

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

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

Augusta, Maine
2009

subsection 1, paragraph H or section 3314, subsection 7 may be, upon the order of a court, in an adult section of a jail or other secure detention facility intended or primarily used for the detention of adults and may extend beyond the time limits set out in section 3203-A; and

B. If the person has attained 21 years of age or has been convicted as an adult in another jurisdiction and has attained 18 years and 6 months of age, any detention pursuant to section 3203-A and any confinement pursuant to section 3314, subsection 1, paragraph H or section 3314, subsection 7 must be in an adult section of a jail or other secure detention facility intended or primarily used for the detention of adults and may extend beyond the time limits set out in section 3203-A.

Sec. 9. 15 MRSA §3307, sub-§2, ¶B, as amended by PL 1995, c. 470, §7, is further amended to read:

B. The general public is excluded from all other juvenile hearings and proceedings, except that a juvenile charged with a juvenile crime that would constitute murder or a Class A, Class B or Class C offense and with a juvenile crime that would constitute a juvenile's first Class D offense or Class E offense or with conduct described in section 3103, subsection 1, paragraph B, C, ~~D~~ or E, arising from the same underlying transaction may elect to have all charges adjudicated in one hearing, and, when a juvenile does so elect, the general public is not excluded from that hearing.

Sec. 10. 15 MRSA §3310, sub-§4, as amended by PL 2005, c. 87, §3, is further amended to read:

4. Standard of proof. If the court finds that the elements of the juvenile crime as defined in section 3103, subsection 1, paragraph A, ~~D~~, E, F, G or H are not supported by evidence beyond a reasonable doubt or that the elements of a juvenile crime as defined in section 3103, subsection 1, paragraph B or C are not supported by a preponderance of the evidence, the court shall order the petition dismissed and the juvenile discharged from any detention or restriction previously ordered. The juvenile's parents, guardian or other legal custodian must also be discharged from any restriction or other temporary order.

Sec. 11. 15 MRSA §3310, sub-§5, ¶A, as amended by PL 2005, c. 87, §4, is further amended to read:

A. If the court finds that the allegations of the petition alleging a juvenile crime as defined in section 3103, subsection 1, paragraph A, ~~D~~, E, F, G or H are supported by evidence beyond a reasonable doubt or that the allegations of a petition alleging a juvenile crime as defined in section 3103, subsection 1, paragraph B or C are sup-

ported by a preponderance of the evidence, the court shall adjudge that the juvenile committed a juvenile crime and shall, in all such adjudications, issue an order of adjudication.

Sec. 12. 15 MRSA §3314, sub-§1, ¶G, as amended by PL 2005, c. 507, §11, is further amended to read:

G. Except for a violation of section 3103, subsection 1, paragraph ~~D~~ or H, the court may impose a fine, subject to Title 17-A, sections 1301 to 1304, except that there is no mandatory minimum fine amount. For the purpose of this section, juvenile offenses defined in section 3103, subsection 1, paragraphs B and C are deemed Class E crimes.

Sec. 13. 15 MRSA §3314-A, as amended by PL 1993, c. 354, §10, is further amended to read:

§3314-A. Period of probation; modification and discharge

The period of probation of a juvenile, its modification and discharge, is as provided by Title 17-A, section 1202, except that the period of probation of a juvenile convicted of a juvenile crime as defined by section 3103, subsection 1, paragraph B, C, ~~D~~ or E may not exceed one year. The period of probation may extend beyond the juvenile's 21st birthday.

Sec. 14. 30 MRSA §6209-A, sub-§1, ¶B, as enacted by PL 1995, c. 388, §6 and affected by §8, is amended to read:

B. Juvenile crimes against a person or property involving conduct that, if committed by an adult, would fall within the exclusive jurisdiction of the Passamaquoddy Tribe under paragraph A, and juvenile crimes, as defined in Title 15, section 3103, subsection 1, paragraphs B ~~to D~~ and C, committed by a juvenile member of either the Passamaquoddy Tribe or the Penobscot Nation on the reservation of the Passamaquoddy Tribe;

See title page for effective date.

