

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST SPECIAL SESSION**

August 21, 1989 to August 22, 1989

and

**SECOND REGULAR SESSION**

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
July 14, 1990

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

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J.S. McCarthy Company  
Augusta, Maine  
1990

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

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

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

**January 3, 1990 to April 14, 1990**

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26 MRSA §1194, sub-§12 is enacted to read:

12. Collateral estoppel. Except for proceedings under this chapter, no finding of fact or conclusion of law contained in a decision of a deputy, an administrative hearing officer, the Unemployment Insurance Commission or a court, obtained under this chapter, has preclusive effect in any other action or proceeding.

This provision applies to decisions issued on or after the effective date of this subsection.

See title page for effective date.

## CHAPTER 692

H.P. 1470 - L.D. 2055

### An Act to Increase Awareness of Fetal Alcohol Syndrome and the Effects of Alcohol and Drugs on Fetuses

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

19 MRSA §62, sub-§1-A is enacted to read:

1-A. Informational brochure. No marriage license may be issued until a brochure prepared by the Department of Mental Health and Mental Retardation concerning the effects of alcohol and drugs on fetuses has been given to both parties. The department is responsible for making the brochures available to town and city clerks for distribution.

See title page for effective date.

## CHAPTER 693

S.P. 771 - L.D. 1996

### An Act to Make Certain Housekeeping Changes to Various Punishment Sections of the Maine Criminal Code

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

Sec. 1. 17-A MRSA §1203, sub-§1, as repealed and replaced by PL 1985, c. 821, §6, is amended to read:

1. The court may sentence a person to a term of imprisonment, not to exceed the maximum term authorized for the crime, an initial portion of which shall be served and the remainder of which shall be suspended. As to both the ~~initial unsuspended portion and the suspended portion relative to a Class A, Class B or Class C crime, the sentence of the court shall specify the place of imprisonment if that place is to be a county jail, otherwise the court shall commit the person to the Department of Corrections, and unsuspended portions of the sentence, the place of imprisonment must be as follows.~~

A. For a Class D or Class E crime the court must specify a county jail as the place of imprisonment.

B. For a Class A, Class B or Class C crime the court must:

(1) Specify a county jail as the place of imprisonment for any portion of the sentence that is 9 months or less; and

(2) Commit the person to the Department of Corrections for any portion of the sentence that is more than 9 months.

~~Beginning April 1, 1987, if any portion of a split sentence is specified by the court to be 6 months or less, the court shall specify the place of imprisonment to be a county jail as to that portion. Beginning January 1, 1989, if any portion of a split sentence is specified by the court to be 9 months or less, the court shall specify the place of imprisonment to be a county jail as to that portion. In the case of a Class D or Class E crime, the court shall, after the effective date of this paragraph, specify the place of imprisonment to be a county jail with respect to each portion of the split sentence.~~

The period of probation ~~shall commence~~ commences on the date the person is released from ~~his~~ the initial unsuspended portion of the term of imprisonment, unless the court orders that it shall to commence on an earlier date. If the period of probation is to ~~commence~~ commences upon release of the person from the initial unsuspended portion of the term of imprisonment, the court may ~~nonetheless~~ revoke probation for any criminal conduct committed during that initial period of imprisonment.

Sec. 2. 17-A MRSA §1204, sub-§2-A, ¶I, as enacted by PL 1975, c. 740, §110-A, is amended to read:

I. To refrain from drug abuse and use or excessive use of alcohol;

Sec. 3. 17-A MRSA §1204, sub-§2-A, ¶K, as repealed and replaced by PL 1977, c. 53, §4, is repealed and the following enacted in its place:

K. To pay any monetary penalty imposed by the court as part of the sentence;

Sec. 4. 17-A MRSA §1206, sub-§9 is enacted to read:

9. Whenever a previously suspended sentence of imprisonment for a Class A, Class B or Class C crime is vacated, in whole or in part, as the result of a probation revocation, the court must respecify the place of imprisonment for both the portion required to be served and any remaining suspended portion, if necessary, to carry out the intent of section 1203, subsection 1.

