

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2007

ing Authority through foreclosure or otherwise in full or partial satisfaction of any debt or obligation held by it; and

(8) Establishing and maintaining out of income or otherwise any reserves that the Maine State Housing Authority from time to time determines to be necessary and prudent in addition to those specifically required.

Following reasonable notice to each commissioner, ~~4~~ 5 commissioners of the Maine State Housing Authority constitute a quorum for the purpose of conducting its business, exercising its powers and for all other purposes, notwithstanding the existence of any vacancies. Action may be taken by the commissioners upon a vote of a majority of the commissioners present, unless its bylaws require a larger number.

Sec. 2. Transition provisions; completion date. All appointments to the Board of Commissioners of the Maine State Housing Authority must be completed by January 31, 2008. The following provisions govern the transition in appointments of board members and changes to the board pursuant to the Maine Revised Statutes, Title 30-A, section 4723, subsection 2, paragraph B.

1. In making the 3 new appointments, the Governor must give priority to a representative involved in the housing business and a representative of people with disabilities. The members currently serving on the board continue to serve until the expiration of their terms. Thereafter, the commissioners must be appointed as provided in the Maine Revised Statutes, Title 30-A, section 4723, subsection 2, paragraph B.

2. The director of the Maine State Housing Authority shall serve as chair of the board of commissioners until a successor is appointed.

3. Four commissioners constitute a quorum until all gubernatorial appointees have been confirmed.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 11, 2007.

CHAPTER 102

H.P. 528 - L.D. 697

An Act To Amend the Laws Relating to Department of Corrections Facilities

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

Sec. 1. 17-A MRSA §253, sub-§2, ¶E, as amended by PL 2001, c. 383, §15 and affected by §156, is further amended to read:

E. The other person, not the actor's spouse, is ~~in official custody~~ under official supervision as a probationer ~~or~~, a parolee, a sex offender on supervised release, a prisoner on supervised community confinement status or a juvenile on community reintegration status or is detained in a hospital, prison or other institution, and the actor has supervisory or disciplinary authority over the other person. Violation of this paragraph is a Class B crime;

Sec. 2. 17-A MRSA §255-A, sub-§1, ¶I, as enacted by PL 2001, c. 383, §23 and affected by §156, is amended to read:

I. The other person, not the actor's spouse, is ~~in official custody~~ under official supervision as a probationer ~~or~~, a parolee, a sex offender on supervised release, a prisoner on supervised community confinement status or a juvenile on community reintegration status or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary authority over the other person. Violation of this paragraph is a Class D crime;

Sec. 3. 17-A MRSA §255-A, sub-§1, ¶J, as enacted by PL 2001, c. 383, §23 and affected by §156, is amended to read:

J. The other person, not the actor's spouse, is ~~in official custody~~ under official supervision as a probationer ~~or~~, a parolee, a sex offender on supervised release, a prisoner on supervised community confinement status or a juvenile on community reintegration status or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary authority over the other person and the sexual contact includes penetration. Violation of this paragraph is a Class C crime;

Sec. 4. 17-A MRSA §260, sub-§1, ¶E, as enacted by PL 2003, c. 138, §5, is amended to read:

E. The other person, not the actor's spouse, is ~~in official custody~~ under official supervision as a probationer ~~or~~, a parolee, a sex offender on supervised release, a prisoner on supervised community confinement status or a juvenile on community reintegration status or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary authority over the other person. Violation of this paragraph is a Class D crime;

Sec. 5. 17-A MRSA §1253, sub-§14 is enacted to read:

14. The Commissioner of Corrections or the sheriff of the county jail may establish policy and

guidelines for crediting hours of participation in work in excess of 8 hours in a day toward another day for the purpose of calculating deductions from a sentence under subsections 4, 5, 8 and 10.

Sec. 6. 34-A MRSA §1208, sub-§2, ¶C-1 is enacted to read:

C-1. As part of any inspection, the commissioner may access any records, including, but not limited to, the records of persons detained or committed in the facility, as considered necessary by the commissioner in order to determine compliance with standards.

Sec. 7. 34-A MRSA §1208-A, as amended by PL 1991, c. 314, §16, is further amended to read:

§1208-A. Standards for additional accommodations

The commissioner shall establish standards for facilities not covered by section 1208 that are used to house county prisoners, including secure detention facilities as defined in Title 15, section 3003, subsection 24-A and temporary holding resources as defined in Title 15, section 3003, subsection 26 and has the same power to determine compliance with and enforce those standards as provided under section 1208.

Sec. 8. 34-A MRSA §3011, sub-§1, as enacted by PL 1997, c. 102, §2, is amended to read:

1. Exercise of law enforcement powers. Investigative officers who are certified by the Board of Trustees of the Maine Criminal Justice Academy as law enforcement officers may exercise the powers of other law enforcement officers with respect to offenses relating to the security or orderly management of a facility administered by the department, if authorized to exercise these powers by the commissioner. Investigative officers may issue administrative subpoenas with respect to offenses relating to the security or orderly management of a facility administered by the department, if authorized to exercise these powers by the commissioner and by the Attorney General or the Attorney General's designee. Investigative officers may not exercise law enforcement or subpoena powers against other employees of the department. These powers are in addition to any powers the officers may otherwise have as employees of the department. Internal investigations of employees of the department must be conducted pursuant to any applicable collective bargaining agreement.

Sec. 9. 34-A MRSA §3047, sub-§2, as amended by PL 2005, c. 506, §10, is further amended to read:

2. Money. May give the prisoner an amount equal to the net salary of a single wage earner with no dependents for 40 hours of work at the state minimum wage less all applicable state and federal deductions provided that any amount in excess of \$50 may not be

provided by the General Fund, except that the commissioner may not give money to a prisoner who:

A. Has, within the 6 months prior to the date of parole or discharge, transferred from the department's general client account to any person more than \$500, excluding any money transferred for the support of dependents; or

B. Has, on the date of parole or discharge, more than \$500 in personal assets;

Money received by the prisoner under this subsection is not subject to section 3032, subsection 5-A or 5-B or Title 17-A, section 1330, subsection 2;

Sec. 10. 34-A MRSA §3069, sub-§1, ¶E, as enacted by PL 1983, c. 459, §6, is amended to read:

E. Admission to a ~~hospital~~ mental health institute under this section has no effect upon a sentence then being served or a commitment then in effect. The sentence continues to run and the commitment remains in force, unless terminated in accordance with law. While the sentence or commitment is in effect, the person may not receive a privilege, including, but not limited to, a furlough or its equivalent, a funeral or deathbed visit or the use of tobacco, unless the chief administrative officer of the correctional facility approves the receipt of the privilege.

Sec. 11. 34-A MRSA §3069, sub-§2, ¶D, as enacted by PL 1983, c. 459, §6, is amended to read:

D. Admission to a mental health institute under this section has no effect upon a sentence then being served or a commitment then in effect. The sentence continues to run and the commitment remains in force, unless terminated in accordance with law. While the sentence or commitment is in effect, the person may not receive a privilege, including, but not limited to, a furlough or its equivalent, a funeral or deathbed visit or the use of tobacco, unless the chief administrative officer of the correctional facility approves the receipt of the privilege.

See title page for effective date.

**CHAPTER 103
H.P. 657 - L.D. 868**

**An Act To Amend the Civil
Foreclosure Laws**

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

Sec. 1. 14 MRSA §6323, sub-§1, as amended by PL 2005, c. 291, §1, is further amended to read: