

126th Legislature – First Regular Session

**New and Amended Public Laws of
Interest to Law Enforcement Officers**

Effective October 9, 2013, unless otherwise noted

2013 NEW LAW UPDATE



**Maine Criminal Justice Academy
Maine Chiefs of Police Association
Maine Office of the Attorney General**

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This publication and the 2013 Case Law Update constitute the training outline of the Maine Criminal Justice Academy for recertification training in law updates for the year 2013.

Preparer's Note

The First Regular Session of the 126th Maine Legislature, which convened on December 5, 2012, and adjourned *sine die* on July 10, 2013, saw the introduction of 1,500 bills. Of those, 524 passed in some fashion—428 chaptered public laws, 18 private and special laws, and 78 resolves, all of which take effect on October 9, 2013, unless passed as emergency measures, in which case the effective date is the date the Governor signed the measure. The Second Regular Session will convene on January 8, 2014.

The preparer reviewed the public laws, and selected those believed to be of general interest to Maine law enforcement officers. This document, containing summaries of 44 chaptered laws, is obviously not a listing of all laws passed by the Legislature. If a particular law change or enactment is of interest to the reader, both a statutory citation and a link to the chaptered law are provided so that the reader can review the entire text of the law for a more comprehensive understanding. This is particularly recommended before any enforcement action is taken. There is also a reference to the LD that started it all. As you know, there are many types of law enforcement officers in Maine and some statutes that may be of interest to only a specialized type of law enforcement have been left out to keep the length of this document manageable.

The summaries are those of the preparer and do not represent legal opinions of the Office of the Attorney General or interpretations of the Maine Criminal Justice Academy or the Maine Chiefs of Police Association.

The preparer wishes to recognize the assistance of District Attorney Geoffrey A. Rushlau (District VI – Knox, Lincoln, Sagadahoc, and Waldo counties), who reviewed this document and offered meaningful comments and suggestions.

Link to Chaptered Laws: <http://www.mainelegislature.org/ros/LOM/LOMDirectory.htm>

Link to LD's: http://www.mainelegislature.org/legis/bills/bills_126th/billtexts/

Questions, suggestions, or other comments?

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Chapter 2 – LD 216

An Act to Extend the Hours for the Sale of Liquor on Sunday when St. Patrick's Day is on a Sunday (Effective March 15, 2013)

The law prohibited the sale of liquor on Sunday between the hours of 6 a.m. and 9 a.m. This bill, with its emergency preamble, provides that this prohibition does not apply when St. Patrick's Day, March 17th, falls on a Sunday.

Amends 28-A MRSA §4, sub-§1, ¶A

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=11740>

Chapter 24 – LD 187

An Act to Permit Temporary Operation of a Motor Vehicle with an Expired Operator's License for the Purpose of Traveling Home or Renewing the License

This change in the law allows a law enforcement officer to issue a permit to a person whose operator's license has expired within the previous 90 days to allow that person to drive to the operator's residence or to an office of the Bureau of Motor Vehicles for the sole purpose of renewing the operator's license.

Amends 29-A MRSA §1251, sub-§1, ¶E

Enacts 29-A MRSA §1251, sub-§7

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=12503>

Chapter 54 – LD 345

An Act to Ensure the Confidentiality of Concealed Handgun Permit Holder Personal Information (Effective April 26, 2013)

This law makes personal and identifying information of concealed weapons permit holders confidential. The new law does not preclude or limit disclosure of confidential information for criminal justice or permitting purposes. Only personally identifying information is confidential. Still a matter of public information is the date of issue, the date of expiration, and the permit holder's municipality of residence.

Repeals 25 MRSA §2006 and Enacts in its place a new §2006

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=13006>

Chapter 61 – LD 11

An Act to Allow Vehicles Engaged in Snow Removal or Sanding Operations on Public Ways to Use Preemptive Traffic Light Devices (Effective May 7, 2013)

This law allows a vehicle owned or contracted by a municipal, county or state agency engaged in snow removal or sanding operations on a public way to use a preemptive traffic light device. (A "preemptive traffic device is a device capable of altering or interrupting the normal cycle of a lighted traffic control device.)

Amends 29-A MRSA §2057-A

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=13300>

Chapter 72 – LD 133

An Act to Allow Showing Proof of Insurance by Electronic Means

This law provides that evidence of liability insurance or financial responsibility may be in electronic form. The Superintendent of Insurance, with the advice of the Secretary of State, is required to adopt rules that prescribe both paper and electronic forms of a uniform motor vehicle insurance identification card.

Amends 24-A MRSA §2412, sub-§7

Enacts 29-A MRSA §1551, sub-§11-A

Amends 29-A MRSA §402, sub-§2

Amends 29-A MRSA §1601, sub-§2

Amends 29-A MRSA §1551, sub-§4

Amends 29-A MRSA §1605, sub-§2

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=13442>

Chapter 77 – LD 591

An Act to Amend the Laws Governing Motorcycle and Moped Permits

This change removes the provision of law that prohibits a holder of a motorcycle or moped instruction permit from operating a motorcycle or moped at night. (The prohibition of carrying a passenger remains in effect.)

