

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

J.S. McCarthy Company
Augusta, Maine
1995

6. In using a sentencing alternative involving a term of imprisonment for any natural person convicted of violating this section, a court shall, in determining the maximum period of incarceration as the 2nd step in the sentencing process, treat each prior Maine conviction for a violation of this section as an aggravating sentencing factor.

A. When the sentencing class for a prior conviction under this section is Class A, the court shall enhance the basic period of incarceration by a minimum of 4 years of imprisonment.

B. When the sentencing class for a prior conviction under this section is Class B, the court shall enhance the basic period of incarceration by a minimum of 2 years of imprisonment.

C. When the sentencing class for a prior conviction under this section is Class C, the court shall enhance the basic period of incarceration by a minimum of one year of imprisonment.

In arriving at the final sentence as the 3rd step in the sentencing process, the court may not suspend that portion of the maximum term of incarceration based on a prior conviction ~~unless the court is of the opinion that exceptional circumstances justify that suspension in which event the court shall set forth in detail its reasons on the record.~~

Sec. 2. 17-A MRSA §257 is enacted to read:

§257. Factors aiding in predicting high-risk sex offenders for sentencing purposes

1. In assessing for sentencing purposes the risk of repeat offenses by a person convicted of a crime under chapter 11, a court shall treat each of the following factors, if present, as increasing that risk:

- A. The victim of the crime is prepubescent;
- B. The victim of the crime is the same gender as the offender;
- C. The victim of the crime is a total stranger to the offender; and
- D. The offender has been previously convicted of a crime under chapter 11 or previously convicted under the laws of the United States or any other state for conduct substantially similar to that contained in chapter 11.

A court may also utilize any other factor found by that court to increase the risk of repeat offenses by a person convicted of a crime under chapter 11.

See title page for effective date.

CHAPTER 430

H.P. 716 - L.D. 973

An Act to Improve Maine Students' Preparedness for the Global Economy by Enhancing Opportunities for Global and Geographic Education

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

Whereas, the Maine Committee for Global Education is scheduled to sunset on June 30, 1995; and

Whereas, authorization of the committee must continue without interruption; and

Whereas, the activities required by this legislation must begin before 90 days after adjournment of the legislative session; 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. 5 MRSA §12004-G, sub-§9-A is enacted to read:

<u>9-A.</u>	<u>Maine</u>	<u>Expenses</u>	<u>20-A</u>
<u>Education</u>	<u>Committee</u>	<u>Only</u>	<u>MRSA</u>
	<u>for Global</u>		<u>§9801</u>
	<u>and Geo-</u>		
	<u>graphic</u>		
	<u>Education</u>		

Sec. 2. 20-A MRSA c. 329 is enacted to read:

CHAPTER 329

GLOBAL AND GEOGRAPHIC EDUCATION

§9801. Maine Committee for Global and Geographic Education

1. Committee. The Maine Committee for Global and Geographic Education, referred to in this chapter as the "committee," is established pursuant to Title 5, section 12004-G, subsection 9-A to promote and support school-based model programs in all regions of the State.

2. Membership. The committee consists of 19 members appointed as follows:

A. The Commissioner of Economic and Community Development or the commissioner's designee;

B. The Commissioner of Education or the commissioner's designee;

C. Three postsecondary education employees: one from the University of Maine System chosen by the Governor from a list of nominees supplied by the Chancellor of the University of Maine System; one from the Maine Technical College System chosen by the President of the Senate from a list of nominees supplied by the President of the Maine Technical College System; and one from the Maine Maritime Academy chosen by the Speaker of the House of Representatives from a list of nominees supplied by the President of the Maine Maritime Academy;

D. One member of the Maine School Management Association appointed by the President of the Senate from a list of nominees supplied by the Maine School Management Association;

E. Two members of the Maine Education Association, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives from a list of nominees supplied by the Maine Education Association;

F. One member of the Maine Principals' Association, or its successor organization, appointed by the Governor from a list of nominees supplied by that organization;

G. One member of the Maine Development Foundation appointed by the President of the Senate from a list of nominees supplied by the Maine Development Foundation;

H. One member of the Maine World Trade Association appointed by the Speaker of the House of Representatives from a list of nominees supplied by the Maine World Trade Association;

I. One member of the World Affairs Council of Maine, or its successor organization, appointed by the Speaker of the House of Representatives from a list of nominees supplied by that organization;

J. One representative of the general public appointed by the Governor;

K. One employee of an independent college in the State appointed by the Governor from a list of nominees supplied by the President of the

Maine Independent College Association, or its successor organization;

L. Two Senators appointed by the President of the Senate, one of whom must serve on the joint standing committee of the Legislature having jurisdiction over education matters;

M. Two members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom must serve on the joint standing committee of the Legislature having jurisdiction over economic development matters; and

N. A representative of the Maine Geographic Alliance, or its successor organization, appointed by the Governor from a list of nominees supplied by that organization.