CHAPTER 94

H.P. 345 - L.D. 483

An Act To Improve the Service of Protection from Harassment and Protection from Abuse Orders and the Collection of Restitution by the Department of Corrections

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

Sec. 1. 5 MRSA §4654, sub-§5, as amended by PL 2003, c. 658, §7, is further amended to read:

5. Service of order. If the court issues a temporary order or orders emergency or interim relief, the court shall order a law enforcement agency or, if the defendant is present in the courthouse, a court security officer qualified pursuant to Title 4, section 17, subsection 15 or, if the defendant is in the custody of the Department of Corrections, the Department of Corrections to serve the defendant personally with the order, the complaint and the summons. The court shall cause the order to be delivered to the law enforcement agency, the court security officer or the correctional facility in which the defendant is incarcerated as soon as practicable following the issuance of the order, and the law enforcement agency, court security officer or chief administrative officer of the correctional facility or the chief administrative officer's designee shall make a good faith effort to serve process expeditiously.

Sec. 2. 5 MRSA §4655, sub-§6, as amended by PL 1999, c. 542, §2, is further amended to read:

6. Service of order or consent decree. The court shall order a law enforcement agency; or, if the defendant is present in the courthouse, a court security officer qualified pursuant to Title 4, section 17, subsection 15; or, if the defendant is in the custody of the Department of Corrections, the chief administrative officer or the chief administrative officer's designee at the correctional facility, to serve the defendant personally with ~~any~~ a protective order or consent decree.

Sec. 3. 17-A MRSA §1326-A, as enacted by PL 1999, c. 469, §1, is amended to read:

§1326-A. Time and method of restitution

When restitution is authorized, and the offender is not committed to the Department of Corrections or does not receive a sentence that includes a period of probation, the time and method of payment or of the performance of the services must be specified. Except when the offender is placed on probation, by the court and monetary compensation may be ordered paid to the office of the prosecuting attorney who is prosecuting the case or to the clerk of the court. If the offender is placed on committed to the Department of Corrections or receives a sentence that includes a period of probation, the monetary compensation may must be ordered paid to the Department of Corrections and the time and method of payment must be determined by the Department of Corrections during the term of commitment or the period of probation. Once any term of commitment to the Department of Corrections or period of probation is completed and if the restitution ordered has not been paid in full, the offender is subject to the provisions of section 1329, including a specification by the court of the time and method of payment of monetary compensation upon a finding of excusable default. The state agency receiving the restitution shall deposit any money received in the account maintained by the Treasurer of State for deposit

of state agency funds, from which funds are daily transferred to an investment account and invested. Interest accrued on that money is the property of and accrues to the State for deposit in the General Fund. The agency receiving the restitution shall make the disbursement to the victim or other authorized claimant as soon as possible after the agency receives the money.

Sec. 4. 17-A MRSA §1328-A, as enacted by PL 1997, c. 413, §5, is amended to read:

§1328-A. Modification of restitution

A convicted person who can not make restitution payments in the manner ordered by the court or determined by the Department of Corrections pursuant to section 1326-A shall move the court for a modification of the time or method of payment or service to avoid a default. The court may modify its prior order or the determination of the Department of Corrections to reduce the amount of each installment or to allow additional time for payment or service.

Sec. 5. 19-A MRSA §4006, sub-§6, as amended by PL 2001, c. 134, §5, is further amended to read:

6. Service of order. If the court issues a temporary order or orders emergency or interim relief, the court shall order an appropriate law enforcement agency or, if the defendant is present in the courthouse, a court security officer qualified pursuant to Title 4, section 17, subsection 15 or, if the defendant is in the custody of the Department of Corrections, the Department of Corrections to serve the defendant personally with the order, the complaint and the summons. The court shall cause the order to be delivered to the law enforcement agency or, court security officer or the correctional facility in which the defendant is incarcerated as soon as practicable following the issuance of the order and the law enforcement agency or, court security officer or chief administrative officer of a correctional facility or the chief administrative officer's designee shall make a good faith effort to serve process expeditiously.

Sec. 6. 19-A MRSA §4007, sub-§6, as amended by PL 1999, c. 67, §2, is further amended to read:

6. Service of order or consent decree. The court shall order a law enforcement agency; or, if the defendant is present in the courthouse, a court security officer qualified pursuant to Title 4, section 17, subsection 15; or, if the defendant is in the custody of the Department of Corrections, the chief administrative officer or the chief administrative officer's designee at the correctional facility, to serve the defendant personally with a protective order or consent decree.

See title page for effective date.