

# 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**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**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**  
**1997**

## CHAPTER 461

H.P. 208 - L.D. 261

**An Act to Establish the Crime of Elevated Aggravated Assault****Be it enacted by the People of the State of Maine as follows:****Sec. 1. 17-A MRSA §208-B** is enacted to read:**§208-B. Elevated aggravated assault****1. A person is guilty of elevated aggravated assault if that person:****A. Intentionally or knowingly causes serious bodily injury to another person with the use of a dangerous weapon; or****B. Engages in conduct that manifests a depraved indifference to the value of human life and that in fact causes serious bodily injury to another person with the use of a dangerous weapon.****2. Elevated aggravated assault is a Class A crime.**

See title page for effective date.

## CHAPTER 462

H.P. 233 - L.D. 297

**An Act to Make Unlawful Possession of Firearms for Nonviolent Juvenile Offenses Either a Crime or a Juvenile Offense Depending upon the Age of the Violator****Be it enacted by the People of the State of Maine as follows:****Sec. 1. 15 MRSA §393, sub-§8**, as enacted by PL 1977, c. 225, §2, is amended to read:**8. Penalty.** A violation of subsection 1 or a violation of subsection 1-A by a person at least 18 years of age is a Class C crime.**Sec. 2. 15 MRSA §3103, sub-§1, ¶E**, as amended by PL 1995, c. 679, §15, is further amended to read:

E. Offenses involving hunting or the operation or attempted operation of a watercraft, ATV or snowmobile while under the influence of intoxicating liquor or drugs, as defined in Title 12, section 7406, subsection 3; Title 12, section 7801,

subsection 9; Title 12, section 7827, subsection 9; and Title 12, section 7857, subsection 10, respectively, and offenses involving failing to aid an injured person or to report a hunting accident as defined in Title 12, section 7406, subsection 15; ~~and~~**Sec. 3. 15 MRSA §3103, sub-§1, ¶F**, as amended by PL 1995, c. 65, Pt. A, §46 and affected by §153 and Pt. C, §15, is further amended to read:F. The criminal violation of operating a motor vehicle under the influence of intoxicating liquor or drugs or with an excessive blood-alcohol level, as defined in Title 29-A, section 2411, and offenses defined in Title 29-A as Class B or C crimes; and**Sec. 4. 15 MRSA §3103, sub-§1, ¶G** is enacted to read:

G. A violation of section 393, subsection 1-A.

See title page for effective date.

## CHAPTER 463

S.P. 64 - L.D. 183

**An Act to Require the Department of Inland Fisheries and Wildlife to Provide Transportation Tags with Big Game Hunting Licenses****Be it enacted by the People of the State of Maine as follows:****Sec. 1. 12 MRSA §7451, sub-§4**, as enacted by PL 1995, c. 455, §26, is amended to read:**4. Bear tags.** The commissioner shall prescribe the form and content of a bear tag, ~~except that the commissioner may not~~ and shall produce a bear tag that is part of a big game hunting license issued for calendar year ~~1996 or later 1998~~ and thereafter.**Sec. 2. 12 MRSA §7457, sub-§3**, as enacted by PL 1995, c. 455, §31, is amended to read:**3. Deer tags.** The commissioner shall prescribe the form and content of a deer tag, ~~except that the commissioner may not~~ and shall produce a deer tag that is part of a big game hunting license issued for calendar year ~~1996 or later 1998~~ and thereafter.**Sec. 3. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1997-98	1998-99
<b>INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF</b>		
<b>Licensing Services - Inland Fisheries and Wildlife</b>		
All Other	\$5,000	\$5,000
Provides funds for the printing of deer and bear transportation tags.		
See title page for effective date.		

**CHAPTER 464**

**H.P. 1050 - L.D. 1467**

**An Act to Amend the Law to Be Consistent with the Organizational Structure of the Department of Corrections and for Other Purposes**

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

**Sec. 1. 15 MRSA §2121, sub-§2,** as amended by PL 1985, c. 556, §1, is further amended to read:

**2. Post-sentencing proceeding.** "Post-sentencing proceeding" means a court proceeding or administrative action occurring during the course of and pursuant to the operation of a sentence ~~which that~~ affects whether there is incarceration or its length, including revocation of parole ~~or entrustment of a juvenile,~~ failure to grant parole, an error of law in the computation of a sentence and default in payment of a fine or restitution. It does not include administrative disciplinary proceedings resulting in a withdrawal of good-time deductions, revocation of probation, cancellation of supervised community confinement or ~~aftercare status of a juvenile~~ or proceedings before the Appellate Division of the Supreme Judicial Court.

**Sec. 2. 15 MRSA §3315, sub-§3,** as enacted by PL 1995, c. 502, Pt. F, §8, is amended to read:

**3. Court review of determination.** Whenever a court makes a determination pursuant to section 3314, subsection 1, paragraph F or section 3314, subsection 2, that determination must be reviewed by the court not less than once every ~~18~~ 12 months until the juvenile is discharged or no longer residing outside the juvenile's home.

**Sec. 3. 17-A MRSA §15, sub-§1, ¶A,** as repealed and replaced by PL 1995, c. 668, §2 and c.

680, §3, is repealed and the following enacted in its place:

A. Any person who the officer has probable cause to believe has committed or is committing:

- (1) Murder;
- (2) Any Class A, Class B or Class C crime;
- (3) Assault while hunting;
- (4) Any offense defined in chapter 45;
- (5) Assault, criminal threatening, terrorizing or stalking, if the officer reasonably believes that the person may cause injury to others unless immediately arrested;
- (5-A) Assault or reckless conduct if the officer reasonably believes that the person and the victim are family or household members, as defined in Title 15, section 321;
- (6) Theft as defined in section 357, when the value of the services is \$2,000 or less if the officer reasonably believes that the person will not be apprehended unless immediately arrested;
- (7) Forgery, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;
- (8) Negotiating a worthless instrument if the officer reasonably believes that the person will not be apprehended unless immediately arrested;
- (9) A violation of a condition of probation when requested by a probation officer or juvenile caseworker;
- (10) Violation of a condition of release in violation of Title 15, section 1026, subsection 3; Title 15, section 1027, subsection 3; Title 15, section 1051, subsection 2; and Title 15, section 1092;
- (11) Theft involving a detention under Title 17, section 3521;
- (12) Harassment, as set forth in section 506-A;
- (13) Violation of a protection order, as specified in Title 5, section 4659, subsection 2; Title 15, section 321, subsection 6; Title 19, section 769, subsection 2; and Title 19, section 770, subsection 5; or