

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2016 to April 29, 2016

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 29, 2016

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

Augusta, Maine
2016

Sec. 41. 17-A MRSA §1207, as amended by PL 2003, c. 17, §5, is repealed and the following enacted in its place:

§1207. Review

1. Discretionary appeal to the Law Court. Review of a revocation of probation pursuant to section 1206 must be by appeal to the Law Court. A person whose probation is revoked may not appeal as of right. The time for taking the appeal and the manner and any conditions for the taking of the appeal are as the Supreme Judicial Court provides by rule.

2. Assignment and withdrawal of counsel. Assignment and withdrawal of counsel must be in accordance with the Maine Rules of Unified Criminal Procedure.

Sec. 42. 17-A MRSA §1253, sub-§13, as enacted by PL 2003, c. 711, Pt. A, §18, is amended to read:

13. If a court imposes a sentencing alternative pursuant to section 1152 that includes a term of imprisonment, in setting the appropriate length of that term, as well as an unsuspended portion of that term, if any, the court may not consider the potential impact of deductions under subsections 2, 3, 3-B, 4, 5, 8, 9 and 10 except in the context of a plea agreement in which both parties are recommending to the court a particular disposition under the Maine Rules of Unified Criminal Procedure, Rule 11-A.

Sec. 43. 17-A MRSA §1348-B, sub-§4, as enacted by PL 2003, c. 711, Pt. A, §19, is amended to read:

4. The person at a hearing under this section or section 1348-A must be afforded the opportunity to confront and cross-examine witnesses against the person, to present evidence on that person's own behalf and to be represented by counsel. If the person who was granted deferred disposition pursuant to section 1348-A can not afford counsel, the court shall appoint counsel for the person. Assignment of counsel and withdrawal of counsel must be in accordance with the Maine Rules of Unified Criminal Procedure.

Sec. 44. 22 MRSA §3022, sub-§13, ¶B, as enacted by PL 2001, c. 221, §5, is amended to read:

B. A person may inspect and obtain a copy of communications identified in subsection 8, paragraphs C and D, except work product as defined in Rule ~~16(b)(3)~~ 16(a)(3) of the Maine Rules of Unified Criminal Procedure, as long as the communications would otherwise be open to inspection and release if in the possession or custody of the Department of the Attorney General or the office of a district attorney.

Sec. 45. 25 MRSA §1542-A, sub-§1, ¶D, as enacted by PL 1987, c. 512, §3, is amended to read:

D. Named in a Maine Rules of Unified Criminal Procedure 16A order ~~which~~ that directs that such person's fingerprints be taken;

See title page for effective date.

CHAPTER 432

H.P. 1102 - L.D. 1623

**An Act To Establish
Municipal Cost Components
for Unorganized Territory
Services To Be Rendered in
Fiscal Year 2016-17**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, prompt determination and certification of the municipal cost components in the Unorganized Territory Tax District are necessary to the establishment of a mill rate and the levy of the Unorganized Territory Educational and Services Tax; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. Municipal cost components for services rendered. In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for services and reimbursements to be rendered in fiscal year 2016-17 is as follows:

Audit - Fiscal Administration	\$251,277
Education	12,288,717
Forest Fire Protection	150,000
Human Services - General Assistance	65,000
Property Tax Assessment - Operations	935,000

Maine Land Use Planning Commission - Operations 544,194

Miscellaneous Revenues 10,000
Transfer from Unassigned Fund Balance 1,750,000

TOTAL STATE AGENCIES \$14,234,188

TOTAL GENERAL REVENUE DEDUCTIONS \$1,903,945

County Reimbursements for Services:

Aroostook \$1,251,259
Franklin 998,235
Hancock 236,660
Kennebec 10,669
Oxford 1,257,130
Penobscot 1,067,291
Piscataquis 962,139
Somerset 1,679,712
Washington 978,140

Educational Revenue -
Land Reserved Trust \$70,000
Tuition/Travel 110,768
United States Forest Service - Payment in Lieu of Taxes 15,000
Special - Teacher Retirement 223,281

TOTAL COUNTY SERVICES \$8,441,235

TOTAL EDUCATION REVENUE DEDUCTIONS \$419,049

COUNTY TAX INCREMENT FINANCING DISTRIBUTIONS FROM FUND

Tax Increment Financing Payments \$2,027,000

TOTAL DEDUCTIONS \$2,322,994

TOTAL REQUIREMENTS \$24,702,423

TAX ASSESSMENT BEFORE COUNTY TAXES AND OVERLAY \$22,379,429

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

Effective April 6, 2016.

COMPUTATION OF ASSESSMENT

Total Requirements \$24,702,423

Less Revenue Deductions:

General Revenue -
State Revenue Sharing \$50,000
Homestead Reimbursement 93,945

CHAPTER 433

H.P. 1023 - L.D. 1500

An Act To Protect and Promote Access to Sport Shooting Ranges

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

Sec. 1. 17 MRSA §2806, sub-§§1 and 2, as enacted by PL 1995, c. 231, §1, are amended to read: