

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**

**§1976. Misuse of State Government computer system**

**1. Confidentiality.** Computer programs, technical data, logic diagrams and source code related to data processing or telecommunications are confidential and are not public records, as defined in Title 1, section 402, subsection 3, to the extent of the identified trade secrets. To qualify for confidentiality under this subsection, computer programs, technical data, logic diagrams and source code must:

A. Contain trade secrets, as defined in Title 10, section 1542, subsection 4, held in private ownership; and

B. Have been provided to a state agency by an authorized independent vendor or contractor under an agreement by which:

(1) All trade secrets that can be protected are identified without disclosing the trade secret;

(2) The vendor or contractor retains all intellectual property rights in those trade secrets; and

(3) The state agency agrees to hold and use the programs, data, diagrams or source code without disclosing any identified trade secrets.

**2. Public records.** Except as provided in subsection 1, any document created or stored on a State Government computer is a public record and must be made available in accordance with Title 1, chapter 13 unless specifically exempted by that chapter.

**3. Violation.** A person is guilty of misuse of a State Government computer system if that person knowingly uses a computer system operated by a state department or agency, the Judicial Department or the Legislature:

A. To prepare materials with the intent to expressly advocate, to those eligible to vote, for the election or defeat of any candidate for a federal office, a constitutional office or any candidate for elective municipal, county or state office, including leadership positions in the Senate and the House of Representatives; or

B. With the intent to solicit contributions reportable under Title 21-A, chapter 13.

**4. Penalty.** Misuse of a State Government computer system is a Class C crime.

**Sec. 15. 16 MRSA §633**, as amended by PL 1999, c. 451, §2, is further amended to read:

**§633. Policy board established; membership**

There is established the Maine Criminal Justice Information System Policy Board, referred to in this subchapter as the "board." The board consists of ~~13~~ 14 members that include the Attorney General, the Commissioner of Public Safety, the Commissioner of Corrections, the State Court Administrator, the Chief of the State Police, the Associate Commissioner for Adult Services within the Department of Corrections, the Director of the Bureau of Information Services, the Chief Information Officer, a representative of the Maine Prosecutors Association appointed by the Attorney General, a representative of the Maine Chiefs of Police Association appointed by the Commissioner of Public Safety, a representative of the Maine Sheriff's Association appointed by the Commissioner of Public Safety, a representative of a federal criminal justice agency appointed by the Governor, a representative of a nongovernmental agency that provides services to victims of domestic violence appointed by the Governor and a public member who represents private users of criminal offender record information appointed by the Governor.

See title page for effective date.

**CHAPTER 389****H.P. 1071 - L.D. 1434****An Act to Amend the Maine Criminal Code to Reduce the Incentive to Commit Theft**

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

**Sec. 1. 17-A MRSA §15, sub-§1, ¶A**, as amended by PL 1999, c. 644, §1, is further amended to read:

A. Any person who the officer has probable cause to believe has committed or is committing:

- (1) Murder;
- (2) Any Class A, Class B or Class C crime;
- (3) Assault while hunting;
- (4) Any offense defined in chapter 45;
- (5) Assault, criminal threatening, terrorizing or stalking, if the officer reasonably believes that the person may cause injury to others unless immediately arrested;

(5-A) Assault, criminal threatening, terrorizing, stalking, criminal mischief, obstructing the report of a crime or injury or

reckless conduct if the officer reasonably believes that the person and the victim are family or household members, as defined in Title 15, section 321;

(6) Theft as defined in section 357, when the value of the services is ~~\$2,000~~ \$1,000 or less if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(7) Forgery, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(8) Negotiating a worthless instrument if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(9) A violation of a condition of probation when requested by a probation officer or juvenile caseworker;

(10) Violation of a condition of release in violation of Title 15, section 1026, subsection 3; Title 15, section 1027, subsection 3; Title 15, section 1051, subsection 2; and Title 15, section 1092;

(11) Theft involving a detention under Title 17, section 3521;

(12) Harassment, as set forth in section 506-A;

(13) Violation of a protection order, as specified in Title 5, section 4659, subsection 2; Title 15, section 321, subsection 6; former Title 19, section 769, subsection 2; former Title 19, section 770, subsection 5; Title 19-A, section 4011, subsection 3; and Title 19-A, section 4012, subsection 5; or

(14) A violation of a sex offender registration provision under Title 34-A, chapter 11 or 13; and

**Sec. 2. 17-A MRSA §352, sub-§5, ¶D**, as amended by PL 1995, c. 224, §2, is further amended to read:

D. If the value of property or services cannot be ascertained beyond a reasonable doubt pursuant to the standards set forth ~~above~~ in paragraphs A to C, the trier of fact may find the value to be not less than a certain amount, and if no such minimum value can be thus ascertained, the value is deemed to be an amount less than ~~\$1,000~~ \$500.

