

# MAINE STATE LEGISLATURE

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

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

**FIRST SPECIAL SESSION**  
**November 28, 1995 to December 1, 1995**

**SECOND REGULAR SESSION**  
**January 3, 1996 to April 4, 1996**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 4, 1996**

**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**

All Other	6,760
Capital Expenditures	49,952
<b>TOTAL</b>	<b>\$43,518</b>

Provides funds for one Revenue Agent position and associated administrative costs to inform nonresident taxpayers and enforce the required withholding amounts.

See title page for effective date.

**CHAPTER 647**

**H.P. 1312 - L.D. 1796**

**An Act to Facilitate the Lawful Detention of Juveniles**

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

**Whereas**, there is an extreme shortage of juvenile detention beds and immediate relief is needed; and

**Whereas**, the full benefit of the proposed exceptions will be realized in the winter season; 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. 15 MRSA §3203-A, sub-§7, ¶B-1**, as amended by PL 1995, c. 155, §1, is further amended to read:

B-1. After December 31, 1991 and until the Northern Maine Regional Juvenile Detention Facility begins operating, if the juvenile caseworker determines there is no acceptable alternative, a juvenile may be detained for up to 24 hours, excluding ~~Saturday Saturdays, Sunday Sundays~~ and legal holidays, in a jail or other secure detention facility intended or primarily used for the detention of adults, if:

- (1) The facility is not located in a standard metropolitan statistical area and meets the statutory criteria outlined in the federal Ju-

venile Justice Delinquency Act, Section 223(a)(14)(A), (B) and (C);

(2) The facility complies with mandatory sight and sound separation standards established by the Department of Corrections in accordance with Title 34-A, section 1208;

(3) The facility has adequate certified correctional staff to monitor and supervise the juvenile at all times during detention; and

(4) The juvenile is detained only to await a court hearing, a preliminary hearing pursuant to Title 17-A, section 1205, an entrustment violation hearing or transfer to another detention facility.

If the requirements of this paragraph are otherwise met and if a condition that threatens safety exists, such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel, a juvenile may be further detained in a jail or other secure detention facility intended or primarily used for the detention of adults for up to 24 hours after the time that conditions allow for reasonably safe travel.

**Sec. 2. 15 MRSA §3203-A, sub-§7, ¶B-2**, as amended by PL 1995, c. 155, §2, is further amended to read:

B-2. Notwithstanding any other provision of law, until the Northern Maine Regional Juvenile Detention Facility begins operating, a juvenile may be detained in a 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.

**Sec. 3. 15 MRSA §3314, sub-§2**, as amended by PL 1995, c. 502, Pt. F, §6, is further amended to read:

**2. Suspended disposition.** The court may impose any of the dispositional alternatives provided in subsection 1, and may suspend its disposition and place the juvenile on a specified period of probation that is subject to such provisions of Title 17-A, section 1204, as the court may order and that is administered pursuant to the provisions of Title 34-A, chapter 5, subchapter IV, except that in no case may the court impose the condition set out in Title 17-A, section 1204, subsection 1-A. The court may impose as a condition of probation that a juvenile reside outside the juvenile's home in a setting satisfactory to the juvenile caseworker if the court determines that reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from the juvenile's home and that continuation in the

juvenile's home would be contrary to the welfare of the juvenile. Imposition of such a condition does not affect the legal custody of the juvenile.

Revocation of probation is governed by the procedure contained in Title 17-A, sections 1205, 1205-A and 1206, except that Title 17-A, section 1206, subsection 7-A, does not apply, provided that a disposition under subsection 1, paragraph F, may be modified to a disposition under subsection 1, paragraph H. If a motion for revocation of probation is filed with the court and if the juvenile is being detained pending the court hearing, the court shall review within 5 days, excluding Saturdays, Sundays and legal holidays, the decision to detain the juvenile, if the court has not previously reviewed the decision. Following that review, the court shall order the juvenile's release unless the court finds, by a preponderance of the evidence, that continued detention is necessary to meet one of the purposes of detention under section 3203-A, subsection 4, paragraph C.

**Sec. 4. 30-A MRSA §1557**, as repealed and replaced by PL 1995, c. 368, Pt. R, §6, is repealed.

**Sec. 5. 30-A MRSA §1557-A** is enacted to read:

**§1557-A. Transfer from jails**

**1. Transfer.** A sheriff may transfer a prisoner serving a sentence in a county jail from one jail to another to serve any part of that sentence upon the request of the sheriff of the sending jail and the approval of the sheriff of the receiving jail. A sheriff may transfer a prisoner serving a sentence in a county jail to the Department of Corrections to serve any part of that sentence upon the request of the sheriff and the approval of the Commissioner of Corrections.