3. Terms of office. Members of the committee under subsection 2, paragraphs A and B are ex officio. Members of the committee appointed under subsection 2, paragraphs L and M serve at the pleasure of the appointing authority. All other members serve for terms of 3 years. Members may be reappointed and vacancies must be filled by the appointing authority for the remainder of the vacant term.

4. Chair; cochair. The committee shall choose a chair and a cochair from among its members.

5. Quorum. A majority of the committee constitutes a quorum.

6. Convening of first meeting. When the appointment of all members is complete, the Chair of the Legislative Council shall call and convene the first meeting of the committee no later than August 1, 1995.

§9802. Duties of committee

The committee has the following duties.

1. Work with departments. With assistance from the Department of Economic and Community Development and the Department of Education, the committee shall:

A. Identify existing innovative educational programs and businesses in the State wishing to work with educators; and

B. Provide clearinghouse information to teachers, school systems, businesses, researchers and others requesting information on exemplary education programs.

2. Regional committees. The committee shall encourage regional partnerships and other organizations promoting excellence in education and lifelong

learning to include global and geographic education on the committee agenda.

3. Exhibits. The committee may sponsor exhibits of exemplary education programs and help teachers develop resources for development.

4. Exchange programs. The committee shall encourage the use and expansion of international exchange programs.

5. Partnerships. The committee shall create partnerships of public and private organizations to use individual, corporate, education and cultural resources to enhance global education in the schools. The committee shall seek involvement from the following organizations or their successors, the World Affairs Council of Maine, the Maine Economic Growth Council, the Maine World Trade Association, the Maine Council for Economic Education, the Maine Development Foundation, the Maine Geographic Alliance and sister state and city exchange programs.

6. Grants. The committee may make grants to elementary and secondary schools to improve the skills and knowledge of students for living and working in the increasingly global economy and to achieve outcomes consistent with Goals 2000, state learning results and economic development goals of the State. Grants must also be made available for professional development for teachers in global and geographic education.

7. Funds. The Maine Geographic Alliance, or its successor organization, is the fiscal agent for the Maine Committee for Global and Geographic Education and shall provide administrative, staff and other services to enable the committee to carry out its duties. The services must be specified by contract with the committee and funded by the Maine Geographic Alliance with funds appropriated to the alliance for this purpose.

§9803. Report

The committee shall report annually to the Governor and to the Legislature on the results of its activities during the year including any recommendations to further the purpose of this chapter.

Sec. 3. Transition. This Act provides for the continuation of the Maine Committee for Global Education originally established in Resolve 1991, chapter 34. Members of the Maine Committee for Global Education appointed pursuant to Resolve 1991, chapter 34, Private and Special Law 1991, chapter 84 and Resolve 1993, chapter 23 continue to serve until their successors are appointed.

Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1995-96

MAINE COMMITTEE FOR GLOBAL AND GEOGRAPHIC EDUCATION

Maine Committee for Global and Geographic Education

All Other	\$5,000
-----------	---------

Provides funds for grants to elementary and secondary schools to develop education for living and working in the global economy.

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

Effective July 3, 1995.

CHAPTER 431

H.P. 1072 - L.D. 1507

An Act to Prevent the Use of Correctional Facilities for the Detention of the Mentally Ill

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

Sec. 1. 15 MRSA §2211-A, as amended by PL 1987, c. 402, Pt. A, §112, is repealed and the following enacted in its place:

§2211-A. Persons confined; hospitalization for mental illness

1. Prohibition. A person with serious mental illness may not be detained or confined solely because of that mental illness in any jail, prison or other detention or correctional facility unless that person is being detained or serving a sentence for commission of a crime.

2. Application for hospitalization required. A sheriff or other person responsible for any county or local detention or correctional facility who believes that a person confined in that facility is mentally ill and requires hospitalization shall apply, in writing, for the admission of that person to a hospital for the mentally ill, giving the reasons for requesting the