

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

J.S. McCarthy Company
Augusta, Maine
1995

Sec. 2. 17-A MRSA §1253, sub-§6-A, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

6-A. When a judgment of conviction involving a term of imprisonment is vacated or a sentence involving a term of imprisonment is revised or reviewed and a new sentence involving a term of imprisonment is thereafter imposed upon the person for the same offense, day-for-day credit ~~shall~~ **must** be accorded on the new sentence both for each day the person served in execution of the initial sentence and for all previously earned deductions specified in subsections 4 ~~and~~ 5 ~~and~~ 8 and Title 30-A, section 1606. Prior to the day-for-day credit being given on the new sentence, the new sentence ~~shall~~ **must**, after first having been reduced by any deductions specified in subsection 2 previously or subsequently received, have applied to it the controlling deduction specified in either subsection 3 or 3-B, if applicable.

Sec. 3. 17-A MRSA §1253, sub-§7, as enacted by PL 1983, c. 456, §8, is repealed and the following enacted in its place:

7. Notwithstanding the fact that subsections 3, 3-B and 4 directly address only persons who are committed to the custody of the Department of Corrections, they apply also to persons who are committed to the custody of a sheriff. Subsection 5 does not apply to persons who are committed to the custody of a sheriff.

Sec. 4. 17-A MRSA §1253, sub-§8 is enacted to read:

8. For any person who commits a crime on or after October 1, 1995 and is subsequently sentenced to a term of imprisonment for that crime, up to 5 days per calendar month may be deducted from that term, calculated from the date of commencement of that term as specified under subsection 1, whose conduct, participation in programs and fulfillment of assigned responsibilities during that month are such that the deduction is determined to be warranted in the discretion of the chief administrative officer of the state facility or the sheriff of the county jail.

A. Deductions under this subsection must be calculated as follows for partial calendar months:

<u>Days of partial month</u>	<u>Maximum deduction available</u>
<u>1 to 6 days</u>	<u>up to 1</u>
<u>7 to 12 days</u>	<u>up to 2</u>
<u>13 to 18 days</u>	<u>up to 3</u>
<u>19 to 24 days</u>	<u>up to 4</u>
<u>25 to 31 days</u>	<u>up to 5</u>

B. Any portion of the time deducted from the sentence of any person pursuant to this subsection may be withdrawn by the chief administrative officer of the state facility for a disciplinary offense or for the violation of any law of the State in accordance with Title 34-A, section 3032 and the rules adopted under that section, or by the sheriff of the county jail in accordance with jail disciplinary procedures. Deductions may be withdrawn for months already served or yet to be served by the person up to and including the maximum authorized for that sentence.

C. The chief administrative officer of the state facility or the sheriff of the county jail may restore any portion of deductions that have been withdrawn if the person's later conduct, participation in programs and fulfillment of assigned responsibilities are such that the restoration is determined to be warranted in the discretion of the chief administrative officer or sheriff.

D. This subsection supersedes subsections 3, 3-B, 4, 5 and 6 for persons who commit offenses on or after October 1, 1995.

Sec. 5. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1995-96

**CORRECTIONS,
DEPARTMENT OF**

Administration - Corrections

All Other \$20,000

Provides funds for the Department of Corrections to rewrite the computer program used to project prisoner release dates.

See title page for effective date.

CHAPTER 434

S.P. 204 - L.D. 547

An Act to Broaden the Crime of Criminal Mischief and to Repeal the Crime of Animal Enterprise Terrorism

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

Sec. 1. 17-A MRSA §805, sub-§1, as enacted by PL 1975, c. 499, §1, is amended to read:

1. A person is guilty of aggravated criminal mischief if ~~he~~ that person intentionally ~~or,~~ knowingly or recklessly:

A. Damages or destroys property of another in an amount exceeding \$1,000 in value, having no reasonable ground to believe that ~~he~~ the person has a right to do so; ~~or~~

B. Damages or destroys property in an amount exceeding \$1,000 in value, to enable any person to collect insurance proceeds for the loss caused; ~~or~~

C. Damages, destroys or tampers with the property of a law enforcement agency, fire department or supplier of gas, electric, steam, water, transportation, sanitation or communication services to the public, having no reasonable ground to believe that ~~he~~ the person has a right to do so, and thereby causes a substantial interruption or impairment of service rendered to the public; or

D. Damages, destroys or tampers with property of another and thereby recklessly endangers human life.

Sec. 2. 17-A MRSA §807, as enacted by PL 1993, c. 83, §1, is repealed.

See title page for effective date.

CHAPTER 435

H.P. 382 - L.D. 517

An Act to Repeal the Retail Seed Dealer's License

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

Sec. 1. 7 MRSA §1044-A, first ¶, as enacted by PL 1979, c. 672, Pt. A, §25, is amended to read:

For the purpose of providing revenues to defray the expense of the inspection and analysis prescribed in this subchapter, the commissioner shall license ~~retail seed dealers and~~ seed labelers. The commissioner shall prescribe the license application form. License fees established under this subchapter may be collected on other than an annual basis if the ~~licenses~~ license required in this section ~~are~~ is issued in conjunction with a ~~nurseryman's~~ nursery operator's license issued under Title 32, section 1901.

Sec. 2. 7 MRSA §1044-A, sub-§1, as enacted by PL 1979, c. 672, Pt. A, §25, is repealed.

Sec. 3. Effective date. This Act takes effect on July 1, 1996.

Effective July 1, 1996.

CHAPTER 436

H.P. 148 - L.D. 196

An Act to Develop the Landowner Relations Program

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

Sec. 1. 12 MRSA §7035, sub-§13, as enacted by PL 1989, c. 441, §1, is repealed and the following enacted in its place:

13. Landowner relations program. The commissioner shall develop and implement a program to improve landowner relations. The program must foster public use of private land for hunting and fishing and promote high standards of courtesy, respect and responsibility by hunters and anglers for private lands and prevent abuse of private lands by hunters and anglers. The program must have the following 2 components:

A. A program that supports landowners, called the Support Landowners Program. Twelve dollars of each \$15 collected under section 7101, subsection 5-A, section 7133, subsection 4-A and section 7151, subsection 5-A is dedicated to the Support Landowners Program. The Support Landowners Program may:

- (1) Offer a toll-free number for landowner concerns;
- (2) From among existing staff, appoint a landowner relations coordinator at the Augusta office of the department and regional landowner relations coordinators at the regional offices;
- (3) Provide linkage with local conservation organizations, volunteer groups and advisory groups;
- (4) Enhance enforcement of trespass, dumping and property damage violations;
- (5) Provide educational materials and signs; and