Sec. 5. 17-A MRSA §1252, sub-§1, as repealed and replaced by PL 1985, c. 821, §7, is amended to read:

1. In the case of a person convicted of a crime other than murder, the court may sentence to imprisonment for a definite term as provided for in this section, unless the statute which the person is convicted of violating expressly provides that the fine and imprisonment penalties it authorizes may not be suspended, in which case the convicted person shall be sentenced to imprisonment and required to pay the fine authorized therein. ~~The sentence of the court relative to a Class A, Class B or Class C crime shall specify the term to be served and the place of imprisonment if that place is to be a county jail, otherwise the court shall commit the person to the Department of Corrections.~~ Except as provided in subsection 7, the place of imprisonment must be as follows.

A. For a Class D or Class E crime the court must specify a county jail as the place of imprisonment.

B. For a Class A, Class B or Class C crime the court must:

(1) Specify a county jail as the place of imprisonment if the term of imprisonment is 9 months or less; or

(2) Commit the person to the Department of Corrections if the term of imprisonment is more than 9 months.

~~Beginning April 1, 1987, if the sentence of the court specifies the term of imprisonment to be 6 months or less, the court shall specify the place of imprisonment to be a county jail. Beginning January 1, 1989, if the sentence of the court specifies the term of imprisonment to be 9 months or less, the court shall specify the place of imprisonment to be a county jail. In the case of a Class D or Class E crime, the court shall, after the effective date of this paragraph, specify the place of imprisonment to be a county jail.~~

**Sec. 6. 17-A MRSA §1252, sub-§6,** as repealed and replaced by PL 1985, c. 821, §9, is repealed.

**Sec. 7. 17-A MRSA §1252, sub-§7** is enacted to read:

7. If a sentence to a term of imprisonment in a county jail is consecutive to or is to be followed by a sentence to a term of imprisonment in the custody of the Department of Corrections, the court imposing either sentence may order that both be served in the custody of the Department of Corrections. If a court imposes consecutive terms of imprisonment for Class D or Class E crimes and the aggregate length of the terms imposed is one year or more, the court may order that they be served in the custody of the Department of Corrections.

**Sec. 8. 17-A MRSA §1253, sub-§3, ¶A** is enacted to read:

A. Deductions under this subsection must be calculated as follows for partial months.

<u>Days of partial month</u>	<u>Maximum good time credit available</u>
0 - 2 days	0
3 - 5 days	$\frac{1}{2}$
6 - 8 days	$\frac{2}{3}$
9 - 11 days	$\frac{3}{4}$
12 - 14 days	$\frac{4}{5}$
15 - 17 days	$\frac{5}{6}$
18 - 20 days	$\frac{6}{7}$
21 - 23 days	$\frac{7}{8}$
24 - 26 days	$\frac{8}{9}$
27 - 29 days	$\frac{9}{10}$
30 days	10

**Sec. 9. 17-A MRSA §1253, sub-§3-B, ¶A** is enacted to read:

A. Deductions under this subsection must be calculated as follows for partial months.

<u>Days of partial month</u>	<u>Maximum good time credit available</u>
0 - 7 days	0
8 - 15 days	$\frac{1}{2}$
16 - 23 days	$\frac{2}{3}$
24 - 30 days	$\frac{3}{4}$

See title page for effective date.

## CHAPTER 694

### S.P. 750 - L.D. 1958

#### An Act to Remove Notarization from the Voter Registration Application Process

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

**Sec. 1. 21-A MRSA §130,** as amended by PL 1985, c. 614, §9, is further amended to read:

#### §130. Applications for voter registration

~~A notary public or other authorized person before whom a person who completes an application for registration to vote, as provided in section 152, shall deliver the application may mail the application or have the application delivered to the registrar before the closed period for the acceptance of registrations in the person's municipality, to be placed on the voting list prior to the next election; except that applications completed under section 122, subsection 5, may be delivered during the closed period for immediate placement on the voting list.~~

**Sec. 2. 21-A MRSA §152, sub-§1, ¶I,** as enacted by PL 1985, c. 161, §6, is amended to read:

I. Certification Sworn statement that all information is correct, ~~sworn before a notary public;~~