

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
JUNE 26, 1997

FIRST SPECIAL SESSION
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

Upon a motion to enforce a support order, after notice and an opportunity for a hearing, the court may make a finding of money due, render judgment for that amount and, to compel payment, order:

1. Suspension of driver's license. Suspension of the obligor's driver's license or licenses and right to operate a motor vehicle;

2. Revocation of occupational licenses. Revocation of the obligor's occupational, business, trade or professional licenses; and

3. Revocation of recreational licenses. Revocation of the obligor's hunting, fishing, boating and other recreational or sporting licenses.

The court may issue an order to prevent issuance or renewal of licenses under this section. An order to suspend, revoke or prevent issuance or renewal of licenses must be based on a finding by the court that the obligor has the present ability to pay all or part of the support owed. The court shall specify in its order ways to avoid the loss of licenses and requirements for obtaining licenses that are lost or may not be obtained as a result of an order issued under this section.

The court shall notify the Secretary of State of a driver's license suspension ordered pursuant to this section. Upon receipt of such an order, the Secretary of State shall immediately notify the person of the court order of suspension. The Secretary of State may not terminate a suspension issued pursuant to this section until the court orders reinstatement and the person pays a reinstatement fee to the Secretary of State. The court shall immediately notify the Secretary of State when a person complies with a child support order. The court orders of suspension and reinstatement must be on a form acceptable to the Secretary of State.

Sec. 27. 22 MRSA §3811, sub-§3, as enacted by PL 1993, c. 654, §1, is amended to read:

3. Overpayment. "Overpayment" means program benefits that an individual or assistance unit receives that exceed the amount of program benefits for which the individual or assistance unit is eligible when the department or a court has determined that the benefits were received as a result of an intentional program violation, an unintentional error by the individual or household or an error by the department. "Overpayment" includes any overpayment made before or after the effective date of this subsection.

Sec. 28. Effective date. This Act takes effect October 1, 1997.

Effective October 1, 1997.

CHAPTER 467

S.P. 664 - L.D. 1892

An Act to Criminalize Unpermitted Visual Surveillance under the Clothing of a Person in a Public Place by Mechanical or Electronic Equipment

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

Sec. 1. 17-A MRSA §511, sub-§1, as amended by PL 1975, c. 499, §1, is further amended to read:

1. A person is guilty of violation of privacy if, except in the execution of a public duty or as authorized by law, ~~he~~ that person intentionally:

A. Commits a civil trespass on property with the intent to overhear or observe any person in a private place; ~~or~~

B. Installs or uses in a private place without the consent of the person or persons entitled to privacy ~~therein in that place,~~ any device for observing, photographing, recording, amplifying or broadcasting sounds or events in that place; ~~or~~

C. Installs or uses outside a private place without the consent of the person or persons entitled to privacy therein, any device for hearing, recording, amplifying or broadcasting sounds originating in that place ~~which that~~ would not ordinarily be audible or comprehensible outside that place; ~~or~~

D. Engages in visual surveillance in a public place by means of mechanical or electronic equipment with the intent to observe or photograph, or record, amplify or broadcast an image of any portion of the body of another person present in that place when that portion of the body is in fact concealed from public view under clothing and a reasonable person would expect it to be safe from surveillance.

Sec. 2. 17-A MRSA §511, sub-§1-A is enacted to read:

1-A. It is a defense to a prosecution under subsection 1, paragraph D that the person subject to surveillance had in fact attained 14 years of age and had consented to the visual surveillance.

See title page for effective date.