

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

66, any contemnor aggrieved by an adjudication and imposition of a punitive sanction tried in the Superior Court or Supreme Judicial Court, may appeal to the Supreme Judicial Court, sitting as the Law Court, as provided under section 2115 and the applicable Maine Rules of Criminal Procedure.

See title page for effective date.

CHAPTER 318

H.P. 865 - L.D. 1182

An Act to Amend Coded Licenses

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

Sec. 1. 29-A MRSA §1404, sub-§2, as amended by PL 1995, c. 645, Pt. B, §14 and affected by §24, is further amended to read:

2. Prior convictions. A person convicted of operating under the influence of intoxicating liquor or drugs or with an excessive blood-alcohol level, as defined in section 2453, subsection 2, within 10 years of the date the license is issued, reissued or returned after a period of suspension bears a coded notation of that fact.

The Secretary of State may, at the request of a licensee, remove the coded notation from the license of a person convicted for a first operating-under-the-influence offense as defined in section 2453, subsection 2 after 6 years from the date of the conviction if the person has not been convicted or adjudicated of any traffic offense or had a license suspended or revoked within that 6-year period.

See title page for effective date.

CHAPTER 319

S.P. 59 - L.D. 169

An Act Concerning Theft of Rental Property

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

Sec. 1. 17-A MRSA §360, sub-§1, ¶C, as amended by PL 1975, c. 740, §56, is further amended to read:

C. Having custody of property pursuant to a rental or lease agreement with the owner thereof whereby such property is to be returned to the owner at a specified time and place, ~~he~~ the per-

son knowingly fails to comply with the agreed terms concerning return of such property without the consent of the owner, for so lengthy a period beyond the specified time for return as to render ~~his~~ the retention or possession or other failure to return a gross deviation from the agreement. For purposes of this paragraph, a gross deviation may be presumed when the person fails to return the property within 5 days of receiving a written demand from the owner, mailed by certified or registered mail after the expiration of the rental period to the most current address known to the owner.

See title page for effective date.

CHAPTER 320

H.P. 1064 - L.D. 1502

An Act to Enable Victims to Benefit from the Profits from Crimes

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

Sec. 1. 14 MRSA §752-E is enacted to read:

§752-E. Crime victims; profits from crime

1. Limitation period. Actions based upon a criminal offense in which, as that offense is defined, there is a victim, as defined in Title 17-A, section 1171, subsection 2, brought by or on behalf of a victim against the offender must be commenced within the limitation period otherwise provided or within 3 years of the time the victim discovers or reasonably should have discovered any profits from the crime, whichever occurs later.

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

3. Definition. As used in this section, "profits from the crime" means any property obtained through or income generated from the commission of a crime; any property obtained by or income generated from the sale, conversion or exchange of proceeds of a crime, including any gain realized by such a sale, conversion or exchange; and any property that the offender obtained by committing the crime or income generated as a result of having committed the crime, including any assets obtained through the use of unique knowledge obtained during the commission of, or in preparation for the commission of, the crime, as well as any property obtained by or income generated from the sale, conversion or exchange of the property and any gain realized by such a sale, conversion or exchange.

4. Construction. Nothing in this section may be construed to expand civil liability or to restrict any defense to civil liability except as specified in subsection 1 with respect to the limitation period.

See title page for effective date.

CHAPTER 321

H.P. 755 - L.D. 1032

An Act to Simplify the Filing of Claims in Probate Estates

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

Sec. 1. 18-A MRSA §3-804, sub-§(4) is enacted to read:

(4) When a decedent's estate has not been commenced at the time a claimant wishes to present a claim, a claim is deemed presented when the claimant files with the clerk of the court a written statement of claim meeting the requirements of subsection (1) and a demand for notice pursuant to section 3-204. The provisions of subsection (3) apply upon the appointment of a personal representative.

See title page for effective date.

CHAPTER 322

H.P. 738 - L.D. 1002

An Act Directing the Department of Human Services to Submit an Annual Report on Children in Foster Care and on Adoption of Children in the Care and Custody of the Department

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

Sec. 1. 22 MRSA §4066 is enacted to read:

§4066. Annual report

The department shall submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1st each year covering the operations of the Bureau of Child and Family Services and the experience of the department with foster care and adoptions of children in the care and custody of the department, including but not limited to the following topics:

1. Types of reports. A listing of the types of reports on the operations of the Bureau of Child and Family Services that are available to the public, including a notice on how the public can request those reports;

2. Listing of services. A listing of services provided to children and their families and foster families and any services needed but not provided by the department, and a listing of problems experienced by children and their families and foster families;

3. Custody. The number of children in the care and custody of the department, the average and median lengths of their custody and the number who were previously in the custody of the department;

4. Reunification efforts. The number of children in the care and custody of the department in the process of reunification efforts, and the number in which parental rights have been terminated or are in the process of termination;

5. Adoption. The number of children in the care and custody of the department available for adoption and the number of children adopted, identifying special needs and nonspecial needs; the number receiving adoption assistance; and the number adopted by their foster parents;

6. Out-of-state placement. The number of children in the care and custody of the department placed out-of-state for hospitalization and residential care and the costs for each; and

7. Analysis. An analysis of any major initiatives planned by the department to improve the functioning of the Bureau of Child and Family Services and the delivery of services to children in the care and custody of the department and their families and foster families.

See title page for effective date.