

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

AS PUBLIC LAWS AND CONSTITUTIONAL RESOLUTIONS

at the

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

AND

AS PRIVATE AND SPECIAL LAWS AND RESOLVES

at the

FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

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
1989

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
THIRD SPECIAL SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

Every order for post-conviction release of a defendant shall include a waiver of extradition by the defendant as well as a condition of bail that the defendant refrain from criminal conduct.

Sec. 7. 15 MRSA §1051, sub-§9, as enacted by PL 1987, c. 758, §20, is repealed and the following enacted in its place:

9. Violation of condition of release; penalty. Any defendant who has been ordered released under this section and who, in fact, violates a condition of release commits:

A. A Class E crime; or

B. A Class C crime if the release order was granted for a crime punishable by a maximum period of imprisonment of one year or more and the condition of release violated is one specified in section 1026, subsection 3, paragraph A, subparagraphs (5), (8) or (13).

It is an affirmative defense that the violation resulted from just cause.

Sec. 8. 15 MRSA §1071, sub-§1, ¶C is enacted to read:

C. Upon motion to the court and notice to the defendant, the defendant shall produce and the State shall have the right to examine all evidence of ownership, valuation and all encumbrances on the land.

Sec. 9. 15 MRSA §1092, as enacted by PL 1987, c. 758, §20, is amended to read:

§1092. Violation of condition of release

Any person charged with an offense who has been admitted to preconviction bail and who, in fact, violates a condition of release is guilty of a Class E crime or is guilty of a Class C crime if the offense charged was punishable by a maximum period of imprisonment of one year or more and the condition of release violated is one specified in section 1026, subsection 3, paragraph A, subparagraphs (5), (8) or (13). It is an affirmative defense that the violation resulted from just cause.

Sec. 10. 15 MRSA §1093, sub-§2, as enacted by PL 1987, c. 758, §20, is repealed and the following enacted in its place:

2. Arrest. A law enforcement officer may arrest with a warrant or without a warrant pursuant to Title 17-A, section 15, any defendant who the law enforcement officer has probable cause to believe has failed to appear as required, has violated a condition of preconviction bail, or has been charged with a crime allegedly committed while released on preconviction bail. Any defendant under arrest shall be brought before a judge or justice of the same court. The judge or justice shall make a determination as to whether or not the setting of bail upon

the violation is appropriate pending a revocation proceeding.

Sec. 11. 17-A MRSA §15, sub-§1, ¶A, as amended by PL 1987, c. 758, §22, is further amended to read:

A. Any person who he has probable cause to believe has committed or is committing;

(1) Murder;

(2) Any Class A, Class B or Class C crime;

(3) Assault while hunting;

(4) Any offense defined in chapter 45;

(5) Assault, if the officer reasonably believes that the person may cause injury to others unless immediately arrested;

(5-A) Assault, criminal threatening, terrorizing or reckless conduct, if the officer reasonably believes that the person and the victim are family or household members, as defined in Title 15, section 321;

(6) Theft as defined in section 357, when the value of the services is \$1,000 or less, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(7) Forgery, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(8) Negotiating a worthless instrument, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(9) A violation of a condition of his probation when requested by an official of the Division of Probation and Parole; or

(10) Violation of a condition of release in violation of Title 15, section 1026, subsection 3 and, section 1051, subsection 2, section 1051, subsection 9 and section 1092; and

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

Effective September 16, 1988.

CHAPTER 871

H.P. 1967 — L.D. 2664

AN ACT to Correct the Expiration Date for the Term of Office for a Washington County Commissioner.

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

follows:

30-A MRSA §66, sub-§15, ¶C, as enacted by PL 1988, c. 737, §2, is amended to read:

C. Commissioner District Number 3 consists of the municipalities and unorganized territories of Deblois, Cherryfield, Steuben, Milbridge, Harrington, Addison, Jonesport, Beals, Beddington, Columbia, Columbia Falls, Centerville, Jonesboro, Roque Bluffs, Whitneyville, Marshfield and Machias and unorganized territories of Deveraux T29 MD, T24 MD, T18 MD and T19 MD. The term of office of the commissioner from this district shall expire in ~~1988~~ 1990 and every 4 years thereafter.

Effective December 16, 1988.

CHAPTER 872

H.P. 1973 — L.D. 2671

AN ACT to Clarify the Issuance of Securities by the Maine Court Facilities Authority.

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

Whereas, under current law, no securities may be issued by the Maine Court Facilities Authority until November 30, 1988 and then only after prior approval of the Legislature; and

Whereas, important and much-needed improvements to Maine court facilities must be financed by the issuance of securities prior to November 30, 1988 to avoid cost increases and project delays; and

Whereas, the Legislature is unable to give such approval upon adjournment and legislation is needed to provide approval when the Legislature is not in session; 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:

Sec. 1. 4 MRSA §1606, sub-§1, as amended by PL 1987, c. 816, Pt. KK, §6 and as repealed by PL 1987, c. 859, §1, is reenacted to read:

1. Resolution for issuance of securities. The Maine Court Facilities Authority may provide by resolution, at one time or from time to time, for the issuance and sale by it of securities, in its own name, for the purpose of paying the cost of any project, projects or part of any

project, or the refinancing of existing indebtedness, approved by the authority. No securities of the authority may be authorized and issued except pursuant to a resolution adopted by the vote of not less than a majority of the members of the authority. The resolution shall describe the general purpose or purposes for which the securities are to be issued and state the maximum principal amount of the securities proposed to be issued. No securities may be issued by the authority without the prior approval of the Legislature.

Sec. 2. 4 MRSA §1606, sub-§1-A, as enacted by PL 1987, c. 859, §2, is amended to read:

1-A. Resolution for issuance of securities. The Maine Court Facilities Authority may provide by resolution, at one time or from time to time, for the issuance and sale by it of securities, in its own name, for the purpose of paying the cost of any project, projects or part of any project, or the refinancing of existing indebtedness, approved by the authority. No securities of the authority may be authorized and issued except pursuant to a resolution adopted by the vote of not less than a majority of the members of the authority. The resolution shall describe the general purpose or purposes for which the securities are to be issued and state the maximum principal amount of the securities proposed to be issued. ~~No securities may be issued by the authority without the prior approval of the Legislature.~~

Sec. 3. PL 1987, c. 859, §3 is repealed.

Sec. 4. Effective date; application. Section 1 of this Act shall take effect and section 2 is repealed on November 30, 1988; provided that with respect to any resolution authorizing the issuance of securities adopted prior to November 30, 1988, section 2 of this Act applies until the securities authorized by the resolution are delivered.

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

Effective September 19, 1988.

CHAPTER 873

H.P. 1974 — L.D. 2672

AN ACT Relating to Municipal General Obligation Securities.

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

Whereas, certain general obligation securities may be issued prior to the 90-day effective date; 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