

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

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TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
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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 ~~1/2~~ 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

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

Sec. 1. 14 MRSA §6002, sub-§1, as amended by PL 1995, c. 208, §1, is further amended to read:

1. Causes for 7-day notice of termination of tenancy. Notwithstanding any other provisions of this chapter, in the event that the landlord can show, by affirmative proof, that the tenant, the tenant's family or an invitee of the tenant has caused substantial damage to the demised premises that the tenant has not repaired or caused to be repaired before the giving of the notice provided in this subsection, has caused or permitted a nuisance within the premises, has caused or permitted an invitee to cause the dwelling unit to become unfit for human habitation or has violated or permitted a violation of the law regarding the tenancy, or when the tenant is 7 days or more in arrears in the payment of rent, the tenancy may be terminated by the landlord by 7 days' notice in writing for that purpose given to the tenant, and in the event that the landlord or the landlord's agent has made at least 3 good faith efforts to serve the tenant, that service may be accomplished by both mailing the notice by first class mail to the tenant's last known address and by leaving the notice at the tenant's last and usual place of abode. If a tenant, who is 7 days or more in arrears in the payment of rent, pays the full amount of rent due before the expiration of the 7-day notice in writing, that notice is void. Thereafter, in all residential tenancies at will, if the tenant pays all rental arrears, all rent due as of the date of payment and any filing fees and service of process fees actually expended by the landlord before the issuance of the writ of possession as provided by section 6005, then the tenancy must be reinstated and no writ of possession may issue. Payment or written assurance of payment through the general assistance program, as authorized by the State or a municipality pursuant to Title 22, chapter 1161, has the same effect as payment in cash.

Sec. 2. 14 MRSA §6002, sub-§2, as amended by PL 1995, c. 208, §1, is further amended to read:

2. Ground for termination notice. A notice of termination issued pursuant to subsection 1 must indicate the specific ground claimed for issuing the notice. If a ground claimed is rent arrearage of 7 days or more, the notice must also include a statement indicating the amount of the rent that is 7 days or more in arrears as of the date of the notice. A termination notice issued on the ground of rent arrearage must also state the following: "If you pay the amount of rent due as of the date of this notice before this notice expires, then this notice as it applies to rent arrearage is void." For all residential tenancies at will, a termination notice issued on the ground of

rent arrearage must also state: "After this notice expires, if you pay all rental arrears, all rent due as of the date of payment and any filing fees and service of process fees actually paid by the landlord before the writ of possession issues at the completion of the eviction process, then your tenancy will be reinstated." If the notice states an incorrect rent arrearage the notice can not be held invalid if the landlord can show the error was unintentional.

Sec. 3. 14 MRSA §6005, first ¶, as repealed and replaced by PL 1997, c. 683, Pt. A, §6, is amended to read:

When the defendant is defaulted or fails to show sufficient cause, judgment must be rendered against the defendant by the District Court for possession of the premises. Seven calendar days after the judgment is entered, the court shall issue the writ of possession to remove the defendant. The writ may be served by a sheriff or a constable. If at least 3 good faith efforts on 3 different days have been made to serve the defendant, service may be accomplished by both mailing the notice by first-class mail to the defendant's last known address and leaving the writ of possession at the defendant's last and usual place of abode. A writ of possession may not issue in any case in which the ground for termination of the tenancy at will was rent arrearage and the defendant paid the amount necessary to reinstate the tenancy as provided by section 6002.

See title page for effective date.

CHAPTER 249

S.P. 464 - L.D. 1403

**An Act to Allow Military Personnel
Home on Leave to Purchase a
Hunting or Fishing License for \$10**

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

Sec. 1. 12 MRSA §7076, sub-§6, as amended by PL 1993, c. 419, §3, is repealed and the following enacted in its place:

6. Members of Armed Forces domiciled in Maine. A member of the Armed Forces of the United States on active duty who is permanently stationed outside of the State and that person's spouse and children may purchase Maine hunting and fishing licenses at reduced rates. To qualify, the member of the Armed Forces must show proof that that member's home of record, as recorded in that person's service records, is Maine. That person may purchase all other licenses or permits at resident fees. The license is