

# 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 FOURTEENTH LEGISLATURE  
**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

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

---

J.S. McCarthy Company  
Augusta, Maine  
1989

---

**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

---

## CHAPTER 18

S.P. 125 - L.D. 210

**An Act Concerning the Use of Deadly Force  
by Correctional Officers and Law  
Enforcement Officers**

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

Whereas, the existing law poses serious obstacles to a corrections officer or law enforcement officer in using deadly force against a person confined in a maximum security facility operated by the Maine Department of Corrections, when the officer reasonably believes that deadly force is necessary to prevent an escape from custody; and

Whereas, it is necessary to change the law in order to increase the protection afforded the public; 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.** 17-A MRSA §2, sub-§5-A is enacted to read:

5-A. "Corrections officer" has the same meaning as in Title 25, section 2805, subsection 2, paragraph C.

**Sec. 2.** 17-A MRSA §107, sub-§5, as amended by PL 1979, c. 512, §23, is further amended to read:

5. Except where otherwise expressly provided, a corrections officer or law enforcement officer in a facility where persons are confined, pursuant to an order of a court or as a result of an arrest, is justified in using deadly force against such persons under the circumstances described in subsection 2. He The officer or another individual responsible for the custody, care or treatment of those persons is justified in using a reasonable degree of nondeadly force when and to the extent he the officer or the individual reasonably believes it necessary to prevent any other escape from such a facility custody or to enforce the rules and regulations of the facility.

**Sec. 3.** 17-A MRSA §107, sub-§5-A is enacted to read:

5-A. A corrections officer or law enforcement officer is justified in using deadly force against a person confined in the Maine State Prison or the Maine Correctional Institution - Warren when the officer reasonably believes that deadly force is necessary to prevent an escape from custody. The officer shall make reasonable efforts to advise the person that if the attempt to escape does not stop immediately,

deadly force will be used. This subsection does not authorize any corrections officer or law enforcement officer who is not employed by a state agency to use deadly force.

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

Effective March 27, 1989.

## CHAPTER 19

S.P. 76 - L.D. 66

**An Act to Adopt New Life Safety Requirements  
for Adult Boarding Care Facilities**

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

**Sec. 1.** 22 MRSA §7912, as amended by PL 1985, c. 819, Pt. C, §§3, 4, is repealed.

**Sec. 2.** 22 MRSA §7912-A is enacted to read:

§7912-A. Nonambulatory and mobile nonambulatory residents; permanently disabled

Except as provided in section 7911, a boarding care facility which has 8 or fewer beds may not have residents who are nonambulatory or mobile nonambulatory except as follows:

1. General requirements. The Department of Human Services may permit up to 2 beds in the facility for nonambulatory or mobile nonambulatory residents if the following conditions are met.

A. The facility conforms to the residential board and care occupancy section for small facilities of the National Fire Protection Association Life Safety Code, chapter 21, as adopted by the State Fire Marshal. If there is an interconnected smoke detection system and a direct exit from the bedroom, the requirement for construction type or a sprinkler system may be waived.

B. There are no more than 2 mobile nonambulatory or one nonambulatory and one mobile nonambulatory residents. Any facility housing more than one nonambulatory resident must meet the requirements of subsection 2.

C. All nonambulatory and mobile nonambulatory residents shall be housed on the first floor of the facility with direct egress to a common corridor with 2 exits leading directly to the exterior of the facility.

D. Facilities with 7 and 8 beds shall be ramped to grade at both exits referred to in paragraph C. Facilities with 6 or fewer beds shall be ramped to grade at one exit. Facilities with 6 or fewer beds shall