

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

Sec. 3. Effective date. Section 1 of this Act shall not be effective unless, within 60 days of the adjournment of the Legislature, the Secretary of State receives written certification by the Joint Tribal Council of the Passamaquoddy Tribe that the tribe has agreed to the provision of this Act pursuant to the United States Code, Title 25, Section 1725 (e) (1), copies of which shall be submitted by the Secretary of State, the Secretary of the Senate and the Clerk of the House, provided that in no event may this Act become effective until 90 days after adjournment of the Legislature.

Section 2 of this Act shall not be effective unless, within 60 days of the adjournment of the Legislature, the Secretary of State receives written certification by the Governor and council of the Penobscot Nation that the nation has agreed to the provision of this Act pursuant to the United States Code, Title 25, Section 1725 (e) (1), copies of which shall be submitted by the Secretary of State, the Secretary of the Senate and the Clerk of the House, provided that in no event may this Act become effective until 90 days after adjournment of the Legislature.

Effective September 29, 1987, as indicated.

CHAPTER 154

H.P. 324 — L.D. 423

AN ACT to Establish Pilot Indigency Screening Units for Court-appointed Counsel.

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

Sec. 1. 34-A MRSA §5405 is enacted to read:

§5405. Indigency screening units for court-appointed counsel; pilot program

The director, with the approval of the commissioner, shall establish a pilot program to screen defendants requesting court-appointed counsel. The program shall include 2 indigency screening units located in the probation and parole district offices of 2 counties. Each unit shall have one indigency investigator appointed by the director who shall be supervised by the district supervisor.

1. Duties of the indigency investigator. The indigency investigator for each unit shall not be required to perform other responsibilities of probation and parole officers during the duration of the pilot program, except as follows:

A. Assist the defendant in completion of a financial disclosure affidavit;

B. Determine the degree of investigation required and conduct the investigation;

C. Recommend that the defendant be declared indigent, partially indigent or nonindigent, based upon guidelines adopted by the Supreme Judicial Court;

D. Submit the recommendation, accompanied by supporting material, to a justice or judge;

E. Notify defendants and counsel when the defendant is determined to be partially indigent or nonindigent after counsel has already been appointed;

F. Establish and monitor payment arrangements for partially indigent defendants and for defendants determined to be nonindigent after having received the services of court-appointed counsel; or

G. Maintain detailed records and compile statistical reports as required.

2. Establishment of indigency guidelines. Guidelines or rules shall be promulgated by the Supreme Judicial Court to provide the investigator with standards against which the defendant's financial situation may be measured.

3. Establishment of advisory committee. An advisory committee shall be appointed by the Supreme Judicial Court to serve as a project planning committee during the early stages of the project and to provide oversight and guidance to the screening units throughout the duration of the project. The committee shall also determine the location of the 2 pilot screening units. Prior to the end of the 2-year project, the committee shall provide a report with recommendations to the Legislature concerning the effectiveness of the program and the desirability of the program expansion. The committee shall be composed of members of the judiciary, court administrative staff, Division of Probation and Parole and other appropriate participants, in such numbers and composition as determined by the Supreme Judicial Court.

Sec. 2. Legislative intent. This pilot program shall be implemented by utilizing the staff of the Intensive Supervision Unit within the Division of Probation and Parole.

Effective September 29, 1987.

CHAPTER 155

H.P. 679 — L.D. 912

AN ACT Regarding the Maine Agricultural Marketing and Bargaining Act of 1973.

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

Sec. 1. 5 MRSA §12004, sub-§3, ¶A, sub-¶(4), as amended by PL 1985, c. 785, Pt. B, §39, is further amended to read: