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Date: (Filing No. H-)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 280, L.D. 374, Bill, “An Act To Recodify and Revise Certain Portions of the Maine Criminal Code”

Amend the bill by inserting after the title and before the enacting clause the following:

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

Whereas, since the Maine Criminal Code became effective on May 1, 1976, Part 3, addressing punishments, has undergone extensive additions and amendments, each of which was done separately and without reorganization of content; and

Whereas, the proposed recodification and revision of Part 3 of the Maine Criminal Code that is contained in this legislation will greatly assist prosecutors, defense attorneys, advocates and judges in their daily work within the criminal justice system; and

Whereas, emergency enactment of this legislation is critical to enable the Legislature to consider this recodification and revision when enacting other legislation during the First Regular Session of the 128th Legislature; 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,'

Amend the bill in Part A in section 2 in the first line (page 1, line 4 in L.D.) by striking out the following: "Pt. 6 is" and inserting the following: 'Pts. 6 and 7 are'

Amend the bill in Part A in section 2 in §1602 in subsection 1 in paragraph B in the first line (page 6, line 5 in L.D.) by striking out the following: "period" and inserting the following: 'term'

Amend the bill in Part A in section 2 in §1602 in subsection 1 in paragraph C in the first line (page 6, line 10 in L.D.) by striking out the following: "period" and inserting the following: 'term'

COMMITTEE AMENDMENT

1 Amend the bill in Part A in section 2 in §1602 in subsection 3 in the last line (page 6,
2 line 24 in L.D.) by striking out the following: "period" and inserting the following: 'term'

3 Amend the bill in Part A in section 2 in §1604 in subsection 1 in paragraph D in the
4 first line (page 7, line 8 in L.D.) by inserting after the following: "crime," the following:
5 'less than'

6 Amend the bill in Part A in section 2 in §1604 in subsection 2 in paragraph B in the
7 2nd line (page 7, line 16 in L.D.) by striking out the following: "period" and inserting the
8 following: 'term'

9 Amend the bill in Part A in section 2 in §1604 in subsection 7 in paragraph A in the
10 8th line (page 9, line 13 in L.D.) by striking out the following: "period" and inserting the
11 following: 'term'

12 Amend the bill in Part A in section 2 in §1604 in subsection 7 in paragraph B in the
13 8th line (page 9, line 27 in L.D.) by striking out the following: "period" and inserting the
14 following: 'term'

15 Amend the bill in Part A in section 2 in §1604 in subsection 7 in paragraph C in the
16 7th line (page 9, line 41 in L.D.) by striking out the following: "period" and inserting the
17 following: 'term'

18 Amend the bill in Part A in section 2 in §1608 by striking out all of subsection 4
19 (page 11, lines 16 to 23 in L.D.) and inserting the following:

20 **'4. When new sentence is to be served consecutively for individual on probation,**
21 **administrative release or supervised release. If an individual has been placed on**
22 **probation, administrative release or supervised release pursuant to a previously imposed**
23 **sentence and the court determines that the previously imposed sentence and a new**
24 **sentence must be served consecutively, the court shall revoke probation or administrative**
25 **release pursuant to section 1812, subsections 5 and 6 or terminate supervised release**
26 **pursuant to section 1881, subsection 6. The court may order that the sentence that had**
27 **been suspended be served at the same institution as that which is specified by the new**
28 **sentence.'**

29 Amend the bill in Part A in section 2 in §1608 in subsection 7 in the 5th line (page
30 12, line 5 in L.D.) by striking out the following: "8 and" and inserting the following: '8.'

31 Amend the bill in Part A in section 2 in §1608 in subsection 7 in the 6th line (page
32 12, line 6 in L.D.) by inserting after the following: "subsection 12" the following: ',
33 section 1852, subsection 5 and section 1881, subsection 6'

34 Amend the bill in Part A in section 2 in §1610 in subsection 3 in the 2nd line from the
35 end (page 13, line 6 in L.D.) by inserting after the following: "administrative release" the
36 following: 'involving imprisonment in a county jail'

37 Amend the bill in Part A in section 2 in §1706 in subsection 1 in the first paragraph in
38 the 5th line from the end (page 15, line 18 in L.D.) by striking out the following: "at
39 trial"

40 Amend the bill in Part A in section 2 in §1751 in subsection 5 in the blocked
41 paragraph in the 6th line (page 19, line 38 in L.D.) by striking out the following: "1205"
42 and inserting the following: '1811'

1 Amend the bill in Part A in section 2 in §1804 in subsection 12 in the first line (page
2 25, line 40 in L.D.) by striking out the following: "**Any court authorized to terminate**"
3 and inserting the following: "**Termination of**"

4 Amend the bill in Part A in section 2 in §1804 in subsection 12 in the 3rd line (page
5 25, line 42 in L.D.) by striking out the following: "may" and inserting the following:
6 'shall'

7 Amend the bill in Part A in section 2 in §1805 in subsection 1 in paragraph A in the
8 first line (page 26, line 12 in L.D.) by striking out the following: "from the" and inserting
9 the following: 'from an'

10 Amend the bill in Part A in section 2 in §1811 in subsection 5 in the 3rd line (page
11 32, line 28 in L.D.) by striking out the following: "subsection 2" and inserting the
12 following: 'subsection 2-A'

13 Amend the bill in Part A in section 2 in §1812 in subsection 9 in the 2nd line (page
14 34, line 27 in L.D.) by inserting after the following: "correctional facility" the following:
15 'mental health institute'

16 Amend the bill in Part A in section 2 in §1812 in subsection 10 in the last line (page
17 34, line 41 in L.D.) by inserting after the following: "subsection 1" the following: ' ,
18 paragraph D'

19 Amend the bill in Part A in section 2 in §1814 in subsection 2 in the first paragraph in
20 the first line (page 35, line 27 in L.D.) by inserting after the following: "correctional
21 facility" the following: 'or county jail'

22 Amend the bill in Part A in section 2 in §1852 in subsection 5 in the 2nd line (page
23 36, line 36 in L.D.) by striking out the following: "may" and inserting the following:
24 'shall'

25 Amend the bill in Part A in section 2 in §1881 in subsection 6 in the 2nd line (page
26 40, line 7 in L.D.) by striking out the following: "may" and inserting the following:
27 'shall'

28 Amend the bill in Part A in section 2 in §2303 in subsection 1 in the 4th line (page
29 62, line 23 in L.D.) by inserting after the following: "Corrections" the following: 'or the
30 commissioner's designee'

31 Amend the bill in Part A in section 2 in §2306 in subsection 2 in the 2nd line (page
32 64, line 35 in L.D.) by inserting after the following: "correctional facility" the following:
33 'mental health institute'

34 Amend the bill in Part A in section 2 in §2307 in subsection 6 in the 5th line (page
35 66, line 36 in L.D.) by striking out the following: "warranted by the" and inserting the
36 following: 'warranted in the discretion of the'

37 Amend the bill in Part A in section 2 in §2308 in subsection 2 in the first paragraph in
38 the 7th line (page 67, line 33 in L.D.) by striking out the following: "warranted by the"
39 and inserting the following: 'warranted in the discretion of the'

1 Amend the bill in Part A in section 2 in §2308 in subsection 4 in the last line (page
2 68, line 14 in L.D.) by striking out the following: "warranted by the" and inserting the
3 following: 'warranted in the discretion of the'

4 Amend the bill in Part A in section 2 in §2309 in subsection 4 in the last line (page
5 69, line 24 in L.D.) by striking out the following: "warranted by the" and inserting the
6 following: 'warranted in the discretion of the'

7 Amend the bill in Part A in section 2 in §2310 in subsection 5 in the 4th line (page
8 71, line 17 in L.D.) by striking out the following: "determined by" and inserting the
9 following: 'determined in the discretion of'

10 Amend the bill in Part A in section 2 in §2310 in subsection 6 in the 8th line (page
11 71, line 26 in L.D.) by striking out the following: "deductions by the" and inserting the
12 following: 'deductions in the discretion of the'

13 Amend the bill in Part A in section 2 in §2310 in subsection 7 in the first paragraph in
14 the 11th line (page 72, line 7 in L.D.) by striking out the following: "deductions by the"
15 and inserting the following: 'deductions in the discretion of the'

16 Amend the bill in Part A in section 2 in §2313 in the first line (page 73, line 34 in
17 L.D.) by inserting after the following: "Deductions" the following: 'relative to parole
18 eligibility'

19 Amend the bill in Part B by inserting after section 6 the following:

20 '**Sec. B-7. 17-A MRSA §6, sub-§1**, as amended by PL 1989, c. 502, Pt. D, §9, is
21 further amended to read:

22 **1.** The provisions of Parts 1 ~~and 3, 6 and 7~~ and chapter 7 are applicable to crimes
23 defined outside this code, unless the context of the statute defining the crime clearly
24 requires otherwise.'

25 Amend the bill in Part B in section 14 in §1125 in subsection 1 in the 2nd line (page
26 77, line 39 in L.D.) by inserting after the following: "and 3," the following: 'for a person
27 convicted of violating section 1105-A, 1105-B, 1105-C, 1105-D or 1118-A'

28 Amend the bill by striking out all of Part C and inserting the following:

29 **'PART C**

30 **Sec. C-1. 7 MRSA §616-A, sub-§2-A**, as enacted by PL 2003, c. 452, Pt. B, §7
31 and affected by Pt. X, §2, is amended to read:

32 **2-A. Criminal violation.** A person may not intentionally or knowingly violate this
33 subchapter or Title 22, chapter 258-A, a rule adopted under this subchapter or Title 22,
34 chapter 258-A or a restriction of a registration issued pursuant to this subchapter. A
35 person who violates this subsection commits a Class E crime. Notwithstanding Title
36 17-A, ~~sections 1252 and 1301~~ section 1604, subsection 1 and sections 1704 and 1705, the
37 court may impose a sentencing alternative of a fine of not more than \$7,500 or a term of
38 imprisonment of not more than 30 days, or both, for each violation. Prosecution under
39 this subsection is by summons and not by warrant. A prosecution under this subsection is
40 separate from an action brought pursuant to subsection 2.

1 **Sec. C-2. 7 MRSA §3952, sub-§1**, as amended by PL 2011, c. 82, §1, is further
2 amended to read:

3 **1. Procedure.** Any person who is assaulted or threatened with imminent bodily
4 injury by a dog or any person witnessing an assault or threatened assault against a person
5 or domesticated animal or a person with knowledge of an assault or threatened assault
6 against a minor, within 30 days of the assault or threatened assault, may make written
7 complaint to the sheriff, local law enforcement officer or animal control officer that the
8 dog is a dangerous dog. For the purposes of this chapter, "domesticated animal" includes,
9 but is not limited to, livestock as defined in section 3907, subsection 18-A.

10 Upon investigation of the complaint, the sheriff, local law enforcement officer or animal
11 control officer may issue a civil violation summons for keeping a dangerous dog.

12 If, upon hearing, the court finds that the dog is a dangerous dog as defined in section
13 3907, subsection 12-D, the court shall impose a fine and shall:

14 A. Order the dog confined in a secure enclosure except as provided in paragraph C or
15 subsection 8. For the purposes of this paragraph, "secure enclosure" means a fence or
16 structure of at least 6 feet in height forming or making an enclosure suitable to
17 prevent the entry of young children and suitable to confine a dangerous dog in
18 conjunction with other measures that may be taken by the owner or keeper, such as
19 tethering the dangerous dog. The secure enclosure must be locked, be designed with
20 secure top, bottom and sides and be designed to prevent the animal from escaping
21 from the enclosure. The court shall specify the length of the period of confinement
22 and may order permanent confinement;

23 B. Order the dog to be euthanized if it has killed, maimed or inflicted serious bodily
24 injury upon a person or has a history of a prior assault or a prior finding by the court
25 of being a dangerous dog; or

26 C. Order the dog to be securely muzzled, restricted by a tether not more than 3 feet
27 in length with a minimum tensile strength of 300 pounds and under the direct control
28 of the dog's owner or keeper whenever the dog is off the owner's or keeper's
29 premises.

30 The court may order restitution in accordance with Title 17-A, chapter ~~54~~ 69 for any
31 damages inflicted upon a person or a person's property.

32 **Sec. C-3. 9-B MRSA §466, sub-§11, ¶A**, as amended by PL 2003, c. 452, Pt. D,
33 §1 and affected by Pt. X, §2, is further amended to read:

34 A. A person responsible for an act or omission expressly declared to be a criminal
35 offense by statutes pertaining to the supervision of financial institutions and for
36 which no other penalty has been provided by statute commits a Class E crime, except
37 notwithstanding Title 17-A, section ~~1304~~ 1704, a fine of not more than \$5,000 may
38 be imposed upon ~~a natural person~~ an individual.

39 **Sec. C-4. 10 MRSA §1174, sub-§3, ¶R**, as amended by PL 1995, c. 65, Pt. A,
40 §15 and affected by §153 and Pt. C, §15, is further amended to read:

41 R. To cancel, terminate, fail to renew or refuse to continue any franchise relationship
42 with a licensed new motor vehicle dealer, notwithstanding the terms, provisions or

1 conditions of any agreement or franchise or the terms or provisions of any waiver,
2 without first furnishing notification of the termination to the new motor vehicle
3 dealer as follows:

4 (1) Notification under this paragraph ~~shall~~ must be in writing, ~~shall~~ must be by
5 certified mail or personally delivered to the new motor vehicle dealer and ~~shall~~
6 must contain:

7 (a) A statement of intention to terminate the franchise, cancel the franchise
8 or not to renew the franchise;

9 (b) A statement of the reasons for the termination, cancellation or
10 nonrenewal; and

11 (c) The date on which the termination, cancellation or nonrenewal takes
12 effect;

13 (2) The notice described in this paragraph ~~shall~~ may not be less than 90 days
14 prior to the effective date of the termination, cancellation or nonrenewal; or

15 (3) The notice described in this paragraph ~~shall~~ may not be less than 15 days
16 prior to the effective date of the termination, cancellation or nonrenewal with
17 respect to any of the following:

18 (a) Insolvency of the new motor vehicle dealer, or filing of any petition by or
19 against the new motor vehicle dealer under any bankruptcy or ~~receivership~~
20 receivership law;

21 (b) The business operations of the franchised motor vehicle dealer have been
22 abandoned or closed for 7 consecutive business days unless the closing is due
23 to an act of God, strike or labor difficulty;

24 (c) Conviction of or plea of nolo contendere of a franchised motor vehicle
25 dealer, or one of its principal owners, of any Class A, B or C crime, as
26 defined in the Maine Criminal Code, Title 17-A, in which a sentence of
27 imprisonment of one year or more is imposed under Title 17-A, sections
28 ~~1254 1603~~ and ~~1252 1604~~; or

29 (d) Revocation of the franchised motor vehicle dealer's license pursuant to
30 Title 29-A, section 903;

31 **Sec. C-5. 10 MRSA §1243, sub-§3, ¶Q**, as enacted by PL 1997, c. 473, §3, is
32 amended to read:

33 Q. To cancel, terminate, fail to renew or refuse to continue any franchise relationship
34 with a licensed new personal sports mobile dealer, notwithstanding the terms,
35 provisions or conditions of any agreement or franchise or the terms or provisions of
36 any waiver, without first providing notification of the termination, cancellation,
37 nonrenewal or noncontinuance to the new personal sports mobile dealer as follows:

38 (1) Notification under this paragraph must be in writing and must be delivered
39 personally or by certified mail to the new personal sports mobile dealer and must
40 contain:

1 (a) A statement of intention to terminate, cancel, not continue or not renew
2 the franchise;

3 (b) A statement of the reasons for the termination, cancellation,
4 noncontinuance or nonrenewal; and

5 (c) The date on which the termination, cancellation, noncontinuance or
6 nonrenewal takes effect;

7 (2) The notice required in this paragraph may not be given less than 90 days prior
8 to the effective date of the termination, cancellation, noncontinuance or
9 nonrenewal, except as provided in subparagraph (3); or

10 (3) The notice required in this paragraph may not be given less than 15 days prior
11 to the effective date of the termination, cancellation, noncontinuance or
12 nonrenewal with respect to any of the following:

13 (a) Insolvency of the new personal sports mobile dealer or filing of any
14 petition by or against the new personal sports mobile dealer under any
15 bankruptcy or receivership law;

16 (b) The business operations of the personal sports mobile dealer have been
17 abandoned or closed for 14 consecutive business days unless the closing is
18 due to an act of God, strike or labor difficulty; or

19 (c) Conviction of or plea of nolo contendere of a personal sports mobile
20 dealer or one of its principal owners of any Class A, Class B or Class C
21 crime, as defined in Title 17-A, in which a sentence of imprisonment of one
22 year or more is imposed under Title 17-A, sections ~~1251~~ 1603 and ~~1252~~
23 1604; or

24 **Sec. C-6. 10 MRSA §1434, sub-§3, ¶Q**, as enacted by PL 1997, c. 427, §2, is
25 amended to read:

26 Q. To cancel, terminate, fail to renew or refuse to continue any dealership
27 relationship with a licensed new recreational vehicle dealer, notwithstanding the
28 terms, provisions or conditions of any agreement or dealer agreement or the terms or
29 provisions of any waiver, without first providing notification of the termination,
30 cancellation, nonrenewal or noncontinuance to the new recreational vehicle dealer as
31 follows:

32 (1) Notification must be in writing and delivered personally or by certified mail
33 to the new recreational vehicle dealer and contain:

34 (a) A statement of intent to terminate the dealer agreement, cancel the dealer
35 agreement, not continue the dealer agreement or not to renew the dealer
36 agreement;

37 (b) A statement of the reasons for the termination, cancellation,
38 noncontinuance or nonrenewal; and

39 (c) The date on which the termination, cancellation, noncontinuance or
40 nonrenewal takes effect;

- 1 (2) Notification may not be less than 90 days prior to the effective date of the
2 termination, cancellation, noncontinuance or nonrenewal; or
- 3 (3) Notification may not be less than 15 days prior to the effective date of the
4 termination, cancellation, noncontinuance or nonrenewal with respect to any of
5 the following:
- 6 (a) Insolvency of the new recreational vehicle dealer or filing of any petition
7 by or against the new recreational vehicle dealer under any bankruptcy or
8 receivership law;
- 9 (b) The business operations outlined by the dealer agreement have been
10 abandoned or closed for 14 consecutive business days unless the closing is
11 due to an act of God, a strike or labor difficulty;
- 12 (c) Conviction of or plea of nolo contendere of a recreational vehicle dealer
13 or one of its principal owners of any Class A, Class B or Class C crime, as
14 defined in Title 17-A, in which a sentence of imprisonment of 60 days or
15 more is imposed under Title 17-A, sections ~~4254~~ 1603 and ~~4252~~ 1604;
- 16 (d) Revocation of the recreational vehicle dealer's license pursuant to Title
17 29-A, section 903; or
- 18 (e) A determination that there was a material fraudulent misrepresentation by
19 the dealer to the manufacturer, distributor or wholesaler; or

20 **Sec. C-7. 10 MRSA §1434-A, sub-§2, ¶B**, as enacted by PL 2009, c. 562, §18,
21 is amended to read:

- 22 B. The notice period under this subsection may be reduced to not less than 30 days'
23 prior written notice of termination, cancellation or nonrenewal if good cause exists.
24 Good cause exists for purposes of this paragraph when:
- 25 (1) A dealer or one of its owners is convicted of or enters a plea of nolo
26 contendere to murder or a Class A, Class B or Class C crime for which a sentence
27 of imprisonment of one year or more is imposed under Title 17-A, section ~~4254~~
28 1603 or ~~4252~~ 1604;
- 29 (2) A dealer abandons or closes the dealer's business operations for 10
30 consecutive business days unless the closing is due to an act of God, strike, labor
31 difficulty or other cause over which the dealer has no control;
- 32 (3) There is a significant misrepresentation by the dealer materially affecting the
33 business relationship between the dealer and the manufacturer or distributor;
- 34 (4) The dealer's license has been suspended or revoked or has not been renewed;
- 35 (5) There is a declaration by the dealer of bankruptcy or insolvency or the
36 occurrence of an assignment for the benefit of creditors or bankruptcy; or
- 37 (6) A dealer fails to notify in writing the manufacturer or distributor at least 30
38 days prior to entering into a dealer agreement with a manufacturer or distributor
39 of a competing, similar line make.

1 The notice requirements of this paragraph do not apply if the reason for termination,
2 cancellation or nonrenewal is the dealer's insolvency, the occurrence of an
3 assignment for the benefit of creditors or the dealer's bankruptcy.

4 **Sec. C-8. 10 MRSA §1434-A, sub-§3, ¶C**, as enacted by PL 2009, c. 562, §18,
5 is amended to read:

6 C. For purposes of this subsection, good cause for termination, cancellation or
7 nonrenewal exists when:

8 (1) A manufacturer or distributor is convicted of, or enters a plea of nolo
9 contendere to, murder or a Class A, Class B or Class C crime for which a
10 sentence of imprisonment of one year or more is imposed under Title 17-A,
11 section ~~1251~~ 1603 or ~~1252~~ 1604;

12 (2) The business operations of the manufacturer or distributor have been
13 abandoned or closed for 10 consecutive business days, unless the closing is due
14 to an act of God, strike, labor difficulty or other cause over which the
15 manufacturer or distributor has no control;

16 (3) There is a significant misrepresentation by the manufacturer or distributor
17 materially affecting the business relationship between the dealer and the
18 manufacturer or distributor; or

19 (4) There is a declaration by the manufacturer or distributor of bankruptcy or
20 insolvency or the occurrence of an assignment for the benefit of creditors or
21 bankruptcy.

22 **Sec. C-9. 12 MRSA §6004, last ¶**, as amended by PL 2005, c. 507, §1, is further
23 amended to read:

24 Any period of confinement must be served concurrently with any other period of
25 confinement previously imposed and not fully discharged or imposed on the same date.
26 Any period of confinement is subject to Title 17-A, section ~~1253, subsection 2~~ 2305,
27 except that a statement is not required to be furnished and the day-for-day deduction must
28 be determined by the facility, but is not subject to Title 17-A, section ~~1253, subsection 2,~~
29 paragraph A, or subsection 3 B, 4, 5, 8, 9 or 10 2305, subsection 4, section 2307,
30 subsections 2, 3 and 4, section 2308, subsection 2, section 2309, subsection 2 or section
31 2310, subsections 3, 6 and 7. If the court suspends the period of confinement in whole or
32 in part, the court shall impose a period of administrative release not to exceed one year.
33 The administrative release must be administered pursuant to Title 17-A, chapter ~~54-G~~ 67,
34 subchapter 2, and revocation of the administrative release is governed by the provisions
35 of that ~~chapter~~ subchapter.

36 **Sec. C-10. 12 MRSA §6073, sub-§3**, as amended by PL 1995, c. 157, §1, is
37 further amended to read:

38 **3. Penalty.** Any person who violates subsection 2-A or who knowingly and
39 willfully violates subsection 2 is guilty of a Class D crime, except that, notwithstanding
40 Title 17-A, sections 4-A ~~and 1301,~~ 1704 and 1705, the court shall impose a fine of not
41 less than \$1,000 and restitution may be ordered made to the owner of the lease in an
42 amount set by the court pursuant to Title 17-A, chapter 69.

1 **Sec. C-11. 12 MRSA §6432, sub-§5**, as amended by PL 2013, c. 468, §18, is
2 further amended to read:

3 **5. Penalty for possession.** Possession of lobsters other than caught by the method
4 specified in subsection 1 is a Class D crime, except that in addition to any punishment
5 that may be imposed under Title 17-A, Part 3 6, the court shall impose a fine of \$500 for
6 each violation and, in addition, a fine of \$100 for each lobster involved, up to and
7 including the first 5, and a fine of \$200 for each lobster in excess of 5, or, if the number
8 of lobsters cannot be determined, a fine of not less than \$1,000 or more than \$5,000.

9 **Sec. C-12. 12 MRSA §6436, sub-§5**, as amended by PL 2013, c. 468, §19, is
10 further amended to read:

11 **5. Penalty for possession of egg-bearing lobsters.** Possession of lobsters in
12 violation of subsection 1, paragraph A is a Class D crime, except that in addition to any
13 punishment that may be imposed under Title 17-A, Part 3 6, the court shall impose a fine
14 of \$1,000 for each violation and, in addition, a fine of \$200 for each lobster involved, up
15 to and including the first 5, and a fine of \$400 for each lobster in excess of 5, or, if the
16 number of lobsters cannot be determined, a fine of not less than \$2,500 or more than
17 \$10,000.

18 **Sec. C-13. 12 MRSA §6436, sub-§6**, as amended by PL 2013, c. 468, §20, is
19 further amended to read:

20 **6. Penalty for possession of v-notched lobsters.** Possession of lobsters in violation
21 of subsection 1, paragraph B is a Class D crime, except that in addition to any punishment
22 that may be imposed under Title 17-A, Part 3 6, the court shall impose a fine of \$500 for
23 each violation and, in addition, a fine of \$100 for each lobster involved, up to and
24 including the first 5, and a fine of \$400 for each lobster in excess of 5, or, if the number
25 of lobsters cannot be determined, a fine of not less than \$1,000 or more than \$5,000.

26 **Sec. C-14. 12 MRSA §6952-A, sub-§4**, as amended by PL 2013, c. 468, §42, is
27 further amended to read:

28 **4. Penalty for possession.** A violation of this section is a Class D crime, except that
29 in addition to any punishment that may be imposed under Title 17-A, Part 3 6, the court
30 shall impose a fine of \$500 for each violation and, in addition, a fine of \$100 for each
31 lobster involved, up to and including the first 5, and a fine of \$200 for each lobster in
32 excess of 5, or, if the number of lobsters cannot be determined, a fine of not less than
33 \$1,000 or more than \$5,000.

34 **Sec. C-15. 12 MRSA §6957, sub-§2**, as amended by PL 1995, c. 169, §2, is
35 further amended to read:

36 **2. Penalty.** A violation of subsection 1 is a Class D crime, ~~except that,~~
37 ~~notwithstanding Title 17-A, section 1301.~~ In addition to any other authorized sentencing
38 alternative, the court shall impose a minimum fine of \$1,000 that may not be suspended.

39 **Sec. C-16. 12 MRSA §8004, last ¶**, as amended by PL 2005, c. 507, §2, is
40 further amended to read:

41 Any period of confinement must be served concurrently with any other period of
42 confinement previously imposed and not fully discharged or imposed on the same date.

1 Any period of confinement is subject to Title 17-A, section ~~1253, subsection 2~~ 2305,
2 except that a statement is not required to be furnished and the day-for-day deduction must
3 be determined by the facility, but is not subject to Title 17-A, section 1253, subsection 2,
4 paragraph A, or subsection 3 B, 4, 5, 8, 9 or 10 2305, subsection 4, section 2307,
5 subsections 2, 3 and 4, section 2308, subsection 2, section 2309, subsection 2 or section
6 2310, subsections 3, 6 and 7. If the court suspends the period of confinement in whole or
7 in part, the court shall impose a period of administrative release not to exceed one year.
8 The administrative release must be administered pursuant to Title 17-A, chapter ~~54-G~~ 67,
9 subchapter 2, and revocation of the administrative release is governed by the provisions
10 of that ~~chapter~~ subchapter.

11 **Sec. C-17. 12 MRSA §9321, sub-§6,** as amended by PL 2003, c. 556, §1, is
12 further amended to read:

13 **6. Penalty.** Notwithstanding section 9701, any person who engages in out-of-door
14 burning in violation of this article, or who fails to comply with any stated permit
15 condition or restriction, commits a Class E crime. In addition, if the State proves that
16 while in violation that person's out-of-door fire resulted in fire suppression costs to
17 municipal or State Government, the court, as part of any sentence imposed, may order
18 restitution, pursuant to Title 17-A, chapter ~~54~~ 69, to be paid to the government entities
19 incurring the suppression costs. For each violation of this article:

20 A. The monetary award for restitution to a municipality may not exceed \$25,000;
21 and

22 B. The total combined monetary award for restitution to municipalities and State
23 Government may not exceed \$125,000.

24 When bringing an action under this article, the State shall, to the fullest extent permitted
25 by law, seek restitution of fire suppression costs incurred by state governmental entities
26 relating to the violation.

27 **Sec. C-18. 12 MRSA §9601, sub-§1,** as amended by PL 1991, c. 528, Pt. E, §11
28 and affected by Pt. RRR and amended by c. 591, Pt. E, §11, is further amended to read:

29 **1. Illegal operation.** A person is guilty of illegal operation of power-driven
30 equipment if that person knowingly:

31 A. Operates power-driven equipment in, through or within 1,000 feet of forest lands
32 without an approved spark arrester;

33 B. Requires the operation of power-driven equipment in, through or within 1,000
34 feet of forest lands without an approved spark arrester; or

35 C. Permits the operation of power-driven equipment owned by that person in,
36 through or within 1,000 feet of forest lands without an approved spark arrester.

37 For the purposes of this section, "power-driven equipment" means vehicles, tools or other
38 equipment with an internal combustion engine, but does not include boat motors.

39 Notwithstanding section 9701, any person who violates this subsection commits a Class E
40 crime. In addition, if the State proves that while in violation of this section fires resulting
41 from that person's power-driven equipment resulted in fire suppression costs to municipal
42 or State Government, the court, as part of any sentence imposed, may, pursuant to Title

1 17-A, chapter ~~54~~ 69, order restitution to be paid to the government entities incurring the
2 suppression costs in an amount not to exceed the limitations established in section 9321.

3 **Sec. C-19. 12 MRSA §10608, last ¶**, as amended by PL 2005, c. 507, §3, is
4 further amended to read:

5 Any period of confinement must be served concurrently with any other period of
6 confinement previously imposed and not fully discharged or imposed on the same date.
7 Any period of confinement is subject to Title 17-A, section ~~1253, subsection 2~~ 2305,
8 except that a statement is not required to be furnished and the day-for-day deduction must
9 be determined by the facility, but is not subject to Title 17-A, section ~~1253, subsection 2,~~
10 paragraph A, or subsection 3 B, 4, 5, 8, 9 or 10 2305, subsection 4, section 2307,
11 subsections 2, 3 and 4, section 2308, subsection 2, section 2309, subsection 2 or section
12 2310, subsections 3, 6 and 7. If the court suspends the period of confinement in whole or
13 in part, the court shall impose a period of administrative release not to exceed one year.
14 The administrative release must be administered pursuant to Title 17-A, chapter ~~54-G~~ 67,
15 subchapter 2, and revocation of the administrative release is governed by the provisions
16 of that ~~chapter~~ subchapter.

17 **Sec. C-20. 12 MRSA §12509, sub-§1**, as affected by PL 2003, c. 614, §9 and
18 amended by c. 655, Pt. B, §256 and affected by §422, is further amended to read:

19 **1. Permit required.** Except as otherwise authorized pursuant to this Part, a person
20 may not introduce, import or transport any live fish or gametes into the State or receive or
21 have in that person's possession fish or gametes so introduced, imported or transported
22 without a valid permit issued under this section.

23 A person who violates this subsection commits a Class E crime, except that,
24 notwithstanding Title 17-A, section ~~1304~~ 1704, the fine may not be less than \$1,000 nor
25 more than \$10,000.

26 **Sec. C-21. 12 MRSA §12510, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2
27 and affected by c. 614, §9, is amended to read:

28 **1. Permit required.** Except as otherwise authorized pursuant to this Part, a person
29 may not introduce fish of any kind into any inland waters without a valid permit issued
30 under this section. A person who violates this subsection commits a Class E crime,
31 except that, notwithstanding Title 17-A, section ~~1304~~ 1704, the fine may not be less than
32 \$1,000 or more than \$10,000.

33 **Sec. C-22. 12 MRSA §12511, sub-§1**, as enacted by PL 2003, c. 655, Pt. B,
34 §257 and affected by §422, is amended to read:

35 **1. Permit required.** Except as otherwise authorized pursuant to this Part, a person
36 may not introduce fish or fish spawn into a private pond without a valid permit issued
37 under this section. A person who violates this subsection commits a Class E crime,
38 except that, notwithstanding Title 17-A, section ~~1304~~ 1704, the fine may not be less than
39 \$1,000 nor more than \$10,000.

40 **Sec. C-23. 12 MRSA §12512, sub-§1**, as enacted by PL 2003, c. 655, Pt. B,
41 §257 and affected by §422, is amended to read:

1 **1. Permit required.** Except as otherwise authorized pursuant to this Part, a person
2 may not take and transport within the limits of the State fish taken in the State for
3 breeding or advertising purposes without a valid permit issued under this section. A
4 person who violates this subsection commits a Class E crime, except that,
5 notwithstanding Title 17-A, section ~~1304~~ 1704, the fine may not be less than \$1,000 nor
6 more than \$10,000.

7 **Sec. C-24. 12 MRSA §13157-A, sub-§25, ¶B,** as enacted by PL 2005, c. 397,
8 Pt. E, §26, is amended to read:

9 B. The following penalties apply to violations of this subsection.

10 (1) A person who violates this subsection commits a civil violation for which a
11 fine of not less than \$100 or more than \$500 may be adjudged.

12 (2) A person who violates this subsection after having been adjudicated as
13 having committed 3 or more civil violations under this Part within the previous 5-
14 year period commits a Class E crime.

15 (3) In addition to any penalties imposed under this subsection, the court may,
16 subject to section 9321 and Title 17-A, chapter ~~54~~ 69, order restitution for fire
17 suppression costs incurred by state or municipal government entities in
18 suppressing a fire caused by an ATV operating without a working spark arrester.

19 **Sec. C-25. 13 MRSA §1035,** as amended by PL 2007, c. 112, §1, is further
20 amended to read:

21 **§1035. Penalties**

22 Except as otherwise provided in this chapter, a person who fails to comply with or
23 violates any of the provisions of this chapter in respect to the establishment, maintenance
24 or operation of a cemetery, community mausoleum, crematory or columbarium or to the
25 disposal of dead human bodies commits a Class E crime except that, notwithstanding
26 Title 17-A, section ~~1304~~ sections 1704 and 1705, the fine may not be less than \$100 or
27 more than \$500.

28 **Sec. C-26. 14 MRSA §158-B, sub-§1,** as amended by PL 2007, c. 275, §1, is
29 further amended to read:

30 **1. Liability limited.** A charitable organization or other entity approved pursuant to
31 Title 15, section 3301 or 3314 or pursuant to Title 17-A, section ~~1345~~ 2031 is not liable
32 for a claim arising from death or injury to a person or damage to property caused by a
33 juvenile or adult participating in a supervised work or service program, performing
34 community service or providing restitution under Title 15, section 3301 or 3314 or under
35 Title 17-A, section ~~1345~~ 2031, including a claim arising from death or injury to the
36 juvenile or adult or damage to the adult's or juvenile's property.

37 **Sec. C-27. 14 MRSA §752-E, sub-§§1 and 2,** as enacted by PL 1997, c. 320,
38 §1, are amended to read:

39 **1. Limitation period.** Actions based upon a criminal offense in which, as that
40 offense is defined, there is a victim, as defined in Title 17-A, section ~~1171~~ 2101,
41 subsection 2, brought by or on behalf of a victim against the offender must be

1 commenced within the limitation period otherwise provided or within 3 years of the time
2 the victim discovers or reasonably should have discovered any profits from the crime,
3 whichever occurs later.

4 **2. Notice to victims.** A person or organization that knowingly pays or agrees to pay
5 any profits from a criminal offense in which, as that offense is defined, there is a victim
6 to a person charged with or convicted of that crime shall make reasonable efforts to notify
7 every victim, as defined in Title 17-A, section ~~1171~~ 2101, subsection 2, of the payment or
8 agreement to pay as soon as practicable after discovering that the payment or intended
9 payment constitutes profits from the crime. Reasonable efforts must include, but are not
10 limited to, seeking information about victims from court records and the prosecuting
11 attorney and mailing notice by certified mail to victims whose address is known and
12 publishing, at least once every 6 months for 3 years, in newspapers of general circulation
13 in the area where the crime occurred a legal notice to unknown victims or victims whose
14 address is unknown.

15 **Sec. C-28. 14 MRSA §5602**, as enacted by PL 2001, c. 421, Pt. A, §1 and
16 affected by Pt. C, §1, is amended to read:

17 **§5602. Restitution**

18 The court may order a person adjudicated as having committed a civil violation to
19 pay restitution as part of the judgment. Title 17-A, chapter ~~54~~ 69 applies to the
20 determination, ordering, payment and enforcement of an order of restitution.

21 **Sec. C-29. 15 MRSA §224-A, sub-§2**, as amended by PL 2015, c. 431, §5, is
22 further amended to read:

23 **2. Funding.** The Extradition and Prosecution Expenses Account in each
24 prosecutorial district is funded by bail forfeited to and recovered by the State pursuant to
25 the Maine Rules of Unified Criminal Procedure, Rule 46. Whenever bail is so forfeited
26 and recovered by the State and if it is not payable as restitution pursuant to Title 17-A,
27 section ~~1329~~ 2015, subsection ~~3-A~~ 4, the district attorney shall determine whether it or a
28 portion of it is deposited in the Extradition and Prosecution Expenses Account for that
29 district attorney's prosecutorial district, but in no event may the account exceed \$30,000.
30 Any bail so forfeited and recovered and not deposited in the Extradition and Prosecution
31 Expenses Account must be deposited in the General Fund. Any unexpended balance in
32 the Extradition and Prosecution Expenses Account of a prosecutorial district established
33 by this section may not lapse but must be carried forward into the next year.

34 **Sec. C-30. 15 MRSA §812, sub-§2**, as amended by PL 2007, c. 475, §4, is
35 further amended to read:

36 **2. Notification to victims and law enforcement officers.** Whenever practicable,
37 before submitting a negotiated plea to the court, the attorney for the State shall make a
38 good faith effort to inform the relevant law enforcement officers of the details of the plea
39 agreement reached in any prosecution where the defendant was originally charged with
40 murder, a Class A, B or C crime or a violation of Title 17-A, chapter 9, 11, 12 or 13 and,
41 with respect to victims, shall comply with Title 17-A, section ~~1172~~ 2102, subsection 1,
42 paragraphs A and B relative to informing victims of the details of and their right to
43 comment on a plea agreement.

1 **Sec. C-31. 15 MRSA §1004**, as amended by PL 2015, c. 431, §11, is further
2 amended to read:

3 **§1004. Applicability and exclusions**

4 This chapter applies to the setting of bail for a defendant in a criminal proceeding,
5 including the setting of bail for an alleged contemnor in a plenary contempt proceeding
6 involving a punitive sanction under the Maine Rules of Civil Procedure, Rule 66. It does
7 not apply to the setting of bail in extradition proceedings under sections 201 to 229, post-
8 conviction review proceedings under sections 2121 to 2132, probation revocation
9 proceedings under Title 17-A, sections ~~1205 to 1208~~ 1809 to 1814, supervised release
10 revocation proceedings under Title 17-A, section ~~1233~~ 1883 or administrative release
11 revocation proceedings under Title 17-A, sections ~~1349 to 1349-F~~ 1851 to 1857, except
12 to the extent and under the conditions stated in those sections. This chapter applies to the
13 setting of bail for an alleged contemnor in a summary contempt proceeding involving a
14 punitive sanction under the Maine Rules of Civil Procedure, Rule 66 and to the setting of
15 bail relative to a material witness only as specified in sections 1103 and 1104,
16 respectively. This chapter does not apply to a person arrested for a juvenile crime as
17 defined in section 3103 or a person under 18 years of age who is arrested for a crime
18 defined under Title 12 or Title 29-A that is not a juvenile crime as defined in section
19 3103.

20 **Sec. C-32. 15 MRSA §1023, sub-§4, ¶B-1**, as enacted by PL 2011, c. 640, Pt.
21 A, §1, is amended to read:

22 B-1. Set preconviction bail for a defendant alleged to have committed any of the
23 following offenses against a family or household member as defined in Title 19-A,
24 section 4002, subsection 4:

25 (1) A violation of a protection from abuse order provision set forth in Title 19-A,
26 section 4006, subsection 5, paragraph A, B, C, D, E or F or Title 19-A, section
27 4007, subsection 1, paragraph A, A-1, A-2, B, C, D, E or G;

28 (2) Any Class A, B or C crime under Title 17-A, chapter 9;

29 (3) Any Class A, B or C sexual assault offense under Title 17-A, chapter 11;

30 (4) Kidnapping under Title 17-A, section 301;

31 (5) Criminal restraint under Title 17-A, section 302, subsection 1, paragraph A,
32 subparagraph (4) or Title 17-A, section 302, subsection 1, paragraph B,
33 subparagraph (2);

34 (6) Domestic violence stalking that is a Class C crime under Title 17-A, section
35 210-C, subsection 1, paragraph B;

36 (7) Domestic violence criminal threatening that is a Class C crime under Title
37 17-A, section 209-A, subsection 1, paragraph B or domestic violence criminal
38 threatening that is elevated to a Class C crime by the use of a dangerous weapon
39 under Title 17-A, section ~~1252~~ 1604, subsection ~~4~~ 5, paragraph A;

1 (8) Domestic violence terrorizing that is a Class C crime under Title 17-A,
2 section 210-B, subsection 1, paragraph B or domestic violence terrorizing that is
3 elevated to a Class C crime by the use of a dangerous weapon under Title 17-A,
4 section ~~1252~~ 1604, subsection ~~4~~ 5, paragraph A; or

5 (9) Domestic violence reckless conduct that is a Class C crime under Title 17-A,
6 section 211-A, subsection 1, paragraph B or domestic violence reckless conduct
7 that is elevated to a Class C crime by the use of a dangerous weapon under Title
8 17-A, section ~~1252~~ 1604, subsection ~~4~~ 5, paragraph A;

9 **Sec. C-33. 15 MRSA §1094, first ¶**, as amended by PL 2007, c. 31, §2, is further
10 amended to read:

11 When a defendant who has been admitted to either preconviction or post-conviction
12 bail in a criminal case fails to appear as required or has violated the conditions of release,
13 the court shall declare a forfeiture of the bail. The obligation of the defendant and any
14 sureties may be enforced in such manner as the Supreme Judicial Court shall by rule
15 provide and in accordance with section 224-A and Title 17-A, section ~~1329~~ 2015,
16 subsection ~~3-A~~ 4. The rules adopted by the Supreme Judicial Court must provide for
17 notice to the defendant and any sureties of the consequences of failure to comply with the
18 conditions of bail.

19 **Sec. C-34. 15 MRSA §1105**, as amended by PL 2003, c. 205, §2, is further
20 amended to read:

21 **§1105. Alcohol and drug treatment program**

22 As a condition of post-conviction release, the court may impose the condition of
23 participation in an alcohol and drug treatment program for a period not to exceed 24
24 months pursuant to Title 4, chapter 8. Upon request of the Department of Corrections,
25 the court may require the defendant to pay a substance abuse testing fee as a requirement
26 of participation in the alcohol or drug treatment program. If at any time the court finds
27 probable cause that a defendant released with a condition of participation in an alcohol
28 and drug treatment program has intentionally or knowingly violated any requirement of
29 the defendant's participation in the alcohol or drug treatment program, the court may
30 suspend the order of bail for a period of up to 7 days for any such violation. The
31 defendant must be given an opportunity to personally address the court prior to the
32 suspension of an order of bail under this section. A period of suspension of bail is a
33 period of detention under Title 17-A, section ~~1253~~, ~~subsection 2~~ 2305. This section does
34 not restrict the ability of the court to take actions other than suspension of the order of
35 bail for the violation of a condition of participation in an alcohol and drug treatment
36 program or the ability of the court to entertain a motion to revoke bail under section 1098
37 and enter any dispositional order allowed under section 1099-A. If the court orders
38 participation in a drug and alcohol treatment program under this section, upon sentencing
39 the court shall consider whether there has been compliance with the program.

40 **Sec. C-35. 15 MRSA §1707**, as repealed and replaced by PL 1987, c. 616, is
41 amended to read:

1 **§1707. Record to designated facility**

2 Whenever a person is convicted of a crime and sentenced to a term of imprisonment
3 ~~which that~~ is to be served in the custody of the Department of Corrections, the clerk of
4 the court shall make and forward to the head of the correctional facility designated as the
5 initial place of confinement by the Commissioner of Corrections pursuant to Title 17-A,
6 section ~~1258~~ 2304, a record containing copies of the docket entries and charging
7 instrument, together with a statement of any fact or facts ~~which that~~ the presiding justice
8 may ~~deem~~ determine to be important or necessary for a full comprehension of the case.
9 This record ~~shall~~ must be delivered to the head of the designated correctional facility
10 within 10 days of the date the prisoner is received at that facility. At the time a person, so
11 sentenced, is delivered to the designated correctional facility, a copy of the judgment and
12 commitment ~~shall~~ must be given to the receiving officer at that facility.

13 **Sec. C-36. 15 MRSA §2121, sub-§2**, as amended by PL 2013, c. 133, §3, is
14 further amended to read:

15 **2. Post-sentencing proceeding.** "Post-sentencing proceeding" means a court
16 proceeding or administrative action occurring during the course of and pursuant to the
17 operation of a sentence that affects whether there is incarceration or its length, including
18 revocation of parole, failure to grant parole, an error of law in the computation of a
19 sentence including administrative calculations of deductions relative to time detained
20 pursuant to Title 17-A, section ~~1253~~, ~~subsection 2~~ 2305 and default in payment of a fine
21 or restitution. It does not include the following Title 17-A, Part ~~3~~ 6 court proceedings:
22 revocation of probation, revocation of supervised release for sex offenders or revocation
23 of administrative release. It does not include the following administrative actions:
24 calculations of ~~good time and meritorious good time credits~~ deductions pursuant to Title
25 17-A, section ~~1253~~, ~~subsections 3, 3 B, 4, 5 and 7~~ or similar ~~deductions under Title 17-A,~~
26 ~~section 1253, subsections 8, 9 and 10~~ 2307, subsections 2, 3 and 4, section 2308,
27 subsection 2, section 2309, subsection 2, section 2310, subsections 3, 6 and 7 and section
28 2311; disciplinary proceedings resulting in a withdrawal of ~~good time credits or similar~~
29 ~~deductions under Title 17-A, section 1253, subsections 6, 8, 9 and 10~~ 2307, subsection 5,
30 section 2308, subsection 3, section 2309, subsection 3, section 2310, subsection 4 and
31 section 2311; cancellation of furlough or other rehabilitative programs authorized under
32 Title 30-A, sections 1556, 1605 and 1606 or Title 34-A, section 3035; cancellation of a
33 supervised community confinement program granted pursuant to Title 34-A, section
34 3036-A; cancellation of a community confinement monitoring program granted pursuant
35 to Title 30-A, section 1659-A; or cancellation of placement on community reintegration
36 status granted pursuant to Title 34-A, section 3810 or 4112.

37 **Sec. C-37. 15 MRSA §2124, sub-§1, ¶C-1**, as enacted by PL 2011, c. 601, §7,
38 is amended to read:

39 C-1. Incarceration imposed by the challenged criminal judgment that is wholly
40 satisfied at the time of sentence imposition due to detention time credits earned under
41 Title 17-A, section ~~1253~~, ~~subsection 2~~ 2305;

42 **Sec. C-38. 15 MRSA §2124, sub-§1, ¶E**, as amended by PL 2011, c. 601, §7, is
43 further amended to read:

1 E. A fine imposed by the challenged criminal judgment that has not been paid and in
2 a case when a person has not inexcusably violated Title 17-A, section ~~1303-B~~ 1710 or
3 inexcusably defaulted in payment of any portion. A fine includes any imposed
4 monetary fees, surcharges and assessments, however designated;

5 **Sec. C-39. 15 MRSA §2124, sub-§1, ¶F**, as amended by PL 2013, c. 266, §2, is
6 further amended to read:

7 F. Restitution imposed by the challenged criminal judgment that has not been paid
8 and in a case when a person has not inexcusably violated Title 17-A, section ~~1328-A~~
9 2014 or inexcusably defaulted in payment of any portion. Any challenge as to the
10 amount of restitution ordered is further limited by Title 17-A, section ~~1330-A~~ 2017;

11 **Sec. C-40. 15 MRSA §2137, sub-§1**, as enacted by PL 2005, c. 659, §1 and
12 affected by §6, is amended to read:

13 **1. Motion.** A person who has been convicted of and sentenced for a crime under the
14 laws of this State that carries the potential punishment of imprisonment of at least one
15 year and for which the person is in actual execution of either a pre-Maine Criminal Code
16 sentence of imprisonment, including parole, or a sentencing alternative pursuant to Title
17 17-A, section ~~1152~~ 1502, subsection 2 that includes a term of imprisonment or is subject
18 to a sentence of imprisonment that is to be served in the future because another sentence
19 must be served first may file a written postjudgment of conviction motion in the
20 underlying criminal proceeding moving the court to order DNA analysis of evidence in
21 the control or possession of the State that is related to the underlying investigation or
22 prosecution that led to the person's conviction and a new trial based on the results of that
23 analysis as authorized by this chapter. For criminal proceedings in which DNA testing
24 was conducted before September 1, 2006, the person may file a written postjudgment of
25 conviction motion in the underlying criminal proceeding moving the court for a new trial
26 based on the results of the DNA testing already conducted using the standard set forth in
27 this chapter if the DNA test results show that the person is not the source of the evidence.

28 **Sec. C-41. 15 MRSA §2151, sub-§3**, as enacted by PL 1999, c. 731, Pt. ZZZ,
29 §24 and affected by §42, is amended to read:

30 **3. Restitution.** As limited by Title 17-A, section ~~1330-A~~ 2017.

31 **Sec. C-42. 15 MRSA §2252, sub-§4**, as enacted by PL 2015, c. 354, §1, is
32 amended to read:

33 **4. Other state convictions.** The eligible criminal conviction is the only criminal
34 conviction of the person in this State, and the person has not had a criminal charge
35 dismissed as a result of a deferred disposition pursuant to Title 17-A, chapter ~~54-F~~ 67,
36 subchapter 4 and has not been adjudicated as having committed a juvenile crime for
37 which the hearing was open to the general public under section 3307;

38 **Sec. C-43. 15 MRSA §3007**, as enacted by PL 1999, c. 280, §1, is amended to
39 read:

40 **§3007. Victims' rights**

41 In addition to any rights given to victims of juvenile crimes in this Part, the victim of
42 a juvenile crime has the rights that a victim has under Title 17-A, section ~~1175~~ 2106.

1 **Sec. C-44. 15 MRSA §3312, sub-§1**, as amended by PL 1995, c. 253, §3, is
2 further amended to read:

3 **1. Evidence of proper disposition.** After making an order of adjudication, the court
4 shall hear evidence on the question of the proper disposition best serving the interests of
5 the juvenile and the public. Such evidence must include, but is not necessarily limited to,
6 the social study and written report, if ordered prepared under section 3311, subsection 3,
7 and other reports as provided in section 3311, subsection 1. Any person who would be
8 entitled to address the court pursuant to Title 17-A, section ~~4257~~ 2104 if the conduct for
9 which the juvenile has been adjudicated had been committed by an adult, as provided in
10 that section, must be accorded notice of the dispositional hearing and the right to address
11 the court. The Maine Rules of Evidence do not apply in dispositional hearings.

12 **Sec. C-45. 15 MRSA §3314, sub-§1, ¶E**, as corrected by RR 2009, c. 2, §35, is
13 amended to read:

14 E. The court may require the juvenile to make restitution for any damage to the
15 victim or other authorized claimant as compensation for economic loss upon
16 reasonable conditions that the court determines appropriate. For the purposes of this
17 paragraph, the provisions of Title 17-A, chapter ~~54~~ 69 apply, except that section ~~4329~~
18 2015 does not apply. Enforcement of a restitution order is available pursuant to
19 subsection 7. If the restitution was a condition of probation, the attorney for the State
20 may, with written consent of the juvenile community corrections officer, file a
21 motion to revoke probation.

22 **Sec. C-46. 15 MRSA §3314, sub-§1, ¶G**, as amended by PL 2009, c. 93, §12, is
23 further amended to read:

24 G. Except for a violation of section 3103, subsection 1, paragraph H, the court may
25 impose a fine, subject to Title 17-A, sections ~~4304~~ 1701 to ~~4304~~ 1711, except that
26 there is no mandatory minimum fine amount. For the purpose of this section, juvenile
27 offenses defined in section 3103, subsection 1, paragraphs B and C are deemed Class
28 E crimes.

29 **Sec. C-47. 15 MRSA §3314, sub-§1, ¶H**, as amended by PL 2007, c. 96, §5, is
30 further amended to read:

31 H. The court may order the juvenile to serve a period of confinement that may not
32 exceed 30 days, with or without an underlying suspended disposition of commitment
33 to a Department of Corrections juvenile correctional facility, which confinement must
34 be served concurrently with any other period of confinement previously imposed and
35 not fully discharged or imposed on the same date but may be served intermittently as
36 the court may order and must be ordered served in a facility approved or operated by
37 the Department of Corrections exclusively for juveniles. The court may order such a
38 disposition to be served as a part of and with a period of probation that is subject to
39 such provisions of Title 17-A, section ~~4204~~ 1807 as the court may order and that
40 must be administered pursuant to Title 34-A, chapter 5, subchapter 4. Revocation of
41 probation is governed by the procedure contained in subsection 2. Any disposition
42 under this paragraph is subject to Title 17-A, section ~~4253, subsection 2~~ 2305 except
43 that a statement is not required to be furnished and the day-for-day deduction must be
44 determined by the facility, but is not subject to Title 17-A, section ~~4253, subsection 2,~~

1 ~~paragraph A, or subsection 3-B, 4, 5, 8, 9 or 10~~ 2305, subsection 4, section 2307,
2 subsections 2, 3 and 4, section 2308, subsection 2, section 2309, subsection 2 or
3 section 2310, subsections 3, 6 and 7. For purposes of calculating the commencement
4 of the period of confinement, credit is accorded only for the portion of the first day
5 for which the juvenile is actually confined; the juvenile may not be released until the
6 juvenile has served the full term of hours or days imposed by the court. When a
7 juvenile is committed for a period of confinement, the court shall determine whether
8 reasonable efforts have been made to prevent or eliminate the need for removal of the
9 juvenile from the juvenile's home or that reasonable efforts are not necessary because
10 of the existence of an aggravating factor as defined in Title 22, section 4002,
11 subsection 1-B and whether continuation in the juvenile's home would be contrary to
12 the welfare of the juvenile. This determination does not affect whether the court
13 orders a period of confinement.

14 **Sec. C-48. 15 MRSA §3314, sub-§2,** as amended by PL 2007, c. 695, Pt. A, §19,
15 is further amended to read:

16 **2. Suspended disposition.** The court may impose any of the dispositional
17 alternatives provided in subsection 1 and may suspend its disposition and place the
18 juvenile on a specified period of probation that is subject to such provisions of Title 17-A,
19 section ~~4204~~ 1807 as the court may order and that is administered pursuant to the
20 provisions of Title 34-A, chapter 5, subchapter 4, except that the court may not impose
21 the condition set out in Title 17-A, section ~~4204~~ 1807, subsection ~~4-A~~ 5. The court may
22 impose as a condition of probation that a juvenile must reside outside the juvenile's home
23 in a setting satisfactory to the juvenile community corrections officer if the court
24 determines that reasonable efforts have been made to prevent or eliminate the need for
25 removal of the juvenile from the juvenile's home or that no reasonable efforts are
26 necessary because of the existence of an aggravating factor as defined in Title 22, section
27 4002, subsection 1-B, and that continuation in the juvenile's home would be contrary to
28 the welfare of the juvenile. Imposition of such a condition does not affect the legal
29 custody of the juvenile.

30 Modification of probation is governed by the procedures contained in Title 17-A, section
31 ~~4202, subsection 2~~ 1804, subsections 7 and 8. Termination of probation is governed by
32 the procedures contained in Title 17-A, section ~~4202~~ 1804, subsection ~~3~~ 10. Revocation
33 of probation is governed by the procedures contained in Title 17-A, sections ~~4205,~~
34 ~~4205-B, 4205-C and 4206~~ 1809 to 1812, except that this subsection governs the court's
35 determinations concerning probable cause and continued detention and those provisions
36 of Title 17-A, section ~~4206~~ 1812, subsection ~~7-A~~ 6 allowing a vacating of part of the
37 suspension of execution apply only to a suspended fine under subsection 1, paragraph G
38 or a suspended period of confinement under paragraph H. A suspended commitment
39 under subsection 1, paragraph F may be modified to a disposition under subsection 1,
40 paragraph H. When a revocation of probation results in the imposition of a disposition
41 under subsection 1, paragraph F or a period of confinement under subsection 1, paragraph
42 H, the court shall determine whether reasonable efforts have been made to prevent or
43 eliminate the need for removal of the juvenile from the juvenile's home or that no
44 reasonable efforts are necessary because of the existence of an aggravating factor as
45 defined in Title 22, section 4002, subsection 1-B and whether continuation in the
46 juvenile's home would be contrary to the welfare of the juvenile. This determination does

1 not affect whether the court orders a particular disposition upon a revocation of probation.
2 If the juvenile is being detained for an alleged violation of probation, the court shall
3 review within 48 hours following the detention, excluding Saturdays, Sundays and legal
4 holidays, the decision to detain the juvenile. Following that review, the court shall order
5 the juvenile's release unless the court finds that there is probable cause to believe that the
6 juvenile has violated a condition of probation and finds, by a preponderance of the
7 evidence, that continued detention is necessary to meet one of the purposes of detention
8 under section 3203-A, subsection 4, paragraph C. When a court orders continued
9 detention, the court shall determine whether reasonable efforts have been made to prevent
10 or eliminate the need for removal of the juvenile from the juvenile's home or that no
11 reasonable efforts are necessary because of the existence of an aggravating factor as
12 defined in Title 22, section 4002, subsection 1-B and whether continuation in the
13 juvenile's home would be contrary to the welfare of the juvenile. This determination does
14 not affect whether the court orders continued detention.

15 **Sec. C-49. 15 MRSA §3314, sub-§6**, as amended by PL 2015, c. 485, §1, is
16 further amended to read:

17 **6. Forfeiture of firearms.** As part of every disposition in every proceeding under
18 this code, every firearm that constitutes the basis for an adjudication for a juvenile crime
19 that, if committed by an adult, would constitute a violation of section 393; Title 17-A,
20 section 1105-A, subsection 1, paragraph C-1; Title 17-A, section 1105-B, subsection 1,
21 paragraph C; Title 17-A, section 1105-C, subsection 1, paragraph C-1; Title 17-A, section
22 1105-D, subsection 1, paragraph B-1; or Title 17-A, section 1118-A, subsection 1,
23 paragraph B and every firearm used by the juvenile or any accomplice during the course
24 of conduct for which the juvenile has been adjudicated to have committed a juvenile
25 crime that would have been forfeited pursuant to Title 17-A, section ~~1158-A~~ 1504 if the
26 criminal conduct had been committed by an adult must be forfeited to the State and the
27 juvenile court shall so order unless another person satisfies the court prior to the
28 dispositional hearing and by a preponderance of the evidence that the other person had a
29 right to possess the firearm, to the exclusion of the juvenile, at the time of the conduct
30 that constitutes the juvenile crime. Rules adopted by the Attorney General that govern
31 the disposition of firearms forfeited pursuant to Title 17-A, section ~~1158-A~~ 1504 govern
32 forfeitures under this subsection.

33 **Sec. C-50. 15 MRSA §3314-A**, as amended by PL 2009, c. 93, §13, is further
34 amended to read:

35 **§3314-A. Period of probation; modification and discharge**

36 The period of probation of a juvenile, its modification and discharge, is as provided
37 by Title 17-A, section ~~1202~~ 1804, except that the period of probation of a juvenile
38 convicted of a juvenile crime as defined by section 3103, subsection 1, paragraph B, C or
39 E may not exceed one year. The period of probation may extend beyond the juvenile's
40 21st birthday.

41 **Sec. C-51. 15 MRSA §5821, sub-§3-B**, as enacted by PL 2013, c. 328, §2, is
42 amended to read:

1 **3-B. Forfeiture of firearms used in the commission of certain acts.** In addition to
2 the provisions of subsection 3-A and Title 17-A, section ~~1158-A~~ 1504, this subsection
3 controls the forfeiture of firearms used in the commission of certain acts.

4 A. Except as provided in paragraph B, a firearm is subject to forfeiture to the State if
5 the firearm is used by a person to commit a criminal act that in fact causes serious
6 bodily injury or death to another human being and, following that act, the person
7 either commits suicide or attempts to commit suicide and the attempt results in the
8 person's becoming incompetent to stand trial or the person is killed or rendered
9 incompetent to stand trial as the result of a justifiable use of deadly force by a law
10 enforcement officer. Except as provided in paragraph B, a property right does not
11 exist in the firearm subject to forfeiture.

12 B. A firearm that is used in the commission of a criminal act described in paragraph
13 A is exempt from forfeiture under this subsection if the firearm belongs to another
14 person who is the rightful owner from whom the firearm has been stolen and the
15 other person is not a principal or accomplice in the criminal act. In that case, the
16 firearm must be transferred to the other person unless that person is otherwise
17 prohibited from possessing a firearm under applicable law.

18 A firearm subject to forfeiture pursuant to this subsection that is declared by a court to be
19 forfeited pursuant to section 5822 must be promptly destroyed, or caused to be promptly
20 destroyed, by the law enforcement agency that has custody of the firearm.

21 **Sec. C-52. 15 MRSA §6101, sub-§1, ¶B**, as amended by PL 1995, c. 680, §2, is
22 further amended to read:

23 B. The victim's right to be advised of the existence of a negotiated plea agreement
24 before that agreement is submitted to the court pursuant to Title 17-A, section ~~1173~~
25 2103;

26 **Sec. C-53. 15 MRSA §6101, sub-§1, ¶D**, as amended by PL 1995, c. 680, §2, is
27 further amended to read:

28 D. The victim's right to make a statement or submit a written statement at the time of
29 sentencing pursuant to Title 17-A, section ~~1174~~ 2104 upon conviction of the
30 defendant; and

31 **Sec. C-54. 17 MRSA §1031, sub-§1-B**, as amended by PL 2005, c. 281, §8 and
32 c. 397, Pt. F, §1, is further amended to read:

33 **1-B. Aggravated cruelty to animals.** A person is guilty of aggravated cruelty to
34 animals if that person, in a manner manifesting a depraved indifference to animal life or
35 suffering, intentionally, knowingly or recklessly:

- 36 A. Causes extreme physical pain to an animal;
37 B. Causes the death of an animal; or
38 C. Physically tortures an animal.

39 Violation of this subsection is a Class C crime. Notwithstanding Title 17-A, ~~section 1301~~
40 sections 1704 and 1705, the court shall impose a fine of not less than \$1,000 and not
41 more than \$10,000 for a first or subsequent violation of this subsection. The sentencing

1 provisions in subsection 3-B also apply to a person convicted of aggravated cruelty to
2 animals.

3 **Sec. C-55. 17 MRSA §2512, sub-§4**, as enacted by PL 2005, c. 546, §1, is
4 amended to read:

5 **4. Restitution.** In addition to any penalties imposed pursuant to subsection 3 and,
6 when appropriate, in accordance with the requirements of Title 17-A, chapter ~~54~~ 69, the
7 court shall order restitution to the landowner on the basis of an adequate factual
8 foundation. The amount of restitution may be determined by using the measured volume
9 of the harvested forest products as listed on the measurement tally sheet or stumpage
10 sheet in accordance with Title 10, section 2364-A, subsection 2 and by the terms of the
11 sales contract according to the measurement procedures set forth in Title 10, section
12 2363-A that are applicable to a sale of wood.

13 Any restitution ordered and paid must be deducted from the amount of any restitution
14 awarded in a civil action brought by the owner or the State against the offender based on
15 the same facts.

16 **Sec. C-56. 17-A MRSA §6, sub-§1**, as amended by PL 1989, c. 502, Pt. D, §9, is
17 further amended to read:

18 **1.** The provisions of Parts 1 ~~and 3, 6 and 7~~ and chapter 7 are applicable to crimes
19 defined outside this code, unless the context of the statute defining the crime clearly
20 requires otherwise.

21 **Sec. C-57. 17-A MRSA §8, sub-§2-A**, as enacted by PL 2013, c. 392, §2, is
22 amended to read:

23 **2-A.** A prosecution for a Class A, Class B or Class C crime involving unlawful
24 sexual contact or gross sexual assault must be commenced within 8 years after it is
25 committed.

26 This subsection does not apply to a Class D crime enhanced to a Class C crime pursuant
27 to section ~~4252~~ 1604, subsection ~~4-A~~ 5, paragraph B.

28 **Sec. C-58. 17-A MRSA §152-A, sub-§2**, as enacted by PL 2001, c. 413, §2, is
29 amended to read:

30 **2.** Aggravated attempted murder is a Class A crime except that, notwithstanding
31 section ~~4252~~ 1604, subsection ~~2~~ 1, paragraph A, the sentence for aggravated attempted
32 murder is imprisonment for life or a definite period of imprisonment for any term of
33 years. The existence of an aggravating circumstance serves only as a precondition for the
34 court to consider a life sentence.

35 **Sec. C-59. 17-A MRSA §210-A, sub-§1, ¶C**, as amended by PL 2015, c. 470,
36 §11, is further amended to read:

37 **C.** The actor violates paragraph A and has one or more prior convictions in this State
38 or another jurisdiction. Notwithstanding section 2, subsection 3-B, as used in this
39 paragraph, "another jurisdiction" also includes any Indian tribe.

40 Violation of this paragraph is a Class C crime. In determining the sentence for a
41 violation of this paragraph the court shall impose a sentencing alternative pursuant to

1 section ~~4152~~ 1502, subsection 2 that includes a term of imprisonment. In
2 determining the basic term of imprisonment as the first step in the sentencing process,
3 the court shall select a term of at least one year.

4 For the purposes of this paragraph, "prior conviction" means a conviction for a
5 violation of this section; Title 5, section 4659; Title 15, section 321; former Title 19,
6 section 769; Title 19-A, section 4011; Title 22, section 4036; any other temporary,
7 emergency, interim or final protective order; an order of a tribal court of the
8 Passamaquoddy Tribe or the Penobscot Nation; any similar order issued by any court
9 of the United States or of any other state, territory, commonwealth or tribe; or a
10 court-approved consent agreement. Section 9-A governs the use of prior convictions
11 when determining a sentence;

12 **Sec. C-60. 17-A MRSA §210-A, sub-§1, ¶E**, as amended by PL 2015, c. 470,
13 §12, is further amended to read:

14 E. The actor violates paragraph C and at least one prior conviction was for a
15 violation of paragraph D.

16 Violation of this paragraph is a Class B crime. In determining the sentence for a
17 violation of this paragraph the court shall impose a sentencing alternative pursuant to
18 section ~~4152~~ 1502, subsection 2 that includes a term of imprisonment. In
19 determining the basic term of imprisonment as the first step in the sentencing process,
20 the court shall select a term of at least 2 years.

21 **Sec. C-61. 17-A MRSA §401, sub-§3**, as amended by PL 2001, c. 383, §55 and
22 affected by §156, is further amended to read:

23 **3.** A person may be convicted both of burglary and of the crime that the person
24 committed or attempted to commit after entering or remaining in the structure, but
25 sentencing for both crimes is governed by section ~~4256~~ 1608.

26 **Sec. C-62. 17-A MRSA §755, sub-§1-E**, as enacted by PL 2011, c. 464, §15, is
27 amended to read:

28 **1-E.** A person is guilty of escape from the community confinement monitoring
29 program granted pursuant to Title 30-A, section 1659-A if without official permission the
30 person intentionally:

31 A. Leaves or fails to return within 12 hours to that person's residence or other
32 designated area in which that person is monitored. Violation of this paragraph is a
33 Class C crime; or

34 B. Violates paragraph A and at the time of the escape the person uses physical force
35 against another person, threatens to use physical force or is armed with a dangerous
36 weapon. Violation of this paragraph is a Class B crime.

