

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1993

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

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

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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**Sec. 1. 17-A MRSA §1206, sub-§§2 to 4**, as repealed and replaced by PL 1977, c. 510, §73, are amended to read: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

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## 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.

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## 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

to correct the condition at the landlord's expense. If the landlord fails to comply within 14 days after being notified by the tenant in writing by certified mail, return receipt requested, or as promptly as conditions require in case of emergency, the tenant may cause the work to be done ~~in a workmanlike manner~~ with due professional care with the same quality of materials as are being repaired. Installation and servicing of electrical, oil burner or plumbing equipment ~~shall~~ must be by a professional licensed pursuant to Title 32. After submitting to the landlord an itemized statement, the tenant may deduct from ~~his~~ the tenant's rent the actual and reasonable cost or the fair and reasonable value of the work, not exceeding the amount specified in this subsection. This subsection does not apply to repairs of damage caused by the tenant or the tenant's invitee.

See title page for effective date.

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## CHAPTER 237

H.P. 1029 - L.D. 1381

### An Act to Clarify the Law Concerning Complimentary Licenses for Disabled War Veterans

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

**Whereas**, clarification of the law is immediately necessary to ensure that all resident disabled war veterans may receive the complimentary hunting and fishing licenses to which they are entitled; 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. 12 MRSA §7076, sub-§4, ¶C**, as amended by PL 1989, c. 264, is further amended to read:

C. Has served in a combat zone during ~~either World War I, World War II, the Korean War or the Vietnam War~~ any armed conflict in which participants were exposed to war-risk hazards as defined in 42 United States Code, Section 1711 (b); and

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

Effective June 2, 1993.

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## CHAPTER 238

H.P. 1026 - L.D. 1378

### An Act Regarding the Holding of Juveniles in the Penobscot County Jail

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

**Sec. 1. 15 MRSA §3203-A, sub-§7, ¶B-3** is enacted to read:

B-3. Notwithstanding any other provision of law, until December 31, 1995, a juvenile may be detained in the Penobscot County Jail, as long as the juvenile is detained in a separate juvenile section approved by the federal Office of Juvenile Justice and Delinquency Prevention and in compliance with paragraph A.

See title page for effective date.

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## CHAPTER 239

S.P. 468 - L.D. 1460

### An Act Relating to Publication of Legal Notices

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

**Whereas**, the Somerset Gazette, a weekly newspaper published in Skowhegan in the County of Somerset since April 16, 1990, has been publishing probate notices, notices of foreclosure, other legal notices, legal advertising and other matter required by law to be published in a newspaper; and

**Whereas**, this newspaper is entered as 3rd class postal matter in the United States mails at the post office in Skowhegan, Maine; and

**Whereas**, pursuant to the Maine Revised Statutes, Title 1, section 601, for a newspaper to be qualified as a medium for the publication of legal notices, legal advertising and other matter required by law to be published in a newspaper, that newspaper must be entered as 2nd class postal matter in the United States mail; and

**Whereas**, the legal efficacy of any procedure requiring notice when that notice has been published in the Somerset Gazette may be called into question; and

**Whereas**, in the opinion of the Legislature, these facts require immediate action in order to remove any doubt as to the present and future validity of these notices and the procedures based upon them; and