Amends 29-A MRSA §1304, sub-§2, ¶G

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=13449>

Chapter 80 – LD 355

An Act to Clarify Certain Enforcement Powers of Department of Corrections

This law change allows employees of the Department of Corrections who are certified by the Board of Trustees of the Maine Criminal Justice Academy as law enforcement officers to exercise the same law enforcement powers as investigative officers of the Department of Corrections. It also amends the laws governing the interception of prisoner wire and oral communications to reflect these changes.

Repeals 15 MRSA §709, sub-§4-A, and enacts in its place a new §709, sub-§4-A

Amends 34-A MRSA §1001, sub-§10-A

Amends 34-A MRSA §3011

Amends 15 MRSA §710, sub-§1

Amends 34-A MRSA §3035, sub-§1, ¶D

Amends 15 MRSA §710, sub-§5

Amends 34-A MRSA §3040-A, sub-§1

Amends 15 MRSA §712, sub-§2

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=13439>

Chapter 96 – LD 887

An Act to Repeal a Specialized Form of Theft by Unauthorized Taking or Transfer

This change repeals the crime of theft by unauthorized taking or transfer at a casino or slot machine facility in that the crime is already prohibited by the generic umbrella crime of theft by unauthorized taking or transfer, except for the additional requirement that the theft occur at or from a casino or slot machine facility. This change also repeals a cross-reference to the crime in the laws regarding slot machines.

Repeals 17-A MRSA §353-A

Repeals 8 MRSA §1055

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=13573>

Chapter 100 – LD 918

An Act to Remove the Provision that a Motorcycle Operator May Prove a Motorcycle Muffler Does Not Exceed Specific Noise Standards

Current law prohibits the operation of a motor vehicle that is not equipped with an adequate muffler properly maintained to prevent excessive or unusual noise, which includes noise emitted by a motor vehicle that is noticeably louder than similar vehicles in the environment, or that is equipped with a muffler that has been modified to amplify or increase the noise emitted by the muffler above the original muffler. Motorcycles have been exempt if the muffler or exhaust system did not emit noise in excess of 92 decibels measured according to a specific standard. This law repeals that exemption for motorcycles. The burden of proving that the motorcycle is in compliance continues to be on the operator of the motorcycle.

Amends 29-A MRSA §1912, sub-§6

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=13730>

Chapter 107 – LD 654

An Act Regarding the Maximum Rate of Speed on the Interstate Highway

The Commissioner of Transportation may set maximum speeds on the interstate highways system or other divided controlled-access highways (except the Maine Turnpike) not to exceed 75 miles per hour.

Amends 29-A MRSA §2073, sub-§1, ¶C

Amends 29-A MRSA §2074, sub-§3-A

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=13767>

Chapter 109 – LD 687

An Act to Include Pets in Protection from Abuse Orders

This change amends the law concerning protection from abuse orders to allow the court to include provisions in both temporary and permanent orders that direct the defendant to refrain from injuring or threatening to injure an animal that is owned, possessed, leased, kept or held by either party or a minor child residing in the household.

Amends 19-A MRSA §4006, sub-§5-A

Amends 19-A MRSA §4007, sub-§1, ¶E-1

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=13798>

Chapter 112 – LD 943

An Act to Amend Provisions of the Law Pertaining to Motor Vehicles

There are several technical and housekeeping changes in this bill. The bill also creates a new offense called “improper registration.” Improper registration is a traffic infraction for which a fine of \$200 to \$1,000 may be adjudged if the vehicle is not properly registered. “Not properly registered” means the vehicle is registered in a manner that is not reflective of its current actual use, e.g., a motor vehicle registered as an antique auto when the vehicle is not an antique auto. It also includes authority to the Chief Judge of the District Court to approve for use an electronic Violation Summons and Complaint.

Enacts 29-A MRSA §351, sub-§6 (improper registration)

Enacts 29-A MRSA §2601, sub-§3-A (electronic VSAC)

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=13841>

Chapter 113 – LD 884

An Act to Improve Death Investigations

This change allows the Chief Medical Examiner to appoint qualifying persons who are not physicians as medicolegal death investigators with the authority to go to death scenes and conduct investigations and inquiries into the cause, manner and circumstances of death. Medicolegal death investigators may be employees of the Office of the Chief Medical Examiner or serve on a fee-for-service basis.

Amends 22 MRSA §3023, first ¶

Enacts 22 MRSA §3023-A

Amends 22 MRSA §3024, first, 3rd and last ¶¶

Amends 22 MRSA §3028, sub-§§1,2,3,4,5,6,7

Amends 22 MRSA §3033, sub-§1, ¶¶B and C

Enacts 22 MRSA §3033, sub-§1, ¶D

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=13842>

Chapter 141 – LD 808

An Act to Amend the Laws Concerning Scrap Metal Processors

Under this change in law, a scrap metal processor will be required to provide payment to a seller only in the form of a credit card, a debit card, or a check. If payment is made by check, the scrap metal processor must maintain a record of the payee, check number and name of the financial institution upon which the check is drawn. Another LD (809) was introduced as a concept draft to investigate the feasibility of licensing scrap metal dealers. The LD ended up as Resolve 37, which directs the Secretary of State to study the need for a state regulatory process, and report back to the Legislature by January 30, 2014.

