

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 2016 to August 2, 2017

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
NOVEMBER 1, 2017

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

Augusta, Maine
2017

B. Before employing instructors in career and technical education, the superintendent shall obtain the approval of the Department of Education.

4. Employment. The commissioner may authorize the employment of prisoners of the Mountain View Correctional Facility on public works with any department, agency or entity of the State or county or local government and may authorize the use of prisoners to provide assistance in the improvement of property owned by nonprofit organizations.

A. The commissioner shall adopt rules that the commissioner considers proper to ensure the care and treatment of the prisoners and the safe working conditions of prisoners and department employees.

B. The purpose of the employment authorized in this subsection is to provide training to the prisoner and to be a form of public restitution for the crime or crimes committed by the prisoner.

C. The prisoners employed under this subsection may not be compensated monetarily for the work performed.

D. The commissioner may request that nonprofit organizations pay for the transportation of the prisoners and pay the per diem compensation of correctional officers or instructors who must accompany the prisoners or oversee the work to be performed.

5. Escape. A prisoner who escapes from the Mountain View Correctional Facility, or from any assignment beyond the grounds of the facility, is guilty of escape under Title 17-A, section 755.

Sec. 28. 34-A MRSA §5402, sub-§2, ¶H, as amended by PL 2005, c. 328, §25, is further amended to read:

H. Issue warrants for the arrest of parole violators and juveniles who violate conditions of placement on community reintegration status pursuant to sections section 3810 and former section 4112;

Sec. 29. 34-B MRSA §6205, as amended by PL 2011, c. 542, Pt. A, §134, is further amended to read:

§6205. Services for juveniles committed to Long Creek Youth Development Center

1. Department authority. The department may provide consultation services to any juvenile with an intellectual disability or autism committed to the Long Creek Youth Development Center ~~or the Mountain View Youth Development Center~~ if those services are requested by the Commissioner of Corrections or the commissioner's designee. Consultation services may include participation by appropriate department professionals on the Classification Committee of the Long Creek Youth Development Center ~~or the Classification~~

~~Committee of the Mountain View Youth Development Center~~ in order to assist in the design of individual treatment plans to provide habilitation, education and skill training to juveniles with an intellectual disability or autism in residence at the Long Creek Youth Development Center ~~or the Mountain View Youth Development Center.~~

2. Support services. Whenever a program has been designed for a juvenile with an intellectual disability or autism by the Classification Committee of the Long Creek Youth Development Center ~~or the Classification Committee of the Mountain View Youth Development Center~~ and the classification committee has included participation by the department professionals, the department shall provide, insofar as possible, support services to implement that program.

3. Case management. The department may provide case management services to juveniles with intellectual disabilities or autism who are released from the Long Creek Youth Development Center ~~or the Mountain View Youth Development Center.~~

Sec. 30. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 34-A, chapter 3, subchapter 8, in the subchapter headnote, the words "mountain view youth development center" are amended to read "mountain view correctional facility" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

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

Effective June 8, 2017.

CHAPTER 149

S.P. 504 - L.D. 1458

**An Act To Amend the Law
Relating to the Crime of
Hindering Apprehension or
Prosecution**

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

Whereas, current laws relating to the crime of hindering apprehension or prosecution do not include hindering the apprehension or prosecution of persons who violate probation, supervised release for sex offenders, or the terms of deferred disposition, administrative release or parole and therefore create significant barriers to timely arrest and prosecution that are of immediate concern; 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. 17-A MRSA §753, sub-§§1-C and 1-D are enacted to read:

1-C. A person is guilty of hindering apprehension or prosecution if the person hinders the apprehension or prosecution of the other person for a violation of administrative release, probation, supervised release for sex offenders or parole by any means described in subsection 1-B, paragraphs A to F with the intent to hinder, prevent or delay discovery, apprehension, prosecution, revocation or punishment for the violation. The sentencing class for hindering apprehension or prosecution of the other person is one class less than the crime for which the other person was originally sentenced, except that if the crime for which the other person was originally sentenced is a Class E crime, hindering apprehension or prosecution is a Class E crime.

1-D. A person is guilty of hindering apprehension or prosecution if the person hinders the apprehension or prosecution of the other person for a violation of deferred disposition by any means described in subsection 1-B, paragraphs A to F with the intent to hinder, prevent or delay discovery, apprehension, prosecution, termination of the period of deferment or punishment for the violation or crime to which the other person originally pled guilty. The sentencing class for hindering apprehension or prosecution of the other person is one class less than the crime for which the other person originally pled guilty, except that if the crime to which the other person originally pled guilty is a Class E crime, hindering apprehension or prosecution is a Class E crime.

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

Effective June 8, 2017.

CHAPTER 150
S.P. 182 - L.D. 547

**An Act To Update Maine's
Fishing Laws**

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

Sec. 1. 12 MRSA §10001, sub-§6, ¶¶D, G and H, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, are repealed.

Sec. 2. 12 MRSA §10001, sub-§53-A is enacted to read:

53-A. River herring. "River herring" means the species *Alosa pseudoharengus*, commonly called alewife, and *Alosa aestivalis*, commonly called blueback herring.

Sec. 3. 12 MRSA §12457, sub-§2, as enacted by PL 2003, c. 655, Pt. B, §245 and affected by §422, is amended to read:

2. Prohibition. A person may not fish in inland waters closed to fishing as described in this section except that a person may fish for alewives river herring and smelts in the manner provided under the laws regulating marine resources.

Sec. 4. 12 MRSA §12506, as amended by PL 2015, c. 494, Pt. A, §9, is further amended to read:

§12506. Eel, sucker, lamprey and yellow perch harvesting method permit; elver prohibition; limitations on river herring harvesting

1. Permit required. Except as otherwise authorized pursuant to this Part and except as provided in subsection 5-A, a person may not fish for or possess the following fish using the harvesting methods listed in subsection 2 without a valid permit issued under this section:

- B. Eels;
- C. Suckers;
- D. Lampreys; or
- E. Yellow perch.

Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

2. Issuance. The commissioner may adopt rules providing for the issuance of permits to fish for or possess the following fish using the following harvesting methods in the inland waters of the State, provided the permits do not interfere with any rights granted under section 6131:

- A. Eels using eel pots or weirs;
- B. Suckers and yellow perch using trap nets, dip nets or spears;
- C. Lampreys by hand or using hand-held dip nets; and
- E. Yellow perch using seines.