37 A sentence imposed for a violation of this section is subject to the requirements of section
38 ~~4256, subsection 1~~ 1609.

39 **Sec. C-63. 17-A MRSA §755, sub-§3**, as amended by PL 1985, c. 210, is further
40 amended to read:

1 **3.** As used in this section, "official custody" means arrest, custody in, or on the way
2 to or from a courthouse or a jail, police station, house of correction, or any institution or
3 facility under the control of the Department of Corrections, or under contract with the
4 department for the housing of persons sentenced to imprisonment, the custody of any
5 official of the department, the custody of any institution in another jurisdiction pursuant
6 to a sentence imposed under the authority of section ~~1253~~ 2303, subsection ~~1-A~~ 3 or any
7 custody pursuant to court order. A person on a parole or probation status is not, for that
8 reason alone, in "official custody" for purposes of this section.

9 **Sec. C-64. 17-A MRSA §853-A, sub-§1, ¶A**, as enacted by PL 2001, c. 383,
10 §99 and affected by §156, is amended to read:

11 A. The person engages in prostitution as defined in section 851. Violation of this
12 paragraph is a Class E crime, except that the sentencing alternative may include only
13 the penalties provided in section ~~1304~~ 1704, subsection 5 and section 1705,
14 subsection 5; or

15 **Sec. C-65. 19-A MRSA §2152, sub-§11**, as enacted by PL 1995, c. 694, Pt. B,
16 §2 and affected by Pt. E, §2, is amended to read:

17 **11. Confidentiality of information; unlawful dissemination; penalty.** All
18 information collected in connection with the department's child support enforcement
19 activity and medical support recoupment pursuant to this section is confidential and
20 available only for the use of appropriate departmental personnel and legal counsel for the
21 department in carrying out their functions. A person is guilty of unlawful dissemination
22 if that person knowingly disseminates information in violation of this subsection.
23 Unlawful dissemination is a Class E crime, ~~which that~~, notwithstanding Title 17-A,
24 section ~~1252~~ 1604, subsection ~~2~~ 1, paragraph E, is punishable by a fine of not more than
25 \$500 or by imprisonment for not more than 30 days.

26 **Sec. C-66. 19-A MRSA §4002, sub-§4**, as amended by PL 2015, c. 296, Pt. C,
27 §24 and affected by Pt. D, §1, is further amended to read:

28 **4. Family or household members.** "Family or household members" means spouses
29 or domestic partners or former spouses or former domestic partners, individuals presently
30 or formerly living together as spouses, parents of the same child, adult household
31 members related by consanguinity or affinity or minor children of a household member
32 when the defendant is an adult household member and, for the purposes of Title 15,
33 section 1023, subsection 4, paragraph B-1 and Title 15, section 1094-B, this chapter and
34 Title 17-A, sections 15, 207-A, 209-A, 210-B, 210-C, 211-A, ~~1201, 1202~~ 1802, 1804 and
35 ~~1253~~ 2301, subsection 1 only, includes individuals presently or formerly living together
36 and individuals who are or were sexual partners. Holding oneself out to be a spouse is not
37 necessary to constitute "living as spouses." For purposes of this subsection, "domestic
38 partners" means 2 unmarried adults who are domiciled together under long-term
39 arrangements that evidence a commitment to remain responsible indefinitely for each
40 other's welfare.

41 **Sec. C-67. 22 MRSA §4008, sub-§4**, as amended by PL 1989, c. 502, Pt. D, §18,
42 is further amended to read:

1 **4. Unlawful dissemination; penalty.** A person is guilty of unlawful dissemination
2 if ~~he~~ the person knowingly disseminates records ~~which~~ that are determined confidential
3 by this section, in violation of the mandatory or optional disclosure provisions of this
4 section. Unlawful dissemination is a Class E crime, ~~which that~~, notwithstanding Title
5 17-A, section ~~4252~~ 1604, subsection ~~2~~ 1, paragraph E, is punishable by a fine of not more
6 than \$500 or by imprisonment for not more than 30 days.

7 **Sec. C-68. 25 MRSA §3503-A**, as amended by PL 2003, c. 657, §11, is further
8 amended to read:

9 **§3503-A. Disposal of firearms and ammunition**

10 Notwithstanding any other provision of this chapter, a police department or other law
11 enforcement agency retaining firearms and ammunition covered by this chapter, Title 15,
12 section 3314 or chapter 517, or Title 17-A, section ~~4158-A~~ 1504 may auction the firearms
13 to federally licensed firearms dealers or the public, use the firearms and ammunition for
14 training purposes or destroy the firearms and ammunition.

15 **Sec. C-69. 27 MRSA §375, sub-§2**, as amended by PL 1999, c. 748, §2, is
16 further amended to read:

17 **2. Penalty.** ~~Notwithstanding Title 17-A, sections 4-A and 1301, a~~ A violation of this
18 chapter is a Class E crime for which a fine of not less than \$250 must be adjudged. The
19 unlawful excavation for any one day constitutes a separate violation. The court also may
20 order the defendant to pay an amount equal to the reasonable cost of a proper
21 archaeological excavation had the area that was unlawfully excavated been properly
22 excavated. The Director of the Maine Historic Preservation Commission, in the name of
23 the people of this State through the Attorney General, may in addition to other remedies
24 provided bring an action for an injunction seeking one or more of the following remedies:

25 A. To restrain a violation of this chapter; or

26 B. To enjoin future unlawful excavation.

27 **Sec. C-70. 28-A MRSA §2081, sub-§1, ¶¶C and D**, as amended by PL 2003,
28 c. 452, Pt. P, §9 and affected by Pt. X, §2, are further amended to read:

29 C. Procure, or in any way aid or assist in procuring, furnish, give, sell or deliver
30 liquor to a visibly intoxicated person. Violation of this paragraph is a Class E crime,
31 except notwithstanding Title 17-A, ~~section 1301~~ sections 1704 and 1705, the fine
32 may not be more than \$500; or

33 D. Procure, or in any way assist in procuring, furnish, give, sell or deliver imitation
34 liquor for or to a minor, or allow a minor under that person's control or in a place
35 under that person's control to possess or consume imitation liquor. Violation of this
36 paragraph is a Class E crime, except notwithstanding Title 17-A, ~~section 1301~~
37 sections 1704 and 1705, the fine may not be more than \$500.

38 **Sec. C-71. 28-A MRSA §2088, sub-§3, ¶B**, as enacted by PL 2005, c. 259, §1,
39 is amended to read:

40 B. A person who violates this subsection after having been previously adjudicated as
41 violating this subsection commits a Class E crime for which a fine of not less than

1 \$1,000 and, notwithstanding Title 17-A, section ~~1301~~ 1704, subsection 5 and section
2 1705, subsection 5, not more than \$5,000 must be imposed. In addition to a fine
3 imposed under this subsection, if the person is a licensee under chapter 19, 43 or 45,
4 the court may suspend that person's license for up to one year. A violation under this
5 paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection
6 4-A.

7 **Sec. C-72. 28-A MRSA §2089, sub-§2, ¶B**, as enacted by PL 2015, c. 205, §1,
8 is amended to read:

9 B. A person who violates this subsection after having been previously adjudicated as
10 violating this subsection commits a Class E crime for which a fine of not less than
11 \$1,000 and, notwithstanding Title 17-A, section ~~1301~~ 1704, subsection 5 and section
12 1705, subsection 5, not more than \$5,000 must be imposed. In addition to a fine
13 imposed under this subsection, if the person is a licensee under chapter 19, 43, 45, 51
14 or 55, the court may suspend that person's license for up to one year in accordance
15 with chapter 33. A violation under this paragraph is a strict liability crime as defined
16 in Title 17-A, section 34, subsection 4-A.

17 **Sec. C-73. 29-A MRSA §115, last ¶**, as amended by PL 2005, c. 507, §17, is
18 further amended to read:

19 Any period of confinement must be served concurrently with any other period of
20 confinement previously imposed and not fully discharged or imposed on the same date.
21 Any period of confinement is subject to Title 17-A, section ~~1253, subsection 2~~ 2305,
22 except that a statement is not required to be furnished and the day-for-day deduction must
23 be determined by the facility, but is not subject to Title 17-A, section ~~1253, subsection 2,~~
24 ~~paragraph A, or subsection 3 B, 4, 5, 8, 9 or 10~~ 2305, subsection 4, section 2307,
25 subsections 2, 3 and 4, section 2308, subsection 2, section 2309, subsection 2 or section
26 2310, subsections 3, 6 and 7. If the court suspends the period of confinement in whole or
27 in part, the court shall impose a period of administrative release not to exceed one year.
28 The administrative release must be administered pursuant to Title 17-A, chapter ~~54-G~~ 67,
29 subchapter 2, and revocation of the administrative release is governed by the provisions
30 of that ~~chapter~~ subchapter.

31 **Sec. C-74. 29-A MRSA §2054, sub-§4**, as amended by PL 1997, c. 162, §1, is
32 further amended to read:

33 **4. Right-of-way.** An authorized emergency vehicle operated in response to, but not
34 returning from, a call or fire alarm or operated in pursuit of an actual or suspected
35 violinator of the law has the right-of-way when emitting a visual signal using an emergency
36 light and an audible signal using a bell or siren. On the approach of any such vehicle, the
37 operator of every other vehicle shall immediately draw that vehicle as near as practicable
38 to the right-hand curb, parallel to the curb and clear of any intersection and bring it to a
39 standstill until the authorized emergency vehicle has passed. A violation of this
40 subsection is a Class E crime that, ~~notwithstanding Title 17-A, section 1301,~~ is
41 punishable by a minimum fine of \$250 for the first offense and for a 2nd offense
42 occurring within 3 years of the first offense a mandatory 30-day suspension of a driver's
43 license.

1 **Sec. C-75. 29-A MRSA §2308, sub-§6**, as enacted by PL 1993, c. 683, Pt. A, §2
2 and affected by Pt. B, §5, is amended to read:

3 **6. Penalty.** A violation of this section is a Class E crime ~~which, notwithstanding~~
4 ~~Title 17-A, section 1301,~~ that is punishable by a \$250 minimum fine for the first offense
5 and a mandatory 30-day suspension of a driver's license for a 2nd offense occurring
6 within 3 years of the first offense.

7 **Sec. C-76. 30-A MRSA §1557-B, sub-§4, ¶B**, as enacted by PL 2015, c. 335,
8 §16, is amended to read:

9 B. The prisoner becomes eligible for ~~meritorious good time deductions~~ as provided
10 in Title 17-A, section ~~1253~~ 2302, subsection 1, section 2305, section 2307, section
11 2308, section 2309, section 2310 or section 2311 for a prisoner sentenced to
12 imprisonment in a county jail;

13 **Sec. C-77. 30-A MRSA §1557-B, sub-§4, ¶C**, as enacted by PL 2015, c. 335,
14 §16, is amended to read:

15 C. The prisoner becomes eligible for release and discharge as provided in Title 17-A,
16 section ~~1254~~ 2314, subsection 1 for a prisoner sentenced to imprisonment in a county
17 jail;

18 **Sec. C-78. 30-A MRSA §1605, sub-§1, ¶G**, as enacted by PL 1987, c. 737, Pt.
19 A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and
20 10, is further amended to read:

21 G. To work or provide service to the victim of the crime in accordance with Title
22 17-A, chapter ~~54~~ 69, but only with the express approval of the victim.

23 **Sec. C-79. 30-A MRSA §1605, sub-§5, ¶D**, as amended by PL 2003, c. 413, §4,
24 is further amended to read:

25 D. Payments, either in full or ratably, of restitution, and of the prisoners' obligations,
26 acknowledged in writing, in accordance with Title 17-A, chapter ~~54~~ 69, or that have
27 been reduced to judgment;

28 **Sec. C-80. 30-A MRSA §1606, sub-§2**, as amended by PL 2013, c. 519, §9, is
29 further amended to read:

30 **2. Sentence prorated.** Inmates participating in a public works-related project or an
31 improvement of property owned by a charitable organization under this section may have
32 their sentences to the jail prorated at the rate of up to one day removed from the sentences
33 for every 16 hours of participation in the project, except that inmates committed to the
34 custody of the sheriff for nonpayment of fines under Title 17-A, section ~~1304~~ 1711 must
35 have their sentences prorated at the rate that is applicable to the individual inmate
36 pursuant to Title 17-A, section ~~1304~~ 1711, subsection ~~3~~ 4, paragraph A, subparagraph (1).

37 **Sec. C-81. 30-A MRSA §1659-A, sub-§2, ¶E**, as enacted by PL 2009, c. 391,
38 §6, is amended to read:

39 E. The inmate serves a minimum of 1/3 of the term of imprisonment, or, in the case
40 of a split sentence, a minimum of 1/3 of the unsuspended portion, prior to
41 participating in a community confinement monitoring program. In calculating the

1 amount of time served, ~~good time or~~ deductions earned under Title 17-A, section
2 ~~1253 2302~~, subsection 1, section 2305, section 2307, section 2308, section 2309,
3 section 2310 or section 2311 and time reductions earned for charitable or public
4 works projects under section 1606 must be counted; and

5 **Sec. C-82. 30-A MRSA §3972, sub-§8**, as enacted by PL 2013, c. 398, §1, is
6 amended to read:

7 **8. Violations.** A dealer who violates any of the requirements of this section is guilty
8 of a Class E crime except as specified in subsection 2, paragraph E. A court may award
9 restitution pursuant to Title 17-A, section ~~1325~~ 2005 to any victim, including a dealer,
10 who suffers an economic loss as the result of a violation of this section.

