

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 1994 to June 30, 1995**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 29, 1995**

**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**  
**1995**

conviction if that conduct is otherwise a ground for disciplinary action.

See title page for effective date.

## CHAPTER 163

H.P. 924 - L.D. 1305

### An Act to Clarify the Supervision of Juveniles Under Observation

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

**Sec. 1. 34-A MRSA §3809, sub-§2, ¶H**, as enacted by PL 1991, c. 314, §64, is amended to read:

H. A juvenile held under observation must be under ~~constant~~ sight and sound supervision by facility staff, which must be constant if necessary to prevent imminent harm to the juvenile.

See title page for effective date.

## CHAPTER 164

H.P. 732 - L.D. 1006

### An Act to Amend the Law to Provide for the Notification of Immediate Family Members of Homicide Victims

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

**Sec. 1. 17-A MRSA §1257-A**, as amended by PL 1989, c. 502, Pt. D, §14, is further amended to read:

#### §1257-A. Notification of perpetrator's release

A victim of any Class A, B or C crime for which the perpetrator is committed to the Department of Corrections may receive notice of that person's release from ~~custody~~ institutional confinement, including parole, furloughs or, work-release programs, intensive supervision or supervised community confinement, upon complying with this section, unless the Department of Corrections determines that giving this notice could pose a threat to the safety of the ~~sentenced person~~ perpetrator. When the victim is a victim of homicide, the parent, child, sibling and spouse of the victim may receive notice of the perpetrator's release from institutional confinement.

**1. Request filed.** ~~The victim~~ Persons who wish to receive notification as allowed by this section must

file a request for notification of the ~~sentenced person's~~ perpetrator's release with the office of the prosecutor at any time after the close of judicial proceedings concerning the case. The prosecutor shall forward this request form to the Department of Corrections, which shall forward the form to the correctional facility in which that person is confined.

**2. Notice sent.** The correctional facility in which the ~~sentenced person~~ perpetrator is confined shall keep the victim's or other person's request in the file of the ~~sentenced person~~ perpetrator and shall notify the victim or other person by mail of any impending release as soon as the release date is set. This notice ~~shall~~ must be mailed to the address provided in the ~~victim's~~ request or any subsequent address provided by ~~him~~ the requesting person.

**3. Content of notice.** The notice required by subsection 2 ~~shall~~ must contain:

A. The name of the ~~sentenced person~~ perpetrator;

B. The nature of the release authorized whether it is a parole, furlough, work-release, intensive supervision, supervised community confinement or similar program;

C. The anticipated date of ~~his~~ the perpetrator's release from institutional confinement and any date on which ~~he~~ the perpetrator must return to institutional confinement; and

D. The geographical area to which ~~his~~ the perpetrator's release is limited, if any.

**4. Termination of notice.** Notice of the ~~sentenced person's~~ perpetrator's release is no longer required when either:

A. The ~~sentenced person~~ perpetrator has served ~~his~~ the entire sentence for a crime with regard to which the victim or other person has requested notice; or

B. The victim or other person has filed a signed request with the Department of Corrections ~~which that~~ has been forwarded to the correctional facility in which the sentenced person perpetrator is confined asking that no further notice be given.

**5. Liability.** Neither the failure of any state officer or employee to perform the requirements of this section nor compliance with it ~~shall subject~~ subjects the State or the officer or employee to liability in any civil action.

See title page for effective date.