

# 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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**§59. Burial expenses; incidental compensation**

If the employee dies as a result of the injury, the employer shall pay, in addition to any compensation and medical benefits provided for in this Act, the reasonable expenses of burial, not to exceed ~~\$1,000~~ \$4,000 and ~~in addition thereto a an additional~~ payment in the sum of \$1,000 ~~\$3,000 to the widow and if no widow, to the children and if no children to the next of kin as incidental compensation.~~ Burial expense reimbursement must be paid to the person who has paid or who is responsible for paying the employee's burial expenses. The incidental compensation must be paid to the employee's estate.

See title page for effective date.

**CHAPTER 898**

**H.P. 1640 - L.D. 2273**

**An Act to Create Community Restitution Centers**

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

**Sec. 1. 5 MRSA §12004-I, sub-§5-A is enacted to read:**

<u>5-A. Correc-</u>	<u>Community</u>	<u>Expenses</u>	<u>34-A</u>
<u>tions</u>	<u>Liaison</u>	<u>Only</u>	<u>MRSA</u>
	<u>Advisory</u>	<u>for Non-</u>	<u>§3953</u>
	<u>Board</u>	<u>state</u>	
		<u>Employees</u>	

**Sec. 2. 17-A MRSA §1204, sub-§2-A, ¶B-1 is enacted to read:**

B-1. To reside in a restitution center, as established by Title 34-A, chapter 3, subchapter VII, and abide by its rules. This condition of probation is contingent upon acceptance of the convicted person by a restitution center. The court shall specify the length of the term of residence up to a maximum of one year of the total probationary period;

**Sec. 3. 34-A MRSA §1001, sub-§6, as enacted by PL 1983, c. 459, §6, is amended to read:**

**6. Correctional facility.** "Correctional facility" means the Maine State Prison, Maine Correctional Center, Charleston Correctional Facility, Downeast Correctional Facility, community restitution centers, Maine Youth Center or any other entity which that falls under the jurisdiction of the department, but does not include a county jail, holding facility or short-term detention area.

**Sec. 4. 34-A MRSA c. 3, sub-c. VII is enacted to read:**

**SUBCHAPTER VII**

**COMMUNITY RESTITUTION CENTERS**

**§3951. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Board.** "Board" means the Community Liaison Advisory Board.

**2. Center.** "Center" means a community restitution center.

**§3952. Establishment**

The department may establish community restitution centers for the residence and rehabilitation of persons who have been sentenced to a center as a condition of probation under Title 17-A, section 1204, or committed to the department under Title 17-A, provided that not more than 10% of the residents of any center have been committed to the department. Each center shall provide structured residential supervision for low-risk offenders who otherwise would have been committed to a period of incarceration in an institution. Residents shall make restitution to the victims of their crimes and shall contribute to the cost of their own incarceration as well as to the support of their dependents.

**§3953. Community Liaison Advisory Board**

**1. Establishment.** A Community Liaison Advisory Board, as established by Title 5, section 12004-I, subsection 5-A, shall advise the department regarding the development and operation of the center and shall serve as a liaison between the department and the community.

**2. Membership.** Each board consists of 12 members, appointed by the commissioner. Members shall serve for terms of 3 years; except that, for those first appointed, 4 members shall serve for 3-year terms, 4 members for 2-year terms and 4 members for one-year terms. All members must work or live in the municipality where the center is established or in a nearby municipality. Membership must include at least the following:

A. Two representatives of the local business community;

B. One representative of the local probation office;

C. One local law enforcement official;

D. One municipal government official;

E. One defense attorney;

F. One prosecuting attorney;

G. One representative of a local social service agency; and

H. Two representatives of the general public.

3. Chair. The commissioner shall designate the chair of each board.

4. Responsibilities. Each board shall:

A. Advise the commissioner in the development of center policy to foster positive relations with the community;

B. Assist the commissioner in the development and evaluation of admission criteria for the center;

C. Assist in locating and developing employment opportunities for residents;

D. Act as a liaison between the department and the community;

E. Meet as often as necessary at the discretion of the chair; and

F. Adopt rules of procedure necessary to carry out its duties.

#### §3954. Residents generally

1. Evaluation. Before being accepted for residence in each center, prospective residents must be determined to be low risks, in accordance with admission criteria developed with the advice of the board and approved by the commissioner.

2. Residence. All residents at a center are under the control of the department in accordance with the rules of the department, and are subject to any additional conditions of probation which may have been set at the time of the resident's sentencing. All residents shall attend work and other community activities as scheduled and the department shall subject residents to drug and alcohol testing, as appropriate, which may be on a random basis.

3. Employment and employment training. All residents must be employed full time or must participate in a full-time equivalent combination of employment, employment training and employment placement activities pursuant to employment policies developed in consultation with the board and approved by the commissioner.

4. Community service. To the greatest extent practicable, all residents shall engage in community service. The minimum amount of community service required and the definition of community service must be established with the advice of the board and the approval of the commissioner.

5. Rehabilitation. To the greatest extent practicable, residents shall participate in existing community education, life skills and other rehabilitation programs. Programs must be provided at the center for those residents who are unable to participate in programs located in the community.

6. Funds. No person may be admitted to a center unless the person consents to surrender all funds received from employment and other sources to the department for disbursement. The department shall adopt rules for the disbursement of the funds. The rules must include provisions for the payment of fines, court fees and restitution to the resident's victim or victims when appropriate, contributions toward the resident's cost of residency, contributions toward the cost of court-appointed counsel, contributions to the support of the resident's dependents, and any other financial obligations the resident may have. The rules must also include provisions for personal expense funds that the resident may use during residency, and personal savings to be accumulated until discharge. All resident funds received by the department must be placed in a specific center account and any interest that accrues may be used to pay account service charges or to provide center programs for residents.

7. Unauthorized leave. Any resident who leaves a center without authorization or fails to appear for or leaves any activity beyond the grounds of a center without authorization, commits escape under Title 17-A, section 755.

#### §3955. Employees

Employees of each center have the same power as sheriffs in their respective counties to search for and apprehend escapees from the center, when authorized to do so.

**Sec. 5. Contingent upon ratification of bond issue.** This Act does not become effective unless and until the people of the State have ratified the issuance of bonds at the general election in November 1990 in the amount of \$20,250,000 for correctional facilities.

Effective as indicated.

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## CHAPTER 899

H.P. 1448 - L.D. 2017

### An Act to Establish a Statewide System of School-to-community Transition Coordination Services for Handicapped Youth

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

**Whereas,** Public Law 1985, chapter 768 required a report to the Legislature containing recommendations