

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

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FIRST REGULAR SESSION
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SEPTEMBER 13, 2003

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2003

CHAPTER 413

H.P. 1200 - L.D. 1622

**An Act To Amend the Laws
Regarding Prisoner Participation in
Public Works Projects**

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

Sec. 1. 30-A MRSA §1605, sub-§2-A, as enacted by PL 2001, c. 171, §2, is amended to read:

2-A. Grant of privilege. ~~The granting of sheriff may grant a privilege described in subsection 1 is governed by the following:~~

~~A. Prior to 90 days after the adjournment of the First Regular Session of the 121st Legislature, the sheriff may grant a privilege described in subsection 1; and~~

~~B. Beginning 90 days after the adjournment of the First Regular Session of the 121st Legislature, unless the court expressly grants a privilege described in subsection 1, the prisoner is sentenced to ordinary confinement. The court may grant a privilege at the time of sentence or commitment or thereafter.~~

Sec. 2. 30-A MRSA §1605, sub-§3, as amended by PL 2001, §171, §3, is further amended to read:

3. Wages, self-employment income; collection.

If a prisoner is employed for wages or salary, the sheriff shall collect the wages or salary or require the prisoner to turn over the wages or salary in full when received. If the prisoner is self-employed, the self-employment income must be turned over to the sheriff. The sheriff shall deposit the income in a trust checking account and shall keep a ledger showing the status of the account of each prisoner. The wages or salaries are not subject to trustee process in the hands of either the employer or the sheriff, and the self-employment income is not subject to trustee process in the hands of the sheriff during the prisoner's term and may be disbursed only as provided in this section; but for tax purposes they are income of the prisoner.

~~This subsection is repealed 90 days after the adjournment of the First Regular Session of the 121st Legislature.~~

Sec. 3. 30-A MRSA §1605, sub-§3-A, as enacted by PL 2001, c. 171, §4, is repealed.

Sec. 4. 30-A MRSA §1605, sub-§5, as amended by PL 2001, c. 171, §5, is further amended to read:

5. Disbursements. The wages or salaries of employed prisoners and employment income of self-employed prisoners must be disbursed by the sheriff for the following purposes, in the following order:

- A. The board of the prisoners;
- B. Necessary travel expenses to and from work and other incidental expenses of the prisoners;
- C. Support of the prisoners' dependents, if any;
- D. Payments, either in full or ratably, of restitution, and of the prisoners' obligations, acknowledged in writing, in accordance with Title 17-A, chapter 54, or that have been reduced to judgment; ~~and~~

D-1. Any fine, forfeiture, penalty or fee imposed upon a defendant;

D-2. Any amount of attorney's fees or other expense authorized by the court at the request of the defendant or attorney and actually paid by the State on behalf of the defendant on the grounds that the defendant has been found to be indigent;

D-3. Any surcharge imposed by Title 4, section 1057; and

E. The balance, if any, to the prisoners upon their release.

~~This subsection is repealed 90 days after the adjournment of the First Regular Session of the 121st Legislature.~~

Sec. 5. 30-A MRSA §1605, sub-§5-A, as enacted by PL 2001, c. 171, §6, is repealed.

Sec. 6. 30-A MRSA §1605, sub-§6, as amended by PL 2001, c. 171, §7, is further amended to read:

6. Restitution disbursements. Notwithstanding subsection 5 ~~and subsection 5-A~~, the wages or salaries of employed prisoners, employment income of self-employed prisoners or income from any other source must be disbursed by the sheriff in accordance with any restitution authorized by section 1562. These disbursements may not be authorized until any disbursements required by subsection 5, paragraphs A to D have been made.

Sec. 7. 30-A MRSA §1605, sub-§7, as amended by PL 2001, c. 171, §7, is further amended to read:

7. Employment in other county. The sheriff may arrange with another sheriff for the employment of the prisoner in the other's county, and while so

employed to be in the other's custody, but in other respects to be and continue subject to the commitment.

~~This subsection is repealed 90 days after the adjournment of the First Regular Session of the 121st Legislature.~~

Sec. 8. 30-A MRSA §1605, sub-§7-A, as enacted by PL 2001, c. 171, §8, is repealed.

Sec. 9. 30-A MRSA §1606, sub-§1-A, as enacted by PL 2001, c. 171, §9, is repealed.

Sec. 10. 30-A MRSA §1659, sub-§1, as amended by PL 2001, c. 171, §11, is further 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 electronically monitor or intensively supervise and to release the inmate to participate in a home-release monitoring program established in that county. Prior to releasing an inmate for participation in a home-release monitoring program, the sheriff shall provide to the court in which the inmate was sentenced notice of the release. The court in which the inmate was sentenced may withdraw the privilege of home release at any time by order entered with or without notice of hearing. Prior to issuing an order withdrawing the privilege, the court must provide an opportunity for the sheriff to provide comment. At the time of granting the privilege, the sheriff 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.

~~This subsection is repealed 90 days after the adjournment of the First Regular Session of the 121st Legislature.~~

Sec. 11. 30-A MRSA §1659, sub-§1-A, as enacted by PL 2001, c. 171, §12, is repealed.

Sec. 12. 30-A MRSA §1659, sub-§3, ¶I, as amended by PL 2001, c. 171, §13, is further amended to read:

I. As a condition of participation of an inmate in a home-release program, the sheriff shall require the inmate to pay a fee, as determined by the sheriff, including an electronic monitoring fee, if applicable, a substance testing fee or both, unless the sheriff 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.

~~This paragraph is repealed 90 days after the adjournment of the First Regular Session of the 121st Legislature.~~

Sec. 13. 30-A MRSA §1659, sub-§3, ¶I-1, as enacted by PL 2001, c. 171, §14, is repealed.

See title page for effective date.

CHAPTER 414

S.P. 553 - L.D. 1600

An Act To Recodify the Laws Governing Inland Fisheries and Wildlife

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

PART A

Sec. A-1. 12 MRSA Pt. 10, as amended, is repealed.

Sec. A-2. 12 MRSA Pt. 13 is enacted to read:

PART 13

INLAND FISHERIES AND WILDLIFE

SUBPART 1

GENERAL DEFINITIONS

CHAPTER 901

DEFINITIONS

§10001. Definitions

As used in this Part, unless the context otherwise indicates, the following terms have the following meanings.

1. Aircraft. "Aircraft" means a machine or device designed for flight.

2. Alien. "Alien" means a person who is not a citizen of the United States.

3. Antlerless moose. "Antlerless moose" means a moose without antlers or a moose with antlers that are shorter than its ears.

4. Artificial lure. "Artificial lure" means a fishing lure constructed by humans as an imitation of or substitute for natural bait or fish forage. "Artificial lure" includes, but is not limited to, artificial flies, spinners, spoons, poppers, plugs, jigs and plastic, rubber or other artificial imitations of natural bait.