

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

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

Augusta, Maine
2012

GENERAL FUND	2011-12	2012-13
All Other	\$0	\$7,000
GENERAL FUND TOTAL	\$0	\$7,000

See title page for effective date.

**CHAPTER 676
S.P. 604 - L.D. 1756**

**An Act To Establish a Separate
State Council for Juveniles
under the Interstate Compact
for Juveniles**

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

Sec. 1. 34-A MRSA §9921, as enacted by PL 2003, c. 706, Pt. B, §9, is amended to read:

§9921. State Council for Adult Offender Supervision established

The State Council for ~~Juvenile and~~ Adult Offender Supervision, referred to in this section as "the council," is established to provide oversight and guidance to the State's participation in the Interstate Compact for Adult Offender Supervision ~~and the Interstate Compact for Juveniles.~~

1. Membership. The council consists of ~~at least~~ 7 members as follows:

A. ~~One member of the~~ The Senate, appointed by the President of the Senate chair of the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters or the chair's designee;

B. ~~One member of the~~ The House of Representatives, appointed by the Speaker of the House chair of the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters or the chair's designee;

C. Three members who are appointed by the ~~Governor~~ commissioner for a term of 4 years, or until a successor is appointed, and who are eligible for reappointment at the discretion of the ~~Governor~~ commissioner:

- (1) One prosecutor;
- (2) One representative of a statewide association representing victims of crime; and
- (3) One representative representing law enforcement;

D. The compact ~~administrators~~ administrator for the Interstate Compact for Adult Offender Super-

~~vision and the Interstate Compact for Juveniles, who may be designees a designee appointed by the Commissioner of Corrections commissioner to administer the Interstate Compact for Adult Offender Supervision and the Interstate Compact for Juveniles; and~~

E. The Associate Commissioner for Adult Services or the associate commissioner's designee; ~~and.~~

F. ~~The Associate Commissioner for Juvenile Services or the associate commissioner's designee.~~

The council shall invite the Chief Justice of the Supreme Judicial Court to designate a trial judge to act as advisor to the council.

Sec. 2. 34-A MRSA §9922 is enacted to read:

§9922. State Council for Juvenile Supervision established

The State Council for Juvenile Supervision, referred to in this section as "the council," is established to provide oversight and guidance to the State's participation in the Interstate Compact for Juveniles.

1. Membership. The council consists of 7 members as follows:

A. The Senate chair of the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters or the chair's designee;

B. The House chair of the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters or the chair's designee;

C. Three members who are appointed by the commissioner for a term of 4 years, or until a successor is appointed, who are eligible for reappointment at the discretion of the commissioner and who are members of the Juvenile Justice Advisory Group appointed by the Governor under section 1209:

- (1) One prosecutor;
- (2) One representative of a statewide association representing victims of crime; and
- (3) One representative representing law enforcement;

D. The compact administrator for the Interstate Compact for Juveniles, who may be a designee appointed by the commissioner to administer the Interstate Compact for Juveniles; and

E. The Associate Commissioner for Juvenile Services or the associate commissioner's designee.

The council shall invite the Chief Justice of the Supreme Judicial Court to designate a trial judge to act as advisor to the council.

Sec. 3. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 34-A, chapter 9, subchapter 8, in the subchapter headnote, the words "state council" are amended to read "state councils" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

CHAPTER 677

S.P. 603 - L.D. 1755

An Act Regarding the Interstate Compact for Adult Offender Supervision

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

Sec. 1. 34-A MRSA §9887, as enacted by PL 2005, c. 329, §13, is amended to read:

§9887. Supervision fee

The department may impose on a person accepted for supervision under this compact a supervision fee of between \$10 and \$50 per month, as determined by the department, for the term of supervision by the department. In determining the amount of the fee, the department shall take into account the financial resources of the person and the nature of the burden the payment imposes. A request for transfer of supervision may not be denied solely because the person is not able to pay the fee. When a person fails to pay the supervision fee, the department may request the person's return to the sending state unless the failure to pay was not attributable to the person's willful refusal to pay or to a failure on the person's part to make a good faith effort to obtain the funds required for the payment. Fees received by the department pursuant to this section must be deposited into the department's adult community corrections account, which may not lapse. Fees deposited pursuant to this section must be used to defray costs associated with the supervision of persons accepted for transfer, including, but not limited to, the purchase of materials and equipment for and operation of electronic monitoring and substance testing programs, the purchase of materials, equipment and training for probation officers and administrative costs.

Sec. 2. 34-A MRSA §9887-A is enacted to read:

§9887-A. Application fee

The department may impose on a person applying for transfer of supervision to another state under this

compact an application fee of \$100. An application for transfer of supervision may not be denied solely because the person is not able to pay the fee. When a person fails to pay the application fee, the department may refuse to process the application unless the failure to pay was not attributable to the person's willful refusal to pay or to a failure on the person's part to make a good faith effort to obtain the funds required for the payment. Fees received by the department pursuant to this section must be deposited into the department's adult community corrections account, which may not lapse. Fees deposited pursuant to this section must be used to defray costs associated with processing the applications for transfer, including, but not limited to, the purchase of materials, equipment and training for probation officers and administrative costs.

Sec. 3. 34-A MRSA §9887-B is enacted to read:

§9887-B. Biological sample for DNA analysis

A person accepted for supervision under this compact shall submit to having a DNA sample taken only if that person is convicted of a crime punishable by imprisonment for one year or more. The DNA sample may be taken at any time following commencement of the supervision period as directed by the person's probation officer. All other provisions of Title 25, chapter 194 govern the collection and use of the DNA sample as applicable.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

CORRECTIONS, DEPARTMENT OF Adult Community Corrections 0124

Initiative: Allocates supervision and application fee revenue dedicated to adult community corrections.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$0	\$242,920
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$242,920
CORRECTIONS, DEPARTMENT OF DEPARTMENT TOTALS	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS	\$0	\$242,920
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$242,920