11 **Sec. C-83. 32 MRSA §11304, sub-§1**, as amended by PL 1989, c. 542, §78, is
12 further amended to read:

13 **1. Knowing violation.** Any person who knowingly violates any provision of this
14 chapter or any rule or order of the administrator under this chapter ~~shall be~~ is guilty of a
15 Class C crime, ~~provided except~~ that, notwithstanding Title 17-A, ~~section 1304~~ sections
16 1704 and 1705, the maximum fine ~~shall be~~ is \$10,000 or any higher amount ~~which that~~
17 does not exceed twice the pecuniary gain derived from the crime by the defendant
18 pursuant to Title 17-A, section 1706, subsection 1.

19 **Sec. C-84. 32 MRSA §13731, sub-§3**, as enacted by PL 1987, c. 710, §5, is
20 amended to read:

21 **3. Violation.** Any person who violates this chapter commits a Class E crime and,
22 notwithstanding Title 17-A, ~~section 1304~~ sections 1704 and 1705, may be punished by a
23 fine of not more than \$1,000. Each violation of each section of this chapter constitutes a
24 separate offense.

25 **Sec. C-85. 32 MRSA §15223, sub-§4**, as enacted by PL 2001, c. 573, Pt. B, §27
26 and affected by §36, is amended to read:

27 **4. Class of crime; enhanced fine.** Criminal operation of an elevator or tramway is a
28 Class E crime. However, notwithstanding Title 17-A, section ~~1304~~ 1704, subsection ~~4-A,~~
29 ~~paragraph E 5~~ or Title 17-A, section ~~1304~~ 1705, subsection ~~3,~~ ~~paragraph E 5~~, the court
30 may impose an enhanced fine. The fine amount above that authorized under Title 17-A,
31 section ~~1304~~ 1704, subsection ~~5~~ or Title 17-A, section 1705, subsection 5 is based solely
32 on the number of days of criminal operation pleaded and proved by the State. For each
33 day of criminal operation pleaded and proved, the court may increase the fine amount by
34 up to \$100 for each of those days.

35 **Sec. C-86. 32 MRSA §15223, sub-§5**, as enacted by PL 2001, c. 573, Pt. B, §27
36 and affected by §36, is amended to read:

37 **5. Imposition of sentence without enhanced fine.** Nothing in subsection 3 or 4
38 may be construed to restrict a court, in imposing any authorized sentencing alternative,
39 including a fine in an amount authorized under Title 17-A, section ~~1304~~ 1704, subsection
40 ~~4-A,~~ ~~paragraph E 5~~ or Title 17-A, section ~~1304~~ 1705, subsection ~~3,~~ ~~paragraph E 5~~, from
41 considering the number of days of illegal operation, along with any other relevant
42 sentencing factor, which need not be pleaded or proved by the State.

1 **Sec. C-87. 34-A MRSA §3032, sub-§4**, as amended by PL 1997, c. 464, §11, is
2 further amended to read:

3 **4. Withdrawal of deductions.** All punishments involving ~~loss of good time or~~
4 ~~withdrawal of deductions~~ subject to being withdrawn must be first approved by the chief
5 administrative officer.

6 **Sec. C-88. 34-A MRSA §3035, first ¶**, as amended by PL 1991, c. 314, §40, is
7 further amended to read:

8 The commissioner may adopt, implement and establish rules for rehabilitative
9 programs, including work release, ~~restitution and~~ furlough and restitution, as authorized
10 by Title 17-A, chapter ~~54~~ 69, within the facilities under the commissioner's control.

11 **Sec. C-89. 34-A MRSA §3035, sub-§4, ¶B**, as corrected by RR 2009, c. 2, §93,
12 is amended to read:

13 B. Interference with a rehabilitative program or furlough is a Class E crime, except
14 that, notwithstanding Title 17-A, section 1604, subsection 1, paragraph E, the court
15 may sentence a person to imprisonment for not more than 11 months.

16 **Sec. C-90. 34-A MRSA §3035, sub-§5**, as amended by PL 1991, c. 314, §40, is
17 further amended to read:

18 **5. Time served before furlough.** No furlough may be granted until the client has
19 served 50% of the original sentence imposed, after consideration of any ~~good time~~
20 deductions that the client has received and retained under Title 17-A, section ~~1253~~ 2302,
21 subsection 1, section 2305, section 2307, section 2308, section 2309, section 2310 or
22 section 2311. This section does not apply to furloughs granted under subsection 2,
23 paragraph B or C.

24 **Sec. C-91. 34-A MRSA §3036-A, sub-§2, ¶B**, as amended by PL 2001, c. 141,
25 §1, is further amended to read:

26 B. A prisoner may not be transferred to supervised community confinement until the
27 prisoner has served at least 2/3 of the term of imprisonment imposed or, in the case of
28 a split sentence, at least 2/3 of the unsuspended portion, after consideration of any
29 deductions that the prisoner has received and retained under Title 17-A, section ~~1253~~
30 2302, subsection 1, section 2305, section 2307, section 2308, section 2309, section
31 2310 or section 2311 if the term of imprisonment or, in the case of a split sentence,
32 the unsuspended portion is more than 5 years. A prisoner may not be transferred to
33 supervised community confinement until the prisoner has served at least 1/2 of the
34 term of imprisonment imposed or, in the case of a split sentence, at least 1/2 of the
35 unsuspended portion after consideration of any deductions that the prisoner has
36 received and retained under Title 17-A, section ~~1253~~ 2302, subsection 1, section
37 2305, section 2307, section 2308, section 2309, section 2310 or section 2311 if the
38 term of imprisonment or, in the case of a split sentence, the unsuspended portion is 5
39 years or less.

40 **Sec. C-92. 34-A MRSA §3036-A, sub-§2, ¶C**, as amended by PL 2007, c. 240,
41 Pt. ZZZ, §2, is further amended to read:

1 C. Except as provided in paragraph C-1, a prisoner may not be transferred to
2 supervised community confinement unless the prisoner has no more than 18 months
3 remaining on the term of imprisonment or, in the case of a split sentence, on the
4 unsuspended portion, after consideration of any deductions that the prisoner has
5 received and retained under Title 17-A, section ~~1253~~ 2302, subsection 1, section
6 2305, section 2307, section 2308, section 2309, section 2310 or section 2311.

7 **Sec. C-93. 34-A MRSA §3036-A, sub-§2, ¶C-1**, as enacted by PL 2003, c. 711,
8 Pt. A, §22 and affected by Pt. D, §2, is amended to read:

9 C-1. If the commissioner determines that the average statewide probation case load
10 is no more than 90 probationers to one probation officer, then a prisoner may be
11 transferred to supervised community confinement if that prisoner has no more than 2
12 years remaining on the term of imprisonment or, in the case of a split sentence, on the
13 unsuspended portion, after consideration of any deductions that the prisoner has
14 received and retained under Title 17-A, section ~~1253~~ 2302, subsection 1, section
15 2305, section 2307, section 2308, section 2309, section 2310 or section 2311.

16 **Sec. C-94. 34-A MRSA §3036-A, sub-§4, ¶A**, as enacted by PL 1991, c. 845,
17 §4, is amended to read:

18 A. Any condition that may be imposed as a condition of probation pursuant to Title
19 17-A, section ~~1204~~ 1807; and

20 **Sec. C-95. 34-A MRSA §3036-A, sub-§9**, as amended by PL 1997, c. 464, §12,
21 is further amended to read:

22 **9. Probation violation; revocation.** If a prisoner on supervised community
23 confinement violates a condition of supervised community confinement imposed on the
24 prisoner and if the violation conduct is also a violation of a condition of probation
25 imposed as part of the sentence the prisoner is serving while on supervised community
26 confinement, a probation officer may file with any court a motion for revocation of
27 probation and the court may revoke probation as specified in Title 17-A, section ~~1206~~
28 1812.

29 **Sec. C-96. 34-A MRSA §3042, sub-§3, ¶C**, as enacted by PL 1983, c. 459, §6,
30 is amended to read:

31 C. A certificate of the commissioner, warden or other official having custody of the
32 prisoner stating:

- 33 (1) The term of commitment under which the prisoner is held;
- 34 (2) The time already served on the sentence;
- 35 (3) The time remaining to be served;
- 36 (4) The ~~amount of good time earned~~ total of deductions received and retained;
- 37 (5) The time of parole eligibility of the prisoner; and
- 38 (6) Any decisions of the State Parole Board relating to the prisoner.

1 **Sec. C-97. 34-A MRSA §3047, sub-§2**, as amended by PL 2007, c. 102, §9, is
2 further amended to read:

3 **2. Money.** May give the prisoner an amount equal to the net salary of a single wage
4 earner with no dependents for 40 hours of work at the state minimum wage less all
5 applicable state and federal deductions ~~provided~~ except that any amount in excess of \$50
6 may not be provided by the General Fund, except that the commissioner may not give
7 money to a prisoner who:

8 A. Has, within the 6 months prior to the date of parole or discharge, transferred from
9 the department's general client account to any person more than \$500, excluding any
10 money transferred for the support of dependents; or

11 B. Has, on the date of parole or discharge, more than \$500 in personal assets.

12 Money received by the prisoner under this subsection is not subject to section 3032,
13 subsection 5-A or 5-B or Title 17-A, section ~~4330~~ 2016, subsection 2;

14 **Sec. C-98. 34-A MRSA §3061, sub-§1**, as amended by PL 2013, c. 28, §10, is
15 further amended to read:

16 **1. Transfer.** The commissioner may transfer any client from one correctional or
17 detention facility or program, including prerelease centers, work release centers, halfway
18 houses, supervised community confinement or specialized treatment facilities, to another.
19 A juvenile may not be transferred to another facility or program for adult offenders and
20 an adult offender may not be transferred to another facility or program for juveniles,
21 except that an adult offender may be housed in the Long Creek Youth Development
22 Center or the Mountain View Youth Development Center pursuant to section 3816 or
23 4117 or Title 17-A, section ~~4259~~ 1611.

24 **Sec. C-99. 34-A MRSA §3061, sub-§2, ¶B**, as repealed and replaced by PL
25 1983, c. 581, §§26 and 59, is amended to read:

26 B. The person becomes eligible for release and discharge as provided in Title 17-A,
27 section ~~4254~~ 2314.

28 **Sec. C-100. 34-A MRSA §3063-C, sub-§4, ¶¶B and C**, as enacted by PL
29 2015, c. 335, §28, are amended to read:

30 B. The prisoner becomes eligible for ~~meritorious good time or~~ deductions as
31 provided in Title 17-A, section ~~4253~~ 2302, subsection 1, section 2305, section 2307,
32 section 2308, section 2309, section 2310 or section 2311 for a prisoner committed to
33 the department;

34 C. The prisoner becomes eligible for release and discharge as provided in Title 17-A,
35 section ~~4254~~ 2314, subsection 1 for a prisoner committed to the department;

36 **Sec. C-101. 34-A MRSA §3802, sub-§1, ¶I**, as enacted by PL 2007, c. 686, §4,
37 is amended to read:

38 I. To confine juveniles committed to a juvenile correctional facility pursuant to Title
39 17-A, section ~~4259~~ 1611.

1 **Sec. C-102. 34-A MRSA §4102-A, sub-§1, ¶I**, as enacted by PL 2007, c. 686,
2 §7, is amended to read:

3 I. To confine juveniles committed to a juvenile correctional facility pursuant to Title
4 17-A, section ~~1259~~ 1611.

5 **Sec. C-103. 34-A MRSA §5001, sub-§6**, as enacted by PL 1983, c. 459, §6, is
6 amended to read:

7 **6. Parole.** "Parole" is a release procedure by which a person may be released from a
8 correctional facility by the State Parole Board prior to the expiration of ~~his~~ the person's
9 maximum term, parole status being in effect under Title 17-A, section ~~1254~~ 2314,
10 subsection ~~3~~ 2, with all provisions of prior laws governing parole continuing in effect.

11 **Sec. C-104. 34-A MRSA §5211, sub-§2**, as enacted by PL 1983, c. 459, §6, is
12 amended to read:

13 **2. Restitution.** The board may authorize and impose as a condition of parole that the
14 person make restitution to ~~his~~ the person's victim or other authorized claimant in
15 accordance with Title 17-A, chapter ~~54~~ 69.

16 **Sec. C-105. 34-A MRSA §9603, sub-§1**, as enacted by PL 1983, c. 459, §6, is
17 amended to read:

18 **1. Trial pending.** Whenever a person has entered upon a term of imprisonment in a
19 penal or correctional institution of a party state, and whenever during the continuance of
20 the term of imprisonment there is pending in any other party state any untried indictment,
21 information or complaint on the basis of which a detainer has been lodged against the
22 prisoner, ~~he shall~~ the prisoner must be brought to trial within 180 days after ~~he shall have~~
23 the prisoner has caused to be delivered to the prosecuting officer and the appropriate
24 court of the prosecuting officer's jurisdiction written notice of the place of ~~his~~ the
25 prisoner's imprisonment and ~~his~~ the prisoner's request for final disposition to be made of
26 the indictment, information or complaint, ~~provided~~ except that, for good cause shown in
27 open court, the prisoner or ~~his~~ the prisoner's counsel being present, the court having
28 jurisdiction of the matter may grant any necessary or reasonable continuance. The
29 request of the prisoner ~~shall~~ must be accompanied by a certificate of the appropriate
30 official having custody of the prisoner, stating the term of commitment under which the
31 prisoner is being held, the time already served, the time remaining to be served on the
32 sentence, the ~~amount of good time earned~~ total of deductions received and retained, the
33 time of parole eligibility of the prisoner and any decisions of the state parole agency
34 relating to the prisoner.

