

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

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

Penmor Lithographers
Lewiston, Maine
2008

CHAPTER 474
S.P. 116 - L.D. 372

**An Act To Strengthen the
Crime of Gross Sexual Assault
as It Pertains to Persons Who
Furnish Drugs to Victims**

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

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

A. The actor has substantially impaired the other person's power to appraise or control the other person's sexual acts by furnishing, as defined in section 1101, subsection 18, paragraph A, administering or employing drugs, intoxicants or other similar means. Violation of this paragraph is a Class B crime;

Sec. 2. 17-A MRSA §253, sub-§3, as repealed and replaced by PL 1989, c. 401, Pt. A, §4, is repealed and the following enacted in its place:

3. It is a defense to a prosecution under subsection 2, paragraph A that the other person voluntarily consumed or allowed administration of the substance with knowledge of its nature, except that it is no defense when:

A. The other person is a patient of the actor and has a reasonable belief that the actor is administering the substance for medical or dental examination or treatment; or

B. The other person is in fact 14 or 15 years of age.

See title page for effective date.

CHAPTER 475
H.P. 882 - L.D. 1240

**An Act To Implement the
Recommendations of the
Criminal Law Advisory
Commission**

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

Sec. 1. 14 MRSA §3141, sub-§2, as enacted by PL 1987, c. 414, §2, is repealed.

Sec. 2. 14 MRSA §3141, sub-§4, as amended by PL 1989, c. 875, Pt. E, §17, is further amended to read:

4. Installment payments. If the court concludes that the defendant has the ability to pay the fine, but that requiring the defendant to make immediate payment in full would cause a severe and undue hardship for the defendant and the defendant's dependents, the court may authorize payment of the fine by means of installment payments in accordance with this subsection. When a court authorizes payment of a fine by means of installment payments, it shall issue, without a separate disclosure hearing, an order that the fine be paid in full by a date certain, that the defendant has a legal duty to move the court for a modification of time or method of payment to avoid a default and that in default of payment the defendant must appear in court to explain the failure to pay.

In fixing the date of payment, the court shall issue an order ~~which that~~ will complete payment of the fine as promptly as possible without creating a severe and undue hardship for the defendant and the defendant's dependents.

Sec. 3. 15 MRSA §103-A is enacted to read:

§103-A. Commitment affected by certain sentences

1. Interruption of commitment. When a person while in the custody of the Commissioner of Health and Human Services pursuant to a commitment order under section 103 is found by a court to be in violation of the person's conditional release for a Maine conviction and new institutional confinement is ordered, or a person commits a Maine crime for which the person is subsequently convicted and the sentence imposed includes a straight term of imprisonment or a split sentence, the person must be placed in execution of that punishment, and custody pursuant to the commitment order under section 103 must automatically be interrupted thereby. In the event execution of that punishment is stayed pending appeal, the commitment under section 103 continues for the stay's duration. The person must be returned to the custody of the Commissioner of Health and Human Services pursuant to the commitment order under section 103 when the new institutional confinement ordered or the straight term of imprisonment or the unsuspended portion of the split sentence imposed has been fully served.

Sec. 4. 15 MRSA §812, sub-§2, as amended by PL 1995, c. 680, §1, is further amended to read:

2. Notification to victims and law enforcement officers. ~~Before~~ Whenever practicable, before submitting a negotiated plea to the court, the attorney for the State shall advise ~~make~~ a good faith effort to inform the relevant law enforcement officers of the details of the plea agreement reached in any prosecution where the defendant was originally charged with murder, a Class A, B or C crime or a violation of Title 17-A, chapter 9, 11, 12 or 13 and, with respect to victims, shall advise victims of their rights under comply with Title 17-A, section 1172, subsection 1, para-