

# 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**

mechanisms for the programs and the services provided;

B. Systems for the evaluation of serious mental illness, within 24 hours of contact with the criminal justice system, of persons charged with minor crimes and timely referral of those persons identified as seriously mentally ill to appropriate community mental health programs;

C. Specific mechanisms for enabling police and correctional officers to communicate and consult on a timely basis with appropriate mental health personnel about specific cases;

D. Plans for conducting training, in conjunction with the Maine Criminal Justice Academy, of law enforcement and correctional personnel about serious mental illness and effective methods for evaluating, treating and managing persons with serious mental illness;

E. Plans for training mental health professionals who participate in state-funded, educational training programs to work with persons with serious mental illness in correctional facilities, including, but not limited to, on-site field experience in correctional facilities or jail diversion programs; and

F. Plans for providing comprehensive treatment, services and support to persons with serious mental illness following their release from correctional facilities.

**Sec. 3. 34-B MRSA §3604, sub-§4** is enacted to read:

**4. Cooperative planning required; grant recipients and correctional authorities.** As a condition for receipt of state mental health funding, providers of community mental health services to persons with serious mental illness shall develop with state and local correctional authorities cooperative plans for the provision of services to those persons. These plans must include at least the following:

A. Procedures for timely referral of persons with serious mental illness to community-based mental health services;

B. Provision for the treatment and support of persons with serious mental illness in correctional facilities and commitment of funds within available resources; and

C. Procedures for referrals of individuals with serious mental illness to local providers of comprehensive mental health services following release from correctional facilities, including mechanisms for developing comprehensive

treatment plans before the release from correctional facilities of persons with serious mental illness.

Providers of community mental health services and other public providers of comprehensive services to persons with serious mental illness that fail to participate in the development of plans to serve this population are not eligible for state funding for the provision of mental health services.

See title page for effective date.

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## CHAPTER 432

S.P. 77 - L.D. 165

### An Act to Require All Persons to Use Safety Belts in Motor Vehicles

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

**Sec. 1. 29-A MRSA §2081, sub-§3,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

**Sec. 2. 29-A MRSA §2081, sub-§3-A** is enacted to read:

**3-A. Other passengers; operators.** When a person 4 years of age or older is a passenger in a vehicle that is required by the United States Department of Transportation to be equipped with seat belts, the operator must have the person properly secured in a seat belt. The operator of a vehicle that is required by the United States Department of Transportation to be equipped with seat belts must be secured in the operator's seat belt.

**Sec. 3. 29-A MRSA §2081, sub-§4,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**4. Enforcement.** The following provisions apply to subsections 2 and 3 3-A.

A. The requirements do not apply to a passenger over one year of age when the number of passengers exceeds the vehicle seating capacity and all of the seat belts are in use.

A-1. The requirements of subsection 3-A do not apply to a driver or passenger who has a medical condition that, in the opinion of a physician, warrants an exemption from the requirements of subsection 3-A and that medical condition and opinion are documented by a certificate from that physician. That certificate is valid for 5 years.

B. A person against whom enforcement action has been taken is not guilty of a subsequent violation of subsection 2 until 24 hours have elapsed from the date and time of the first violation indicated on the Violation Summons and Complaint.

C. A violation of ~~this section~~ subsection 2 is a traffic infraction. The court shall waive the fine for a first violation of subsection 2 by a parent or legal guardian if the parent or legal guardian provides the court with satisfactory evidence that the parent or legal guardian has acquired a child safety seat for continuous use by the child within 30 days of the violation.

D. A violation of subsection 3-A is a traffic infraction. The fine for a violation of subsection 3-A may not be less than \$25 nor more than \$50.

E. Subsection 3-A may be enforced only if a law enforcement officer has detained the operator of a motor vehicle for a suspected violation of another law. An operator is not subject to the penalty established in paragraph D unless the operator is required to pay a fine for the primary violation.

**Sec. 4. Referendum for ratification; submission at statewide election; form of question; effective date.** This Act must be submitted to the legal voters of the State of Maine at a statewide election held on the Tuesday following the first Monday of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor requiring all persons to use safety belts in motor vehicles?"

The legal voters of each city, town and plantation shall vote by ballot on this question and shall designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal votes are cast in favor of the Act, the Governor shall proclaim that fact without delay, and the Act takes effect 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

Effective pending referendum.

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## CHAPTER 433

### S.P. 201 - L.D. 544

#### **An Act to Reduce the Amount of Good Time and Meritorious Good Time Available to Persons Sentenced to Terms of Imprisonment**

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

**Sec. 1. 17-A MRSA §1252-B**, as enacted by PL 1987, c. 808, §2, is repealed and the following enacted in its place:

**§1252-B. Imposition of sentence; consideration of good time and meritorious good time at the time of sentencing**

1. If a court imposes a sentencing alternative pursuant to section 1152 that includes a term of imprisonment, in setting the appropriate length of that term, as well as an unsuspended portion of that term, if any, the court shall consider the potential impact of deductions under section 1253, subsections 3, 3-B, 4 and 5.

2. For persons who commit crimes on or after October 1, 1995, section 1253, subsection 8 substantially reduces the statutory deductions available under subsections 3 and 3-B for good time and under subsections 4 and 5 for meritorious good time. The change is intended to ensure that the term of imprisonment imposed closely approximates what will in fact be served and to abandon administrative awards that have seriously imperiled the State's statutory scheme relative to authorized terms of imprisonment for murder under section 1251 and for crimes other than murder under section 1252, subsection 2. At the same time that it reduces these statutory deductions, however, the Legislature intends that the parties in requesting or recommending dispositions and the sentencing courts, who ultimately impose sentences, to the extent that they have imposed longer terms of imprisonment in an effort to compensate for the impact of substantial good time and meritorious good time deductions, must make, pursuant to this subsection, the necessary adjustments in their sentencing decisions in view of the substantially reduced deductions. Application of section 1253, subsection 8 to the sentencing process must be reflected in the imposition of shorter terms of imprisonment by courts.