

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

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  
1991

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**PUBLIC LAWS**  
**OF THE**  
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**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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## CHAPTER 223

H.P. 1035 - L.D. 1508

**An Act to Clarify the Scope of Review Obtainable by the State When the Defendant Has Appealed to the Law Court in a Criminal Case****Be it enacted by the People of the State of Maine as follows:**

15 MRSA §2115-A, sub-§3, as amended by PL 1979, c. 541, Pt. B, §22, is further amended to read:

3. **When defendant appeals.** When the defendant appeals from a judgment of conviction, it is not necessary for the State to appeal. It may argue that error in the proceedings at trial in fact supports the judgment. The State may also establish that error harmful to it was committed prior to trial or in the trial resulting in the conviction from which the defendant has appealed, which error should be corrected in the event that the law court reverses on a claim of error by the defendant and remands the case for a new trial. If the case is so reversed and remanded, the law court shall also order correction of the error established by the State.

See title page for effective date.

## CHAPTER 224

H.P. 879 - L.D. 1270

**An Act to Establish a Home-release Monitoring Program for Certain Inmates Sentenced to County Jails**

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

**Whereas,** county jails continue to be overcrowded; and

**Whereas,** home detention would give counties an additional option to relieve overcrowding; 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:**

30-A MRSA §1659 is enacted to read:

**§1659. Home-release monitoring program**

The sheriff of each county may establish and maintain a home-release monitoring program to permit certain inmates, approved by the court in which they were sentenced, to be released and monitored electronically by the county and to live at their residences as a portion of the term of incarceration.

**1. Petition.** A sheriff, upon written request from an inmate eligible for participation in a home-release monitoring program and recommended by the jail administrator, may petition the court in which the inmate was sentenced for authorization to electronically monitor and to release the inmate to participate in a home-release monitoring program established in that county. Unless the court expressly grants the privilege of home release, the inmate is sentenced to ordinary confinement. The court may withdraw the privilege of home release at any time by order entered with or without notice of hearing. At the time of granting this privilege, the court shall determine whether the inmate is responsible for the cost of participating in the home-release program based on the inmate's ability to pay.

**2. Eligibility.** Inmates are eligible to participate in a home-release monitoring program if:

A. The inmate's residence is located in a county in which a home-release monitoring program is established;

B. The offense for which the inmate is serving a sentence is a Class C, D or E crime or an offense under the inland fisheries and wildlife or motor vehicle laws;

C. The inmate has no history of escape or violent behavior and has a verified security classification level of medium or minimum;

D. For sentences less than 30 days, the inmate serves a minimum of 2/3 of that inmate's sentence prior to participating in a home-release monitoring program. For sentences of 30 days or more, the inmate serves a minimum of 1/2 of that inmate's sentence prior to participating in a home-release monitoring program. In calculating the amount of time served, good time earned under Title 17-A, section 1253 and time reductions earned for charitable or public works projects under section 1606 must be counted; and

E. The inmate agrees to abide by the conditions of release pursuant to this section and any additional conditions imposed by the sheriff or jail administrator.

**3. Participation requirements.** The following requirements apply to any inmates participating in a home-release monitoring program.

A. Each inmate released pursuant to this section must be involved in a structured program of work, education or treatment. Participation in a home-release monitoring program may not be solely for the purpose of living at home.