

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

Sec. 1. 7 MRSA §2902, first ¶ is amended to read:

No milk dealer shall sell milk or cream without first obtaining a license from the commissioner. No person shall produce grade A milk for sale without first obtaining a license from the commissioner to produce grade A milk, and no person shall pasteurize grade A milk for sale without first obtaining a license from the commissioner to pasteurize grade A milk.

Sec. 2. 7 MRSA §2902, 10th ¶ is repealed.

Sec. 3. 7 MRSA §2902, last ¶, as amended by PL 1977, c. 694, §138, is repealed.

Sec. 4. 7 MRSA §2908, first ¶, as repealed and replaced by PL 1977, c. 696, §99, is amended to read:

Any firm, person, corporation or society who shall produce grade A milk, or pasteurized grade A milk for sale in the State or who shall sell milk or cream in the State without the license or licenses provided in section 2902, or who shall violate any of the provisions of sections 2901 to 2904 and 3101 to 3103, or neglects, fails or refuses to comply with any of the provisions of those sections and the rules, regulations and standards of identity and quality issued thereunder, commits a civil violation for which the following forfeiture may be adjudged:

Effective July 16, 1986.

CHAPTER 752

H.P. 1687 - L.D. 2377

AN ACT to Permit Assessment of a
Reimbursement Fee against Prisoners in
County Jails to Help Defray the Costs
of Incarceration and to Permit the
State and Counties to Recover
Prisoners' Medical Costs.

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

Sec. 1. 17-A MRSA c. 54-B is enacted to read:

CHAPTER 54-B

COUNTY JAIL REIMBURSEMENT

§1341. Assessment of reimbursement fee against prisoners

1. Assessment. When a person is sentenced to incarceration in a county jail, the sentencing court shall consider and may assess as part of the sentence a reimbursement fee to help defray the expenses of the offender's room and board. The fee may not exceed the cost of incarcerating the offender or \$20 per day, whichever is less. Any reimbursement fee assessed shall be collected by the county treasurer of the county in which the offender is incarcerated and paid into the treasury of that county.

2. Evidence. The court, in determining whether a reimbursement fee as set out in subsection 1 is to be assessed and in establishing the amount of that fee, shall consider evidence relevant to the offender's ability to pay that fee, including, but not limited to, the factors set forth in section 1325, subsection 2, paragraph D, subparagraphs (1) to (5). The court shall not consider as evidence the following:

A. Joint ownership, if any, that the offender may have in real property;

B. Joint ownership, if any, that the offender may have in any assets, earnings or other sources of income; and

C. The income, assets, earnings or other property, both real and personal, owned by the offender's spouse or family.

3. Amount of fee. After considering all relevant evidence on the issue of the offender's ability to pay under subsection 2, the court may enter, as part of its sentence a reimbursement fee that shall be paid by the offender for his incarceration in the county jail. The fee shall bear a reasonable relationship to the offender's ability to pay. Upon petition by the offender, the amount may be modified to reflect any changes in the financial status of the offender.

If an offender is sentenced to pay a reimbursement fee, the court may grant permission for the pay-

ment to be made within a specified time or in specified installments. If no such permission is embodied in the sentence, the reimbursement fee shall be payable forthwith.

An offender who has been sentenced to pay a reimbursement fee and who has defaulted in payment of the fee shall be returned to court for further disposition.

Sec. 2. 30 MRSA §1712 is enacted to read:

§1712. Recovery of medical expenses

The county may bring a civil action in any court of competent jurisdiction to recover the cost of any medical, dental, psychiatric or psychological expenses incurred by the county on behalf of a prisoner incarcerated in a county jail. The following assets are not subject to judgment under this section:

1. Joint ownership of real property. Joint ownership, if any, that the offender may have in real property;

2. Joint ownership in sources of income. Joint ownership, if any, that the offender may have in any assets, earnings or other sources of income; and

3. Assets of offender's spouse or family. The income, assets, earnings or other property, both real and personal, owned by the offender's spouse or family.

Sec. 3. 34-A MRSA §3031, sub-§2, as repealed and replaced by PL 1983, c. 581, §§16 and 59, is amended to read:

2. Medical care. Adequate professional medical care, not including medical treatment requested by the prisoner which the correctional facility's treating physician deems unnecessary. The State may bring a civil action in any court of competent jurisdiction to recover the cost of any medical, dental, psychiatric or psychological expenses incurred by the State on behalf of any prisoner incarcerated in a correctional facility. The following assets are not subject to judgment under this subsection:

A. Joint ownership, if any, that the offender may have in real property;

B. Joint ownership, if any, that the offender may have in any assets, earnings or other sources of income; and

C. The income, assets, earnings or other property, both real and personal, owned by the offender's spouse or family;

Sec. 4. 34-A MRSA §3071, sub-§4 is enacted to read:

4. Civil action to recover certain costs. The State may bring a civil action in any court of competent jurisdiction to recover the cost of any medical, dental, psychiatric or psychological expenses incurred by the State on behalf of a committed offender under this section. The following assets are not subject to judgment under this subsection:

A. Joint ownership, if any, that the offender may have in real property;

B. Joint ownership, if any, that the offender may have in any assets, earnings or other sources of income; and

C. The income, assets, earnings or other property, both real and personal, owned by the offender's spouse or family.

Sec. 5. 34-A MRSA §3231, sub-§3, ¶L, as repealed and replaced by PL 1983, c. 581, §§34 and 59, is amended to read:

L. Upon consultation with the prison physician and in other cases when he deems it necessary, the warden shall cause any sick prisoner to be removed forthwith to a hospital where the prisoner shall receive such care, attention, medicine and diet as the situation requires, until the warden, in consultation with the hospital medical staff, determines that the prisoner may leave the hospital without injury to his health. The State may bring a civil action in any court of competent jurisdiction to recover the cost of providing medical care to a prisoner under this subsection. The following assets are not subject to judgment under this paragraph:

(1) Joint ownership, if any, that the offender may have in real property;

(2) Joint ownership, if any, that the offender may have in any assets, earnings or other sources of income; and

(3) The income, assets, earnings or other property, both real and personal, owned by the offender's spouse or family.

If the recommendations of the hospital medical staff are not carried out, the warden shall immediately convey the reasons and circumstances for this decision to the commissioner for his review and final disposition.

Effective July 16, 1986.

CHAPTER 753

S.P. 876 - L.D. 2205

AN ACT to Reorganize the Maine Potato Industry.

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

Sec. 1. 5 MRSA §12004, sub-§9, ¶A, sub-¶¶(8) and (9) are repealed.

Sec. 2. 5 MRSA §12004, sub-§9, ¶A, sub-¶(8-A) is enacted to read:

(8-A) Maine Potato Board Legislative 36 MRSA §4603
Per Diem

Sec. 3. 36 MRSA §4561 is repealed.

Sec. 4. 36 MRSA §4562, as amended by PL 1979, c. 541, Pt. A, §227, is repealed.

Sec. 5. 36 MRSA §4563, as amended by PL 1983, c. 812, §§277 and 278, is repealed.

Sec. 6. 36 MRSA §4563-A, as amended by PL 1977, c. 694, §717, is repealed.

Sec. 7. 36 MRSA §4565, as amended by PL 1983, c. 766, §1, is repealed.

Sec. 8. 36 MRSA §4566 is repealed.