

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

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

Sec. 1. 17-A MRSA §1206, sub-§§2 to 4, as repealed and replaced by PL 1977, c. 510, §73, are amended to read:

2. The hearing on the motion to revoke probation shall must be held in the court ~~which that~~ sentenced the person to probation in either the county or division in which the person resides or is incarcerated, unless the court orders otherwise in the interests of justice. A motion for revocation of probation need not be heard by the justice or judge who originally imposed probation, but may be heard by any justice or judge.

3. If a hearing is ordered, the person on probation shall must be notified, and the court may issue a summons or may issue a warrant for ~~his the person's~~ arrest and order ~~him the person~~ committed, with or without bail, pending the hearing.

4. If a hearing is held, the person on probation shall must be afforded the opportunity to confront and cross-examine witnesses against ~~him the person~~, to present evidence on ~~his that person's~~ own behalf and to be represented by counsel. If ~~he cannot the person on probation can not~~ afford counsel, the court shall appoint counsel for ~~him the person~~. Assignment of counsel, to the extent not covered in this subsection, and withdrawal of counsel must be in accordance with the Maine Rules of Criminal Procedure.

Sec. 2. 17-A MRSA §1206, sub-§7, as amended by PL 1983, c. 450, §7, is further amended to read:

7. If a person on probation is convicted of a new crime during the period of probation, the court may sentence ~~him that person~~ for ~~such the~~ crime and revoke probation. If the person has been sentenced for the new crime and probation revocation proceedings are subsequently commenced, the court ~~which that~~ conducts the revocation hearing may revoke probation. Sentencing for the multiple offenses ~~shall be is~~ subject to section 1256. If concurrent terms of imprisonment are imposed and the terms do not commence on the same date, any time served as a result of the new conviction shall must be deducted from the time the person is required to serve as a result of the probation revocation.

Sec. 3. 17-A MRSA §1207, as amended by PL 1981, c. 238, §9, is further amended to read:

§1207. Review

Review of a revocation of probation pursuant to section 1206 shall must be by appeal. In a probation revocation proceeding in the District Court, a person whose probation is revoked may appeal, as under Title 15, section 2111 and the applicable Maine Rules of Crimi-

nal Procedure, to the Superior Court and if unsuccessful to the Supreme Judicial Court, sitting as the Law Court, as under Title 15, section 2115 and the applicable Maine Rules of Criminal Procedure. In a probation revocation proceeding in the Superior Court, a person whose probation is revoked may appeal, as under Title 15, section 2115 and the applicable Maine Rules of Criminal Procedure, to the Supreme Judicial Court, sitting as the Law Court. Assignment and withdrawal of counsel must be in accordance with the Maine Rules of Criminal Procedure.

See title page for effective date.

CHAPTER 235

H.P. 793 - L.D. 1079

An Act to Increase the Fee for Taking Fingerprints and Palm Prints of Citizens upon Request

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

Sec. 1. 25 MRSA §1549, first ¶, as repealed and replaced by PL 1977, c. 78, §159, is amended to read:

The State Police, the sheriffs and the chiefs of police in each of the cities and towns ~~shall have the authority to~~ may take or cause to be taken, and upon payment of a ~~\$1 \$3~~ fee, shall take or cause to be taken, the fingerprints or palm prints, or fingerprints and palm prints, of any person who ~~shall request requests~~ that ~~his the person's~~ fingerprints or palm prints, or fingerprints and palm prints, be taken.

See title page for effective date.

CHAPTER 236

H.P. 900 - L.D. 1215

An Act Concerning Repairs Performed by Rental Tenants

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

Sec. 1. 14 MRSA §6026, sub-§2, as enacted by PL 1981, c. 428, §10, is amended to read:

2. **Tenant action if landlord fails to act.** If a landlord fails to maintain a rental unit in compliance with the standards of subsection 1 and the reasonable cost of compliance is less than ~~\$100 \$250~~ or an amount equal to 1/2 the monthly rent, whichever is greater, the tenant shall notify the landlord in writing of ~~his the tenant's~~ intention