause to appear before any court as required is guilty of:

A. A Class E crime, if the underlying crime was punishable by a maximum period of imprisonment of less than one year; or

B. A Class C crime if the underlying crime was punishable by a maximum period of imprisonment of one year or more.

9. Violation of condition of release; penalty. Any person who has been ordered released under this section and who violates a condition of release is guilty of a Class E crime.

Effective July 16, 1986.

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## CHAPTER 744

H.P. 1692 - L.D. 2383

### AN ACT to Reorganize the Delivery of Vocational Education in Northern Aroostook County.

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

Sec. 1. 20-A MRSA §8401, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§8401. Vocational centers

The vocational centers shall operate at Augusta; Bath; Biddeford; School Administrative District No. 61, (Bridgton); Caribou; School Administrative District No. 46, (Dexter); School Administrative District No. 9, (Farmington); School Administrative District No. 27 (Fort Kent); Lewiston; Madawaska; Portland; School Administrative District No. 1, (Presque Isle); School Administrative District No. 54, (Skowhegan); School Administrative District No. 24, (Van Buren); Waterville; and Westbrook.

Sec. 2. 20-A MRSA §8451, sub-§2, ¶A, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 3. 20-A MRSA §8451, sub-§5 is enacted to read:

5. Northern Aroostook County. Northern Aroostook County shall also be a vocational region and shall be organized in the following manner.

A. Public secondary schools located at Van Buren, Madawaska, St. Agatha, Fort Kent and