

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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

J.S. McCarthy Company
Augusta, Maine
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

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

Sec. 1. 4 MRSA §18, sub-§2-A, as enacted by PL 1985, c. 562, is amended to read:

2-A. Immunity from civil liability. A person serving as a mediator under contract with the Judicial Department or as Director or Deputy Director of the Court Mediation Service is immune from any civil liability ~~for negligent acts described in Title 14, section 8111, subsection 1, as are employees of governmental entities, under the Maine Tort Claims Act, Title 14, chapter 741, for acts performed within the scope of the mediator's, director's or deputy director's duties.~~

Sec. 2. 4 MRSA §1506, as enacted by PL 1985, c. 581, §1, is amended to read:

§1506. Immunity from civil liability

A person serving as a court appointed special advocate under contract with the Judicial Department or as Director of the Court Appointed Special Advocate Program is immune from any civil liability ~~for negligent acts described in Title 14, section 8111, subsection 1, as are employees of governmental entities, under the Maine Tort Claims Act, Title 14, chapter 741, for acts performed within the scope of the court appointed special advocate's or director's duties.~~

Sec. 3. 15 MRSA §1023, sub-§3, as enacted by PL 1987, c. 758, §20, is amended to read:

3. Immunity from liability. A person appointed and serving as a bail commissioner is immune from any civil liability ~~for acts described in Title 14, section 8111, subsection 1, as are employees of governmental entities under the Maine Tort Claims Act, Title 14, chapter 741 for acts performed within the scope of the bail commissioner's duties.~~

See title page for effective date.

CHAPTER 618

H.P. 1431 - L.D. 1999

An Act to Prohibit the Sale of Bait in Polystyrene Foam Containers

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

Sec. 1. 12 MRSA §7606, sub-§1-A is enacted to read:

1-A. Sale of bait or baitfish in polystyrene foam containers. A person who sells bait or baitfish shall not provide or sell the bait or baitfish in containers that are composed in whole or in part of polystyrene foam plastic.

Sec. 2. Effective date. This Act takes effect January 1, 1991.

Effective January 1, 1991.

CHAPTER 619

S.P. 774 - L.D. 2002

An Act to Extend the Appeal Time for Town Government

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

36 MRSA §272, sub-§1, as enacted by PL 1985, c. 764, §8, is amended to read:

1. Filing. Any municipality aggrieved shall file a written notice of appeal within 45 days of its receipt of notification of the decision of the Bureau of Taxation. The appeal to the board shall be in writing signed by a majority of the municipal officers, and shall be accompanied by an affidavit stating the grounds for appeal. A copy of the appeal and the affidavit shall be served on the Bureau of Taxation.

See title page for effective date.

CHAPTER 620

H.P. 462 - L.D. 627

An Act Relating to Computer Access

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

17-A MRSA c. 18 is enacted to read:

CHAPTER 18

COMPUTER CRIMES

§431. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. "Access" means to gain logical entry into, instruct, communicate with, store data in or retrieve data from any computer resource.

2. "Computer" means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device.

3. "Computer information" means a representation of information, knowledge, facts, concepts or instructions that are confidential or proprietary, are being prepared or have been prepared from an organized set of data and are located in computer memory or on magnetic, optical or mechanical media transferable directly to or useable directly by a computer as a source of data or instructions.

4. "Computer network" means a combination of one or more computers and communication facilities with the capability to transmit information among the devices or computers.

5. "Computer program" means an ordered set of data representing coded instructions or statements that, when executed by a computer, cause the computer to process data.

6. "Computer software" means a set of computer programs, procedures and associated documentation used in the operation of a computer system.

7. "Computer system" means any combination of a computer or computers with the documentation, computer software or physical facilities supporting the computer.

8. "Computer resource" means a computer program, computer software, computer system, computer network, computer information or any combination thereof.

9. "Computer virus" means any computer instruction, information, data or program that degrades the performance of a computer resource; disables, damages or destroys a computer resource; or attaches itself to another computer resource and executes when the host computer program, data or instruction is executed or when some other event takes place in the host computer resource, data or instruction.

10. "Damage" means to destroy, alter, disrupt, delete, add, modify, or rearrange any computer resource by any means.

11. "Not authorized" and "unauthorized" mean not having consent or permission of the owner, or person licensed or authorized by the owner to grant consent or permission, to access or use any computer resource, or accessing or using any computer resource in a manner exceeding the consent or permission.

§432. Criminal invasion of computer privacy

1. A person is guilty of criminal invasion of computer privacy if the person intentionally accesses any computer resource knowing that the person is not authorized to do so.

2. Criminal invasion of computer privacy is a Class D crime.

§433. Aggravated criminal invasion of computer privacy

1. A person is guilty of aggravated criminal invasion of computer privacy if the person:

A. Intentionally makes an unauthorized copy of any computer program, computer software or computer information, knowing that the person is not authorized to do so;

B. Intentionally or knowingly damages any computer resource of another person, having no reasonable ground to believe that the person has the right to do so; or

C. Intentionally or knowingly introduces or allows the introduction of a computer virus into any computer resource, having no reasonable ground to believe that the person has the right to do so.

2. Aggravated criminal invasion of computer privacy is a Class C crime.

See title page for effective date.

CHAPTER 621

H.P. 822 - L.D. 1150

An Act to Strengthen the State Forensic Service

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

Sec. 1. 15 MRSA §101-B, sub-§§1 and 3, as enacted by PL 1987, c. 402, Pt. A, §109, are amended to read:

1. **Court order; permissive.** The District Court or the Superior Court having jurisdiction in any criminal case for cause shown may order the defendant examined to determine ~~his~~ the defendant's mental condition with reference to the issues of competency, criminal responsibility and ~~competence to stand trial~~, abnormal condition of mind and any other issue involving the mental or emotional condition of the defendant. The examination may be conducted at the ~~Augusta Mental Health Institute, Bangor Mental Health Institute, Pineland Center or at a mental health clinic of, or recommended by, the Commissioner of Mental Health and Mental Retardation and, when conducted at any such facility,~~ shall be the responsibility of by the State Forensic Service or by a psychiatrist or licensed clinical psychologist independent of the State Forensic Service. The examination may be conducted by a psychiatrist or licensed clinical psychologist independent from any such facility, employed for that purpose by the court. If additional examinations are ordered, the court shall ensure that at least one examination is conducted by the State Forensic Service. The court in selecting ~~the examination site an independent practitioner and the site of any examination~~ shall consider proximity to the court, availability of an exam-