

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

B. Advise the person on probation personally in open court that the court is not bound by the recommendation;

C. Advise the person that if the person does not withdraw the admission, the disposition of the motion will be less favorable to the person than that recommended; and

D. Afford the person the opportunity to withdraw the admission.

The court shall, if possible, inform the person of the intended disposition.

See title page for effective date.

CHAPTER 247

H.P. 1198 - L.D. 1708

An Act to Amend the Home-release Monitoring Program

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

Sec. 1. 30-A MRSA §1659, first ¶, as enacted by PL 1991, c. 224, is amended to read:

The sheriff of each county may establish and maintain a home-release monitoring program to permit certain inmates, approved by the court in which they were sentenced, to be released and monitored electronically or by intensive supervision by the county and to live at their residences as a portion of the term of incarceration.

Sec. 2. 30-A MRSA §1659, sub-§1, as enacted by PL 1991, c. 224, is amended to read:

1. Petition. A sheriff, upon written request from an inmate eligible for participation in a home-release monitoring program and recommended by the jail administrator, may petition the court in which the inmate was sentenced for authorization to electronically monitor or intensively supervise and to release the inmate to participate in a home-release monitoring program established in that county. Unless the court expressly grants the privilege of home release, the inmate is sentenced to ordinary confinement. The court may withdraw the privilege of home release at any time by order entered with or without notice of hearing. At the time of granting this privilege, the court shall determine whether the inmate is responsible for the cost of participating in the home-release program based on the inmate's ability to pay.

Sec. 3. 30-A MRSA §1659, sub-§2, ¶C, as enacted by PL 1991, c. 224, is amended to read:

~~C. The inmate has no history of escape or violent behavior and has a verified security classification level of medium or minimum;~~

Sec. 4. 30-A MRSA §1659, sub-§2, ¶C-1 is enacted to read:

C-1. The offense for which the inmate is serving a sentence is not an offense under Title 17-A, chapter 11;

Sec. 5. 30-A MRSA §1659, sub-§2, ¶D, as enacted by PL 1991, c. 224, is amended to read:

D. For sentences less than 30 days, the inmate serves a minimum of ~~2/3~~ 1/3 of that inmate's sentence prior to participating in a home-release monitoring program. For sentences of 30 days or more, the inmate serves a minimum of ~~4/2~~ 1/3 of that inmate's sentence prior to participating in a home-release monitoring program. In calculating the amount of time served, good time earned under Title 17-A, section 1253 and time reductions earned for charitable or public works projects under section 1606 must be counted; and

Sec. 6. 30-A MRSA §1659, sub-§3, ¶I, as repealed and replaced by PL 1991, c. 783, §2, is amended to read:

I. As a condition of participation of an inmate in a home-release program, the court shall require the inmate to pay a fee, as determined by the court, including an electronic monitoring fee, if applicable, a substance testing fee or both, unless the court determines that the inmate does not have the financial resources to pay these fees. The fee charged may include the costs associated with a home-release program for people who do not have the financial resources to pay the fees.

Sec. 7. 30-A MRSA §1659, sub-§6, as enacted by PL 1991, c. 224, is amended to read:

6. Minimum standards for electronic monitoring and intensive supervision. The Commissioner of Corrections shall establish minimum standards for electronic monitoring and intensive supervision, and may enforce those standards as provided under Title 34-A, section 1208.

See title page for effective date.

CHAPTER 248

S.P. 623 - L.D. 1788

An Act to Clarify 7-day Evictions in Tenancies at Will