Amends 30-A MRSA §3772, sub-§1-A

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=13922>

Chapter 142 – LD 605

An Act to Allow a Minor to Assist with Traffic Control at Civic Events

This law allows a minor who is at least 14 years of age and a volunteer participant in a career-oriented law enforcement program to perform traffic control duties at civic events after receiving training to perform these duties by the supervising law enforcement agency. A minor may perform traffic control duties only under direct supervision of a law enforcement officer as part of the career-oriented law enforcement program. The minor may perform traffic control duties only at civic events, fair parking lots, parades, walks, foot races, car shows, and charity events during the period from sunrise to sunset.

Amends 26 MRSA §772, sub-§5

Enacts 26 MRSA §786

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=13923>

Chapter 147 – LD 1432

An Act to Revise the Laws of the Maine Criminal Justice Academy

This law makes many changes to the law related to criminal justice training and certification. The bill:

- Makes minor technical changes to reflect current practice and clearly identifies the purpose of the Board of Trustees.
- Eliminates the separate definitions for state and county corrections officers.
- Simplifies the definition of judicial marshal.
- Eliminates the definition of part-time corrections officer.
- Redefines full-time law enforcement officer, law enforcement officer, part-time law enforcement officer, and "transport officer" for statewide application of the law.
- Clarifies annual training and certification requirements.
- Changes the makeup of the Board of Trustees to specifically include a district attorney or a criminal prosecutor from a district attorney's office.
- Eliminates outdated language concerning the establishment of minimum standards and sets deadlines for the agencies to comply with the standards and policies and for annual certification of any changes in the policies.
- Amends the penalty section to add that an individual may be assessed a civil penalty of up to \$500 for violating any provision of the academy laws.
- Requires all corrections officers, whether employed as part-time or full-time officers, to be trained and certified to the same standards, regardless of how many hours worked.
- Specifies that all law enforcement officers and corrections officers must complete the in-service training and may be disciplined by the board for not doing so, clarifies the role of the board involving in-service training, and permits in-service training to be provided by either the Academy or the employing law enforcement agency.
- Amends the law concerning the complaint review committee of the board to allow it to investigate any person holding a certificate issued by the board, not just law enforcement and corrections officers, and makes the process consistent with the due process guidelines of the Maine Administrative Procedure Act.
- Makes more specific and expands the list of behaviors subject to disciplinary action by the board.
- Allows the board to bring an action in court to enjoin a person from violating any provision of the academy laws relating regardless of whether civil or administrative proceedings have been or may be instituted.
- Requires a chief administrative officer to report criminal convictions or criminal conduct of any certificate holder or potential certificate holder to the Academy within 30 days.
- Requires reimbursement to a law enforcement agency for the cost of basic training regardless of the reason an officer left the agency if the officer is hired by another law enforcement agency, and allows for a mutual agreement between two agencies on reimbursement.
- Establishes certification standards and a preservice and in-service training program for employees of the Department of Corrections authorized to exercise law enforcement powers.

- Provides the board with the authority to issue subpoenas in its investigations and hearings.
- Allows the board to accept gifts or endowments.
- Provides that the Commissioner’s appointment of the academy director be approved by the board, and that the Academy director is also the executive director of the board.

Amends 17-A MRSA §1058, sub-§2
Amends 25 MRSA §1611, sub-§5
Amends 25 MRSA §2002, sub-§1
Repeals 25 MRSA §2801 and enacts in its place a new §2801
Amends 25 MRSA §2801-A
Amends 25 MRSA §2801-B
Amends 25 MRSA §2802, first ¶
Amends 25 MRSA §2803-A, sub-§5, sub-§8-B, sub-§8-C, sub-§9, sub-§§15 to 19
Enacts 25 MRSA §2803-A, sub-§5-A
Repeals 25 MRSA §2803-B, sub-§1, ¶C, ¶J, ¶K, ¶L, ¶M
Repeals 25 MRSA §2803-B, sub-§2 and enacts in its place a new sub-§2
Repeals 25 MRSA §2803-B, sub-§3 and enacts in its place a new sub-§3

Repeals 25 MRSA §2803-B, sub-§6, sub-§7
Amends 25 MRSA §2803-C
Enacts 25 MRSA §2803-D
Amends 25 MRSA §2804-A, first ¶
Amends 25 MRSA §2804-B, sub-§7
Amends 25 MRSA §2804-C, sub-§§1, 2-C, 3, 5
Amends 25 MRSA §§2804-D, 2804-E, 2804-F, 2804-K
Amends 25 MRSA §2805-C
Repeals 25 MRSA §2806
Enacts 25 MRSA §2806-A
Amends 25 MRSA §2807
Amends 25 MRSA §2808, sub-§3
Amends 25 MRSA §2808-A, sub-§1, ¶B, sub-§2
Amends 25 MRSA §2809, first ¶
Amends 30-A MRSA §353

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=13976>

Chapter 153 – LD 474

An Act to Provide for Edible Landscaping in a Portion of Capitol Park

This law requires edible landscaping in a portion of Capitol Park. The development of the edible landscaping portion of Capitol Park is subject to available funding, and the State House and Capitol Park Commission may seek and accept public and private funds for this purpose.

Enacts 3 MRSA §902, sub-§1-B

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=14009>

Chapter 160 – LD 206

An Act to Protect Title to Real and Personal Property of Public Employees and Public Officials (Effective May 29, 2013)

This new law permits a civil action by a public employee to recover damages from a person who files a lien or encumbrance against the real or personal property of the public employee knowing or believing the lien or encumbrance to be false or without legal authority. The public employee is authorized to recover damages in the amount of the value of the lien or encumbrance and legal costs attributable to bringing legal action. (Current law declares falsely filing a recordable instrument to be a Class D crime. A person is guilty of falsely filing a recordable instrument if, with intent to defraud, harass or intimidate, the person files or causes to be filed a will, deed, mortgage, security instrument or other writing for which the law provides public recording, knowing or believing the writing to be false or without legal authority. See 17-A M.R.S. § 706-A.

Enacts 14 MRSA c. 755

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=14156>

Chapter 161 – LD 498

An Act to Allow a Municipality to Prohibit a Sex Offender from Residing within 750 Feet of a Recreational Facility

This change in law authorizes a municipality to enact an ordinance to prevent certain sex offenders from residing within 750 feet of a municipally-owned or state-owned property that is leased to a nonprofit organization for purposes of a park, athletic field or recreational facility that is open to the public where children are the primary users.

Amends 30-A MRSA §3014, sub-§2, ¶B

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=14157>

Chapter 187 – LD 85

An Act to Amend the Motor Vehicle Ignition Interlock Device Requirements in the Laws Regarding Operating Under the Influence

This change in law increases a court-ordered suspension of a driver's license from six to eight years when the driver has three or more previous OUI offenses within a 10-year period. It also allows for reinstatement of the driver's license of a person with four or more OUI offenses after four years if the person has installed an ignition interlock device.

Amends 29-A MRSA §2411, sub-§5, ¶D

Amends 29-A MRSA §2508, sub-§1, ¶C

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=15127>

Chapter 188 – LD 589

An Act to Strengthen the Law Regarding Texting and Driving

This change in law increases fines for texting while driving for repeat offenders of the texting-while-driving law. It also specifies mandatory suspensions for these repeat offenders. A person who violates this section after previously having been adjudicated as violating this section within a 3-year period commits a traffic infraction for which a fine of not less than \$500 may be adjudged, and the Secretary of State is required to suspend the license of that person. The minimum periods of license suspension are: 30 days, if the person has 2 adjudications for a violation of this section within a 3-year period; 60 days, if the person has 3 adjudications for a violation of this section within a 3-year period, and 90 days, if the person has 4 or more adjudications for a violation of this section within a 3-year period. Adjudication has occurred within a 3-year period if the date of the new conduct is within 3 years of the date of a docket entry of adjudication of a violation of this section. (Previously, the penalty for a violation was a fine of not less than \$250 and not more than \$500.)

Repeals 29-A MRSA §2119, sub-§3 and enacts in its place a new sub-§3

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=15130>

Chapter 194 – LD 1439

An Act to Repeal Certain Criminal Code Provisions Addressing Bath Salts Containing Synthetic Hallucinogenic Drugs and Instead Define Them as Schedule W Drugs

This law change repeals provisions criminalizing synthetic hallucinogenic drugs in chapter 45 of the Criminal Code and in related provisions regarding asset forfeiture and drug-related offenses in Title 22, and instead classifies these drugs as schedule W drugs. As schedule W drugs, they are treated the same as all other schedule W drugs for purposes of possession, trafficking, and furnishing.

Amends 15 MRSA §5821, sub-§§1 and 2, sub-§3-A, sub-§6, sub-§7

Repeals 17-A MRSA §1101, sub-§16-A

Amends 17-A MRSA §1102, sub-§1, ¶N, ¶O

Enacts 17-A MRSA §1102, sub-§1, ¶P

Repeals 17-A MRSA §1102, sub-§5

Repeals 17-A MRSA §§1119 to 1123

Amends 17-A MRSA §1201, sub-§1, ¶A-1

Repeals 22 MRSA §2383-B, sub-§2-A, sub-§3, ¶D-1

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=15197>

Chapter 201 – LD 900

An Act Regarding the Disclosure of Certain Records in Criminal Matters

This change in law allows state, county, and municipal government employers to disclose otherwise confidential personnel records to prosecutors when it is necessary for the determination of whether or not a defendant has a constitutional right to any of the information in the records, in accordance with Brady v. Maryland and Giglio v. U.S.

Enacts 5 MRSA §7070, sub-§5

Enacts 30-A MRSA §503, sub-§3

Enacts 30-A MRSA §2702, sub-§3

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=15302>

Chapter 215 – LD 540

An Act to Governing the Discharge of a Firearm or Crossbow near a Dwelling

This change in law expands the reach of the current law regulating the discharge of weapons near a dwelling to include projectiles ending up within the 300-foot zone. In addition to the current prohibition on firearms and cross bows, it adds bow and arrow. "Projectile" means a bullet, pellet, shot, shell, ball, bolt or other object propelled or launched from a firearm, crossbow or bow and arrow. The violation remains a Class E crime.

Amends 12 MRSA §11209

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=19378>

Chapter 241 – LD 1460

An Act to Update the Laws Governing the Operation of Bicycles on Public Ways

The change in law gives greater protection to bicyclists. A person operating a vehicle near a person operating a bicycle or roller skis and proceeding in the same direction may not make a right turn unless the turn can be made with reasonable safety and without interfering with the safe and legal operation of the bicycle or roller skis. A person operating a bicycle or roller skis upon a roadway at a speed less than the normal speed of

traffic moving in the same direction at that time and place must operate on the right portion of the way as far as practicable except when it is unsafe to do so as determined by the bicyclist or roller skier. Current law provides that an operator of a motor vehicle that is passing a bicycle or roller skier proceeding in the same direction must exercise due care by leaving a distance between the motor vehicle and the bicycle or roller skier of not less than three feet while the vehicle is passing the bicycle or roller skier. A motor vehicle operator may pass a bicycle or roller skier traveling in the same direction in a no-passing zone only when it is safe to do so. This bill adds to the law that the collision of a motor vehicle with a person operating a bicycle or roller skis is *prima facie* evidence of a violation.

Amends 29-A MRSA §101, sub-§83
Amends 29-A MRSA §2060, sub-§1-A
Amends 29-A MRSA §2060, sub-§2

Amends 29-A MRSA §2063, sub-§2
Amends 29-A MRSA §2070, sub-§1-A

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=19479>

Chapter 261 – LD 1139

An Act to Allow County Law Enforcement to Participate in Mutual Aid Agreements

Current law allows municipal officers to authorize the chief of police for that municipality to render law enforcement aid to other municipalities, when requested, or to request law enforcement aid from other municipalities. This change allows county commissioners to authorize the sheriff for that county to render law enforcement aid to other counties, when requested, or to request law enforcement aid from other counties.

Enacts 30-A MRSA §462

Amends 30-A MRSA §2674

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=19565>

Chapter 267 – LD 1493

An Act to Revise the Laws Concerning Criminal History Record Information and Intelligence and Investigative Information

This law implements the recommendations of the Criminal Law Advisory Commission to revise the criminal history record information laws, currently allocated to Title 16, chapter 3, subchapter 8. Part A of the bill repeals chapter 3, subchapter 8, which includes sections 611 to 623, and enacts two new chapters within Title 16. The creation of two chapters allows for the separate treatment of the two mutually exclusive categories of criminal history record information and intelligence and investigative record information. Their consolidated treatment in chapter 3, subchapter 8 resulted in significant confusion as to their differing meanings and applications.

Repeals 16 MRSA c. 3, sub-c. 8
Enacts 16 MRSA c. 7 – Criminal History Information Act
Enacts 16 MRSA c. 9 – Intelligence and Investigative Record Information Act
Amends 1 MRSA §402, sub-§3-A
Amends 5 MRSA §19506, sub-§1
Amends 9-A MRSA §13-115, sub-§1, ¶A
Amends 10 MRSA §8003-B, sub-§3

Amends 15 MRSA §709, sub-§1-A
Amends 15 MRSA §3308, sub-§7, ¶A
Amends 16 MRSA §614, sub-§3, ¶D
Amends 16 MRSA §614, sub-§3, ¶E
Enacts 16 MRSA §614, sub-§3, ¶F
Amends 16 MRSA §632
Amends 17 MRSA §1023, sub-§3
Amends 18-A MRSA §9-304, sub-§ (a-1), ¶ (2)
Amends 18-A MRSA §9-304, sub-§ (a-2), ¶ (1)

Amends 20-A MRSA §6103, sub-§1
Amends 20-A MRSA §6103, sub-§8
Amends 22 MRSA §3022, sub-§14
Amends 22 MRSA §3480, sub-§1, ¶B
Amends 22 MRSA §4007, sub-§1-A, ¶D
Amends 22 MRSA §4021, sub-§1, ¶B
Amends 22 MRSA §4038-E, sub-§7, ¶A
Amends 25 MRSA §1541, sub-§3, ¶B
Amends 25 MRSA §1541, sub-§6
Amends 29-A MRSA §2117-A, sub-§5
Amends 29-A MRSA §2251, sub-§7-A, ¶B

Amends 32 MRSA §85, sub-§3
Amends 34-A MRSA §1001, sub-§§19 and 20
Repeals 34-A MRSA §1216, sub-§1 and enacts in its place a new sub-§1
Amends 34-A MRSA §11221, sub-§8
Amends 34-A MRSA §11221, sub-§10
Amends 34-A MRSA §11281, sub-§6
Enacts 7 MRSA §3909, sub-§6
Enacts 17 MRSA §1023, sub-§4
Enacts 15 MRSA §3308-A

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=19571>

Chapter 291 – LD 919

An Act to Require an Operator to Provide Evidence of Liability

This change in law creates new offenses for operators who refuse to show proof of insurance to injured parties in certain accident situations. Specifically, an operator of a vehicle involved in an accident is now required, in addition to the information required under current law, to provide evidence of liability insurance or financial responsibility if requested by the other operator or someone acting for the operator of the other vehicle. While still a Class D crime for refusing to provide the information currently required by law, it is an infraction for failing to provide the additional information of evidence of liability insurance or financial responsibility. The clerk of the District Court Violations Bureau or trial court must dismiss a VSAC charging a person with a violation of this new provision if that person (a) shows the issuing law enforcement officer satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation and the issuing officer notifies the violations bureau of that fact, or (2) files a timely answer to a VSAC and that person presents to the court at the time of trial satisfactory evidence of liability insurance or financial responsibility that was in effect at the time of the alleged violation.

Amends 29-A MRSA §2252 (accidents involving death or personal injury)
Amends 29-A MRSA §2253 (accidents involving vehicle damage)
Amends 29-A MRSA §2254 (accidents involving unattended vehicle)
Amends 29-A MRSA §2255 (accidents involving property damage)

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=19653>

Chapter 297 – LD 1316

An Act Regarding Computers Used to Commit a Crime

This bill amends the law regarding the disposition of computers used to commit crimes. The bill:

- Adds a definition of "data storage device;"
- Provides that computer data stored on a computer in the possession of a criminal justice agency that was used to commit or facilitate the commission of a crime may be permanently destroyed through the removal and destruction of any parts of the computer on which the computer data are stored;
- Permits the release of specifically identifiable computer data to persons requesting that computer data if certain conditions are met;

- Permits the State to either destroy or assume ownership of a computer under certain circumstances;
- Allows a person having a *bona fide* property interest in a computer in the custody of the State to take possession of that computer, but only after computer data on the computer has been permanently destroyed. If the computer was used to commit or facilitate the commission of a crime involving sexual exploitation of a minor, that computer, and all computer data on that computer, must be permanently destroyed;
- Requires that the State, if it assumes ownership of a computer, permanently destroy all computer data stored on that computer; and
- Requires that, before a criminal justice agency permanently destroys any computer data or disposes or assumes ownership of a computer in the custody of the agency prior to the effective date of this bill, the agency post on its publicly accessible website a notice stating that, unless written notification is given to the criminal justice agency within 90 days after the effective date of this bill, all such computer data and computers must be disposed of in accordance with the provisions of the bill.

*Amends 17-A MRSA §431, sub-§2
Enacts 17-A MRSA §431, sub-§10-A*

Enacts 17-A MRSA §§436 and 437

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=19659>

Chapter 328 – LD 724

An Act to Require Firearms to Be Civilly Forfeited to the State and Destroyed

This bill requires the forfeiture and destruction of a firearm used in the commission of a crime that causes death or serious bodily injury by a person who then, either due to suicide or attempted suicide or the justifiable actions of a law enforcement officer, dies or becomes incompetent to stand trial. Current law distinguishes between a firearm and a handgun for certain situations, including allowing a handgun used in a murder to be returned to the rightful owner, as long as the owner was not the person who committed the crime. This bill removes the distinction, applying the forfeiture laws equally to all firearms.

*Amends 15 MRSA §5821, sub-§3-A
Enacts 15 MRSA §5821, sub-§3-B
Amends 17-A MRSA §1158-A, sub-§2, A and C*

*Amends 17-A MRSA §1158-A, sub-§4
Repeals 17-A MRSA §1158-A, sub-§5*

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=19701>

Chapter 339 – LD 104

An Act to Amend the Laws Governing Public Records

This change makes confidential social security numbers in the possession of the Secretary of State, as well as email addresses obtained by a political subdivision of the State for the sole purpose of disseminating noninteractive communications to individuals, updates and cancellations that are issued from the political subdivision to individuals who request or regularly accept these noninteractive communications.

Amends 1 MRSA §402, sub-§3, ¶¶Q and R

Enacts 1 MRSA §402, sub-§3, ¶S

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=19738>

Chapter 341 – LD 661

An Act to Prohibit Sale or Possession of Synthetic Cannabinoids

This law defines "synthetic cannabinoid," commonly known as "spice" or "K2," in general terms and lists it as a schedule Z drug. Current law only listed specific chemical compounds that were synthetic cannabinoids, so chemical compounds that were synthetic cannabinoids but differed from the compounds listed in statute were not considered schedule Z drugs and were legal in the State.

*Repeals 17-A MRSA §1101, sub-§1-A, sub-§1-B,
sub-§3-A, sub-§3-B*

*Repeals 17-A MRSA §1102, sub-§4, ¶F
Enacts 17-A MRSA §1102, sub-§4, ¶G*

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=19740>

Chapter 348 – LD 1283

An Act to Amend the Laws Governing Animal Trespass

This law change expands the penalty for animal trespass and provides mechanisms for restitution and forfeiture. Animal trespass remains a civil violation. First violation – mandatory fine of \$50 to \$500; second violation – mandatory fine of \$1,000; third or subsequent violation – mandatory fine of \$2,500.

Repeals 7 MRSA §4041, sub-§4 and enacts in its place a new sub-§4 (fines)

Enacts 7 MRSA §4041, sub-§4-A (restitution, court costs, and fees)

Enacts 7 MRSA §4041, sub-§4-B (forfeiture of animal in repeated violations)

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=19750>

Chapter 350 – LD 1216

An Act to Amend the Freedom of Access Act

This change amends the Freedom of Access Act to require agencies and officials to respond within 5 working days to any communication about public records. Within a reasonable time of receiving the request, the agency or official must provide a good faith, nonbinding estimate of the cost to provide the records. This law also provides that failure to provide a written denial or refusal within 5 working days of the request is considered a failure to allow inspection or copying and is subject to an appeal to Superior Court.

Amends 1 MRSA §408-A, sub-§3 and sub-§4

Repeals 1 MRSA §409, sub-§1 and enacts in its place a new sub-§1

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=19751>

Chapter 364 – LD 1334

An Act to Create Child Advocacy Centers in Maine

This law authorizes the establishment of child advocacy centers throughout the State. One center may be established in each of the State's nine public health districts (eight of which are the current prosecutorial districts), and each center is responsible for coordinating the investigation and prosecution of child sexual abuse and referral of victims of child sexual abuse for treatment in that district. The bill requires that an advisory board govern each center. Board members must be from the district and must include representatives from a county sheriff's office, the Bureau of Child and Family

Services of DHHS, the district attorney's office, the State Police, a municipal police department, and a county mental health organization. The board is required to prepare written protocols that address a variety of issues associated with the investigation and prosecution of child sexual abuse.

Enacts 22 MRSA §4019

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=19767>

Chapter 381 – LD 1392

An Act to Amend the Motor Vehicle Laws

This is an extensive bill that makes many technical changes to the motor vehicle laws. Included in the bill is the enactment of a definition of “operate” that applies only to texting while driving. "Operate" means driving a motor vehicle on a public way with the motor running, including while temporarily stationary because of traffic, a traffic light or a stop sign or otherwise stationary. "Operate" does not include operating a motor vehicle with or without the motor running when the operator has pulled the motor vehicle over to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary.

Enacts 29-A MRSA §2119, sub-§1, ¶D

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=20771>

Chapter 382 – LD 1040

An Act to Prohibit the Placement of Cameras on Private Property

A person may not place a camera or electronic surveillance equipment that records images or data of any kind while unattended outside on the private property of another without the written consent of the landowner, unless the placement is pursuant to a warrant. A person who places a camera or electronic surveillance equipment on the private property of another with the written consent of the landowner or pursuant to a warrant shall label the camera or electronic surveillance equipment with that person's name and contact information. A landowner may remove or disable a camera or electronic surveillance equipment placed on the landowner's private property in violation of this law. This prohibition does not prohibit the use of a camera to deter theft or vandalism of a motor vehicle when the motor vehicle is temporarily parked, or the use of implanted or attached electronic devices to identify, monitor and track animals. A person who violates this law commits a civil violation for which a fine of not more than \$500 may be adjudged.

Enacts 33 MRSA c. 43

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=20773>

Chapter 389 – LD 1260

An Act to Allow Ignition Interlock Devices by Firsttime OUI Offenders

Effective December 1, 2013, the court-ordered suspension for first offense OUI is increased from 90 to 150 days, and early reinstatement is permitted if using an ignition interlock device. The license of a person with one OUI offense may be reinstated after 30

days of the suspension period has run if the person has installed for a period of 150 days or the length of time remaining for a suspension, whichever is shorter, an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates. The license of a person convicted of a Class C criminal violation (causing serious bodily injury) or a person whose driver's license is suspended by the Secretary of State for operating with excessive alcohol level or operating under the influence of drugs and causing serious bodily injury may be reinstated after three years of the suspension period has run if the person has installed for a period of three years an ignition interlock device approved by the Secretary of State in the motor vehicle the person operates.

Amends 29-A MRSA §2411, sub-§5, ¶A (effective December 1, 2013)

Amends 29-A MRSA §2486, sub-§1-A

Amends 29-A MRSA §2508, sub-§1 (effective December 1, 2013)

Enacts 29-A MRSA §2508, sub-§1-A

Amends 29-A MRSA §2508, sub-§4

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=20779>

Chapter 392 – LD 1491

An Act to Extend the Statute of Limitations on Certain Sex Crimes

This law changes the statute of limitations on certain sex crimes. A prosecution for a Class A, Class B or Class C crime involving unlawful sexual contact or gross sexual assault must be commenced within 8 years (instead of the current law of 6 years) after it is committed. (This does not apply to a Class D crime enhanced to a Class C crime pursuant to Title 17-A, section 1252, subsection 4-A.) This change in the statute of limitations applies to the crimes of gross sexual assault under the Title 17-A, section 253, and unlawful sexual contact under section 255-A committed on or after the effective date of this change in law or for which the prosecution has not yet been barred by the statute of limitations in force at the time immediately prior to the effective date of this change.

Enacts 17-A MRSA §8, sub-§2-A

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=20783>

Chapter 398 – LD 71

An Act to Regulate Dealers in Secondhand Precious Metals

This bill imposes restrictions on dealers in precious metals (gold and silver). A dealer will be required to maintain detailed records reflecting the purchase of precious metals, along with requiring reasonable proof of the seller's identity. All required information must be kept for a period of one year. Upon request of a law enforcement officer or prosecuting attorney, a dealer must make the records available for inspection. A dealer may not sell or alter any precious metals until the precious metals have remained in the dealer's possession for 15 days after the date of acquisition by the dealer, except that a dealer who determines that the precious metals are not listed in an electronic database designed to catalog stolen property may sell or alter the precious metals 5 business days after the date of acquisition. A person may not act as a dealer without a permit issued by the municipal officers of the municipality in which the person intends to maintain a permanent place or places of business. Licensed auctioneers are exempt from these

requirements. Violation of this new law is generally a Class E crime. Restitution may be ordered to dealers who suffer economic loss as a result of a violation.

Enacts 30-A MRSA §3972

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=20790>

Chapter 402 – LD 1377

An Act to Protect Cellular Telephone Privacy

Obtaining portable electronic device content information directly from a provider of an electronic communication service must be in accordance with a valid warrant issued by a duly authorized judge. Notice must be given to the owner or user of a portable electronic device whose content information was obtained. There are provisions for the court to dispense with this notice in certain circumstances. When it is not possible to obtain a warrant in time to address an emergency that involves or is believed to involve an imminent threat to life or safety, a provider of electronic communication service may disclose such information without a warrant. Except as proof of a violation of this law, evidence obtained in violation of this law is not admissible in a criminal, civil, administrative or other proceeding. A person damaged as a result of a violation of this law has a cause of action in court against a government entity that fails to comply with the provisions of this law, and the court may award injunctive relief.

Enacts 16 MRSA c. 3, sub-c. 10

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=20796>

Chapter 407 – LD 1159

An Act to Address Human Trafficking, Sex Trafficking, and Prostitution

This change in law broadens the definition of "human trafficking offense" in Title 5 (human rights violations) to include the crimes of aggravated sex trafficking and sex trafficking, and all other crimes in Title 17-A, chapters 11, 12 and 13 if accompanied by the withholding of government-issued immigration or identification documents or committed as part of a scheme to compel participation in prostitution or labor using specific types of threats. The bill also makes changes in the Criminal Code to address sex trafficking. Crimes now called promotion of prostitution are renamed "sex trafficking." The bill creates a Class C crime for repeat sex traffickers. Persons convicted of engaging a prostitute may receive a jail sentence and are no longer limited to fines. It also adds provisions related to the crime of aggravated sex trafficking and patronizing prostitution when the victim suffers from a mental disability.

*Repeals 5 MRSA §4701, sub-§1, ¶C and enacts
in its place a new ¶C*

Amends 17-A MRSA §§852 and 853

Amends 17-A MRSA §853-B, sub-§1, ¶A

Amends 17-A MRSA §855

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=20802>

Chapter 409 – LD 415

An Act to Require a Warrant to Obtain the Location Information of a Cell Phone

This bill prohibits obtaining the location information of a cellular telephone or other electronic device without a valid warrant, except that such information may be obtained with the consent of the owner or user of the electronic device to respond to the user's call for emergency services, or to respond to certain emergency situations when a warrant cannot be issued in time to avert death or serious physical injury. Notice must be given to the owner or user of a portable electronic device whose location information was obtained. There are provisions for the court to dispense with this notice in certain circumstances. If the location information is obtained under emergency circumstances without a warrant, within a reasonable period, a written statement setting forth the facts giving rise to the emergency and the facts as to why the person whose location information was sought is believed to be important in addressing the emergency must be filed with the appropriate court.

Enacts 16 MRSA c. 3, sub-c. 10

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=20813>

Chapter 414 – LD 527

An Act to Protect Vulnerable Adults from Exploitation

This law provides that when considering consent as a defense under section 109 of Title 17-A, dementia and other cognitive impairments are included in the concept of being manifestly unable to make a reasonable judgment regarding conduct that constitutes a crime. It further provides that consent cannot be induced by "undue influence," which is defined to mean misuse or manipulation of a trusting relationship of a dependent person who has significant limitations, an incapacitated adult, or a dependent adult. "Incapacitated adult" and "dependent adult" are terms defined in Title 22, section 3472. The bill creates a permissive inference that a taking of property from a person with these impairments is theft. Finally, the bill increases the crime of the misuse of entrusted property to a felony when the victim is incapacitated or dependent and the value of the property lost is greater than \$1,000.

Amends 17-A MRSA §109, sub-§3, ¶B,

Amends 17-A MRSA §109, sub-§3, ¶C,

Enacts 17-A MRSA §109, sub-§4

Enacts 17-A MRSA §361-A, sub-§3

Amends 17-A MRSA §903

<http://www.mainelegislature.org/legis/bills/getDoc.asp?id=20822>