

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

certified by the secretary by January 31, 2020 as held for the benefit of the Passamaquoddy Tribe.

Sec. 4. Effective date; certification. This Act does not take effect unless, within 60 days of the adjournment of the Legislature, the Secretary of State receives written certification by the Joint Tribal Council of the Passamaquoddy Tribe that the tribe has agreed to the provisions of this Act pursuant to 25 United States Code, Section 1725(e), copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes, except that in no event may this Act become effective until 90 days after the adjournment of the Legislature.

See title page for effective date.

CHAPTER 252

H.P. 922 - L.D. 1236

An Act to Strengthen the Bail Laws for Repeat Offenders

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

Sec. 1. 15 MRSA §1026, sub-§2, as amended by PL 1997, c. 585, §3, is further amended to read:

2. Release on personal recognizance or unsecured appearance bond. The judicial officer shall order the pretrial release of the defendant on personal recognizance or upon execution of an unsecured appearance bond in an amount specified by the judicial officer, unless, after consideration of the factors listed in subsection 4, the judicial officer determines that the release will not reasonably ensure the appearance of the defendant as required or will not otherwise reasonably ensure the integrity of the judicial process.

Sec. 2. 15 MRSA §1026, sub-§3, ¶A, as amended by PL 1997, c. 543, §7, is further amended by amending the first paragraph to read:

A. If, after consideration of the factors listed in subsection 4, the judicial officer determines that the release described in subsection 2 will not reasonably ensure the appearance of the defendant as required or will not otherwise reasonably ensure the integrity of the judicial process, the judicial officer shall order the pretrial release of the defendant subject to the least restrictive further condition or combination of conditions that the judicial officer determines will reasonably ensure the appearance of the defendant as required and will otherwise reasonably ensure the integrity of

the judicial process. These conditions may include that the defendant:

See title page for effective date.

CHAPTER 253

H.P. 569 - L.D. 724

An Act to Implement the Recommendations of the Courts' Guardian ad Litem Committee

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

Sec. 1. 4 MRSA §1503, as enacted by PL 1985, c. 581, §1, is amended to read:

§1503. Court appointed special advocates

The Director of the Court Appointed Special Advocate Program shall recruit the services of qualified persons to serve as volunteer court appointed special advocates. The volunteer court appointed special advocates ~~shall not be considered employees of the State for any purpose~~ are considered employees of the State for the purposes of the Maine Tort Claims Act and shall are not entitled to receive no compensation, but shall be are reimbursed for their actual, necessary and reasonable expenses incurred in the performance of their duties, consistent with policies established by the Administrative Office of the Courts.

Sec. 2. 4 MRSA §1506, as amended by PL 1997, c. 393, Pt. C, §2, is further amended to read:

§1506. Immunity from civil liability

A person serving as a court appointed special advocate for the Judicial Department or as Director, deputy director or regional volunteer coordinator of the Court Appointed Special Advocate Program is immune from any civil liability, as are employees of governmental entities, under the Maine Tort Claims Act, Title 14, chapter 741, for acts performed within the scope of that person's administrative duties, and is entitled to quasi-judicial immunity for acts performed within the scope of the person's duties as a guardian ad litem.

Sec. 3. 19-A MRSA §1507, sub-§5, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is repealed and the following enacted in its place:

5. Written report. A guardian ad litem shall make a final written report to the parties and the court reasonably in advance of the hearing. The report is admissible as evidence and subject to cross-