**2. Transfer cost.** The county of the sending jail shall pay the cost of the transfer or return of the prisoner.

**3. Reimbursement.** The county responsible for the support of a prisoner transferred under this section while the prisoner was incarcerated in the county jail shall pay, directly to the receiving county jail or the Department of Corrections upon the request of the sheriff of the receiving jail or the department, an amount computed at a per diem per capita rate established by the receiving county jail or the department. The county also shall reimburse the receiving county jail or the department for any costs incurred in the provision of extraordinary medical or surgical treatment to the person transferred. The payment amount provided for in this section may be adjusted or dispensed with upon terms mutually agreeable to the sheriff of the sending jail and the sheriff of the receiving jail or the department if the sending jail

houses any prisoners for the receiving jail or the department.

**4. Transferee subject to rules.** A person transferred under this section is subject to the general rules of the facility to which the person is transferred, except that:

A. The term of the original sentence remains the same unless altered by the court;

B. The person becomes eligible for meritorious good time as provided in Title 17-A, section 1253 for a person sentenced to imprisonment in a county jail;

C. The person becomes eligible for release and discharge as provided in Title 17-A, section 1254 for a person sentenced to imprisonment in a county jail;

D. The person is entitled to have the time served in the facility under this section deducted from the sentence; and

E. A person transferred under this section becomes eligible for furloughs, work or other release programs, participation in public works and charitable projects and home-release monitoring as authorized by sections 1556, 1605, 1606 and 1659 and may apply pursuant to the rules governing the sending jail.

**5. Return of prisoner.** A prisoner transferred pursuant to this section must be returned to the sending jail upon the request of the sheriff of the sending jail, the sheriff of the receiving jail or the Commissioner of Corrections.

**6. Commissioner of Corrections to determine temporary housing assignments.** If a county that does not have a jail or has a jail that is not fully certified is unable to locate space in any other county facility for an adult or juvenile, that county may contact the Commissioner of Corrections for approval to obtain temporary housing in a correctional or detention facility operated by the Department of Corrections. The sending county shall contact each other county facility in a continuing effort to locate placement in a county facility. When the sending county locates available space in a county facility, the sheriff of the sending county shall transfer the person from the department's correctional or detention facility and place the person in the county facility.

**Sec. 6. 34-A MRSA §3063-A**, as enacted by PL 1995, c. 368, Pt. R, §12, is amended to read:

**§3063-A. Transfer from jails**

The commissioner may accept custody of prisoners transferred to the department from county jails under Title 30-A, section ~~1557~~ 1557-A.

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

Effective April 10, 1996.

**CHAPTER 648**

**H.P. 1318 - L.D. 1802**

**An Act to Consolidate and Improve  
Delivery of International Trade  
Services in Maine**

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

**Whereas,** the State is in a position to provide better international trade services to its citizens and businesses; and

**Whereas,** the State has the opportunity to create well-paid jobs in the manufacturing sector if exports are expanded; and

**Whereas,** immediate action is needed in order to best capitalize on developing the State's competitive trading advantages to create these jobs; 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 §13063-A**, as amended by PL 1995, c. 519, §1, is repealed.

**Sec. 2. 5 MRSA §§13070-A and 13070-B**, as enacted by PL 1989, c. 875, Pt. M, §§6 and 13, are repealed.

**Sec. 3. 5 MRSA §13070-C** is enacted to read:

**§13070-C. International Trade Director**

**1. Appointment.** The Governor shall appoint a full-time International Trade Director, subject to review by the joint standing committee of the Legislature having jurisdiction over business and economic

development matters and confirmation by the Legislature, who shall serve at the pleasure of the Governor. The director shall report to the commissioner in the execution of the director's responsibilities.

**2. Duties.** The International Trade Director shall implement the State's policies with respect to development of international trade opportunities for the State's businesses and citizens. The director shall serve as the State's diplomat and shall advocate within the State and abroad on behalf of the State and the State's international community.

The director shall serve as the president of the Maine International Trade Center upon confirmation by the center's Board of Directors of the Maine International Trade Center. The director shall oversee activities of the center and has the duties and responsibilities as provided in Title 10, chapter 107-B.

**Sec. 4. 10 MRSA c. 107-A**, as enacted by PL 1989, c. 875, Pt. K, §§1 and 3, is repealed.

**Sec. 5. 10 MRSA c. 107-B** is enacted to read:

**CHAPTER 107-B**

**MAINE INTERNATIONAL TRADE CENTER**

**§945. Establishment**

The Maine International Trade Center, referred to in this chapter as the "center," is established to enhance the competitive advantage of state businesses desiring to compete in the international market. The center provides a source of leadership, coordination and a shared vision for international trade development in the State. The purpose of the center, through its cooperative public and private board, is to refine, revise and implement the State's international strategic plan by providing and enhancing services in coordination with the economic development activities of the private sector, community and regional agencies and State Government.

The center is a private nonprofit corporation with a public purpose and the exercise by the center of the powers conferred by this chapter is held to be an essential governmental function.

**§945-A. Duties**

The center shall provide a base level of services without regard to membership in the center and enhanced services as the center's board of directors may direct, to private entities, individuals, the State and to quasi-public and public entities. The center shall encourage and assist the growth of the State's international economic activities in the following ways.