35 **Sec. C-106. 34-A MRSA §9604, sub-§2**, as enacted by PL 1983, c. 459, §6, is
36 amended to read:

37 **2. Certificate.** Upon receipt of the officer's written request as provided in subsection
38 1, the appropriate authorities having the prisoner in custody shall furnish the officer with
39 a certificate stating the term of commitment under which the prisoner is being held, the
40 time already served, the time remaining to be served on the sentence, the ~~amount of good~~
41 ~~time earned~~ total of deductions received and retained, the time of parole eligibility of the
42 prisoner and any decisions of the state parole agency relating to the prisoner. Said
43 authorities simultaneously shall furnish all other officers and appropriate courts in the

1 receiving state who have lodged detainers against the prisoner with similar certificates
2 and with notices informing them of the request for custody or availability and of the
3 reasons therefor.

4 **Sec. C-107. 34-A MRSA §9605, sub-§6**, as enacted by PL 1983, c. 459, §6, is
5 amended to read:

6 **6. Time on sentence.** During the continuance of temporary custody or while the
7 prisoner is otherwise being made available for trial as required by this agreement, time
8 being served on the sentence ~~shall continue~~ continues to run, but ~~good time shall be~~
9 deductions for good behavior and program participation are earned by the prisoner only
10 if, and to the extent that, the law and practice of the jurisdiction ~~which~~ that imposed the
11 sentence ~~may~~ allow.

12 **Sec. C-108. 34-A MRSA §11273, sub-§3**, as amended by PL 2013, c. 133, §33,
13 is further amended to read:

14 **3. Conditional release.** "Conditional release" means supervised release of a
15 registrant or an offender from institutional confinement for placement on probation,
16 parole, supervised release for sex offenders, supervised community confinement, home
17 release monitoring or release under Title 15, section 104-A or Title 17-A, chapter ~~54-G~~
18 67, subchapter 2.

19 **Sec. C-109. 34-B MRSA §1203-A, sub-§7, ¶B**, as enacted by PL 1989, c. 227,
20 §1, is amended to read:

21 B. Notwithstanding Title 17-A, sections 4-A ~~and 1301, 1704 and 1705~~, unlicensed
22 operation of a mental health service facility is punishable by a fine of not more than
23 \$500 or by imprisonment for not more than 60 days.

24 **Sec. C-110. 34-B MRSA §1220, sub-§1, ¶A**, as corrected by RR 1997, c. 1,
25 §27, is amended to read:

26 A. To provide reports in a timely fashion on behalf of the department in response to
27 any requests made by a court pursuant to Title 17-A, section ~~4204~~ 1807, subsection 4
28 and to undertake or cause to be undertaken such inquiries or evaluations as are
29 necessary to complete the reports;

30 **Sec. C-111. 34-B MRSA §1220, sub-§1, ¶C**, as enacted by PL 1997, c. 422, §3,
31 is amended to read:

32 C. To receive any notice of imposition of a condition of probation given pursuant to
33 Title 17-A, section ~~4204~~ 1807, subsection 4 and to assess or to obtain an assessment
34 of the appropriateness and availability of the mental health services necessary for an
35 individual to meet the conditions of probation imposed.

36 **Sec. C-112. 36 MRSA §112-A, sub-§4**, as enacted by PL 2007, c. 539, Pt. OO,
37 §4, is amended to read:

38 **4. Accounting.** The creditor agency shall credit the account of the debtor with the
39 full amount of the collected debt, including the collection fee retained by, or reimbursed
40 to, the assessor, except that the collection fee may not be credited to the account of an

1 individual required to make restitution as provided in Title 17-A, section ~~4452~~ 1502,
2 subsection ~~2-A~~ 4.

3 **Sec. C-113. 36 MRSA §5276-A, sub-§6**, as amended by PL 2005, c. 389, §9, is
4 further amended to read:

5 **6. Accounting.** The creditor agency shall credit the account of the individual whose
6 refund has been set off with the full amount of the setoff, including the collection fee
7 retained by, or reimbursed to, the State Tax Assessor, except that the collection fee may
8 not be credited to the account of an individual required to make restitution as provided in
9 Title 17-A, section ~~4452~~ 1502, subsection ~~2-A~~ 4.

10 **Sec. C-114. 37-B MRSA §806, sub-§3**, as repealed and replaced by PL 2003, c.
11 452, Pt. V, §2 and affected by Pt. X, §2, is amended to read:

12 **3. Criminal penalties.** The following penalties apply to the following violations.

13 A. A person who intentionally, knowingly or recklessly fails to comply with the
14 reporting requirements of section 798, subsection 1 commits a Class C crime and,
15 notwithstanding Title 17-A, section ~~4304~~ 1704, subsection 3 and section 1705,
16 subsection 4, is subject to a fine of not more than \$25,000.

17 B. A person who violates paragraph A when the person has a prior conviction for
18 violation of paragraph A commits a Class C crime and, notwithstanding Title 17-A,
19 section ~~4304~~ 1704, subsection 3 and section 1705, subsection 4, is subject to a fine of
20 not more than \$50,000. Title 17-A, section 9-A governs the use of prior convictions
21 when determining a sentence.

22 **Sec. C-115. 38 MRSA §344-A, sub-§4**, as enacted by PL 1991, c. 471, is
23 amended to read:

24 **4. Penalty.** Notwithstanding section 349, any person who knowingly violates
25 subsection 3 is guilty of a Class D crime. Notwithstanding Title 17-A, ~~sections~~ section
26 ~~4-A and 4304,~~ section 1704, subsection 4 and section 1705, subsection 5, the fine for
27 each violation may not be less than \$5,000 nor more than \$25,000.

28 **Sec. C-116. 38 MRSA §349, sub-§1**, as amended by PL 2003, c. 452, Pt. W, §2
29 and affected by Pt. X, §2, is further amended to read:

30 **1. Criminal penalties.** Except as otherwise specifically provided, a person who
31 intentionally, knowingly, recklessly or with criminal negligence violates a law
32 administered by the department, including, without limitation, a violation of the terms or
33 conditions of an order, rule, license, permit, approval or decision of the board or
34 commissioner, or who disposes of more than 500 pounds or more than 100 cubic feet of
35 litter for a commercial purpose, in violation of Title 17, section 2264-A, commits a Class
36 E crime. Notwithstanding Title 17-A, section ~~4304~~ 1704, subsection 5 and section 1705,
37 subsection 5, the fine for a violation of this subsection may not be less than \$2,500 and
38 not more than \$25,000 for each day of the violation, except that the minimum amount for
39 knowing violations is \$5,000 for each day of violation.

40 This subsection does not apply to actions subject to the criminal penalties set forth in
41 section 1319-T.

1 **Sec. C-117. 38 MRSA §349, sub-§3**, as repealed and replaced by PL 2003, c.
2 452, Pt. W, §4 and affected by Pt. X, §2, is amended to read:

3 **3. Falsification and tampering.** A person may not knowingly:

4 A. Make a false statement, representation or certification in an application, record,
5 report, plan or other document filed or required to be maintained by any law
6 administered by the department or by any order, rule, license, permit, approval or
7 decision of the board or commissioner;

8 B. Tamper with or render inaccurate a monitoring device or method required by any
9 law or by any order, rule, license, permit, approval or decision of the board or
10 commissioner; or

11 C. Fail to comply with an information submittal required by the commissioner
12 pursuant to section 568, subsection 3 or section 1364, subsection 3.

13 A person who violates this subsection commits a Class E crime. Notwithstanding Title
14 17-A, section ~~1304~~ 1704, subsection 5, a fine for a violation of this subsection may not be
15 more than \$10,000.

16 **Sec. C-118. 38 MRSA §1316-M, sub-§4**, as amended by PL 2003, c. 452, Pt.
17 W, §10 and affected by Pt. X, §2, is further amended to read:

18 **4. Transporting without license or manifest; penalties.** A person who transports
19 scrap tires without a license or without a manifest as required by department rules
20 commits a Class E crime. Violation of this subsection is a strict liability crime as defined
21 in Title 17-A, section 34, subsection 4-A. The minimum fines for transporting scrap tires
22 without a license or without a manifest are as follows:

23 A. For a vehicle with a registered gross weight of up to 12,000 pounds, \$500;

24 B. For a vehicle with a registered gross weight of between 12,001 and 34,000
25 pounds, \$2,000; and

26 C. For a vehicle with a registered gross weight of over 34,000 pounds, \$4,500.

27 This minimum fine may not be suspended, but it may be reduced by the amount of the
28 disposal fee paid by the transporter for disposal of the truckload of tires at a licensed
29 waste facility. Notwithstanding Title 17-A, section ~~1304~~ 1704, the maximum fine under
30 this subsection is not more than \$10,000 per violation.

31 **Sec. C-119. 38 MRSA §1316-M, sub-§5**, as enacted by PL 2003, c. 452, Pt. W,
32 §11 and affected by Pt. X, §2, is amended to read:

33 **5. Transporting after summons or arrest.** A person who, after being issued a
34 summons or arrested for a violation of the license or manifest requirements, transports the
35 scrap tires to an unlicensed, nonexempt waste facility commits a Class D crime.
36 Violation of this subsection is a strict liability crime as defined in Title 17-A, section 34,
37 subsection 4-A. Notwithstanding Title 17-A, ~~section 1304~~ sections 1704 and 1705, the
38 maximum fine under this subsection is not more than \$25,000 per violation.

39 **Sec. C-120. 38 MRSA §1319-T**, as amended by PL 1991, c. 548, Pt. A, §32, is
40 further amended to read:

1 **§1319-T. Criminal provisions**

2 In addition to being subject to civil penalties as provided by section 349, subsection 2
3 and to criminal penalties as provided in section 349, subsection 3, conduct described in
4 subsections 1 and 2 is subject to criminal penalties as follows.

5 **1. Penalty provisions.** Any person is guilty of a Class C crime and may be punished
6 accordingly if that person, with respect to any substance or material that has been
7 identified as hazardous waste by the board and that the person believes may be harmful to
8 human health or knows or has reason to know has been so identified, knowingly:

9 A. Transports any such substance or material without, in fact, having a proper license
10 or permit as may be required under this subchapter;

11 B. Transports any such substance or material to a waste facility knowing or
12 consciously disregarding a risk that such facility does not have a proper license or
13 permit as may be required under this subchapter;

14 C. Handles any such substance or material without, in fact, having obtained a proper
15 license or permit to do so as may be required under this subchapter; or

16 D. Handles any such substance or material at any location knowing or consciously
17 disregarding a risk that such location does not have a proper license or permit as may
18 be required under this subchapter for such treatment, storage or disposal.

19 Notwithstanding Title 17-A, section ~~1304~~ 1704, subsection ~~1, paragraph A-1~~ 3 or Title
20 17-A, section ~~1304~~ 1705, subsection ~~3, paragraph D~~ 4, the fine for such violation may not
21 exceed \$50,000 for each day of such violation. In a prosecution under paragraph B or D,
22 the conscious disregard of the risk, when viewed in light of the nature and purpose of the
23 person's conduct and the circumstances known to the person, must involve a gross
24 deviation from the standard of conduct that a reasonable and prudent person would
25 observe in the same situation.

26 **2. Class D crimes.** A person is guilty of a Class D crime if, with respect to any
27 substance or material that, in fact, has been identified as hazardous waste by the board
28 and that the person knows or has reason to believe has been so identified or may be
29 harmful to human health, that person knowingly:

30 A. Establishes, constructs, alters or operates any waste facility for any such
31 substance or material without, in fact, having obtained a proper license or permit as
32 may be required under this subchapter;

33 B. Handles or transports any substance or material identified as hazardous waste by
34 the board in any manner that violates the terms of any condition, order, rule, license,
35 permit, approval or decision of the board or commissioner with respect to the
36 handling or transporting of that substance or material; or

37 C. Gives custody or possession of any such substance or material to any other person
38 whom that person knows or has reason to believe:

39 (1) Does not have a license or permit to transport or handle such substance or
40 material as may be required under this subchapter; or

1 (2) Will transport or handle such substance or material in violation of this
2 subchapter or rules adopted under it.

3 A person who violates the provisions of this subsection may be punished accordingly,
4 except that, notwithstanding Title 17-A, section ~~1301~~ 1704, subsection ~~1~~, paragraph ~~B~~, 4
5 or Title 17-A, section ~~1301~~ 1705, subsection ~~3~~, paragraph ~~E~~ 5, the fine for such violation
6 may not exceed \$25,000 for each day of the violation.

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

9 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
10 section number to read consecutively.

11 SUMMARY

12 This amendment is the majority report of the committee. The amendment corrects
13 cross-references in the bill. The amendment clarifies that the maximum term of
14 imprisonment for a Class D crime is less than one year, as is consistent with current law,
15 instead of one year. The amendment clarifies that when an individual is committed to a
16 Department of Corrections correctional facility the sentence commences on the date on
17 which the individual is received into the correctional facility designated as the place of
18 confinement by the Commissioner of Corrections or the commissioner's designee instead
19 of designated solely by the commissioner. In the sections of the bill on deductions from
20 sentence, the amendment clarifies that the restoration of certain deductions requires a
21 determination that is in the discretion of the chief administrative officer of the
22 correctional facility or the jail administrator.

23 The amendment requires that a court terminate probation, administrative release or
24 supervised release if the court determines that the previously imposed sentence and the
25 new sentence must be served consecutively.

26 The amendment requires that a person who is being detained for the conduct for
27 which the sentence is imposed receives credit for time detained in a mental health
28 institute.

29 The amendment, in Part C, updates cross-references in other parts of the Maine
30 Revised Statutes to reflect the repeal and reallocation of sections of law affected in the
31 bill.

32 The amendment adds an emergency preamble and emergency clause to the bill.

33 FISCAL NOTE REQUIRED

34 (See attached)