**Sec. 3. 17-A MRSA §362, sub-§3, ¶A**, as amended by PL 1995, c. 224, §4, is further amended to read:

A. The value of the property or services is more than ~~\$2,000~~ \$1,000 but not more than \$10,000; or

**Sec. 4. 17-A MRSA §362, sub-§4, ¶B**, as amended by PL 1995, c. 224, §5, is further amended to read:

B. The value of the property or services exceeds ~~\$1,000~~ \$500 but does not exceed ~~\$2,000~~ \$1,000.

**Sec. 5. 17-A MRSA §362, sub-§5**, as amended by PL 1995, c. 224, §5, is further amended to read:

5. Theft is a Class E crime if the value of the property or services does not exceed ~~\$1,000~~ \$500.

**Sec. 6. 17-A MRSA §703, sub-§2, ¶B**, as amended by PL 1995, c. 224, §6, is further amended to read:

B. A Class C crime if:

(1) The face value of the written instrument or the aggregate value of instruments exceeds ~~\$2,000~~ \$1,000 but does not exceed \$10,000; or

(2) The actor has 2 prior convictions for any combination of theft, violation or attempted violation of this section, violation or attempted violation of section 702 or 708 or any violation or attempted violation of section 401 if the intended crime within the structure is theft, or any violation or attempted violation of section 651. Determination of whether a conviction constitutes a prior conviction for purposes of this subsection is pursuant to section 362, subsection 3-A; or

**Sec. 7. 17-A MRSA §708, sub-§4, ¶¶B to D**, as amended by PL 1995, c. 224, §7, are further amended to read:

B. A Class C crime, if:

(1) The face value of the negotiable instrument exceeds ~~\$2,000~~ \$1,000 but does not exceed \$10,000; or

(2) The actor has 2 prior convictions for any combination of theft, a violation of section 702, 703 or this section, a violation of section 401 in which the crime intended to be committed inside the structure is theft, a violation of section 651 or attempts at

these violations. Determination of whether a conviction constitutes a prior conviction for purposes of this subsection is pursuant to section 362, subsection 3-A;

C. A Class D crime, if the face value of the negotiable instrument exceeds ~~\$1,000~~ \$500 but does not exceed ~~\$2,000~~ \$1,000; or

D. A Class E crime, if the face value of the negotiable instrument does not exceed ~~\$1,000~~ \$500.

See title page for effective date.

**CHAPTER 390**

**H.P. 723 - L.D. 943**

**An Act to Ensure that the Annual Inflation Adjustment for Partial Compensation for Injuries occurring Prior to November 20, 1987 is Fully Recognized and Paid**

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

**Sec. 1. 39-A MRSA §224** is enacted to read:

**§224. Adjustment to partial incapacity benefit payments for injuries prior to November 20, 1987**

The annual adjustment made pursuant to former Title 39, sections 55 and 55-A must be made as follows. The preinjury average weekly wage must first be adjusted to reflect the annual inflation or deflation factors as computed by the Maine Unemployment Insurance Commission for each year from the date of injury to the date of calculation. Once this weekly benefit amount is calculated, the amount must continue to be adjusted annually so that it continues to bear the same percentage relationship to the average weekly wage in the State as computed by the Maine Unemployment Insurance Commission as it did at the time of the injury. This section clarifies the method of calculating the annual adjustment to benefits under former Title 39, sections 55 and 55-A and applies to all benefit calculations pursuant to those sections.

**Sec. 2. Application; retroactivity.** This Act applies retroactively to benefit calculations made under the Maine Revised Statutes, former Title 39, sections 55 and 55-A at any time after January 1, 1972, and applies notwithstanding any adverse order or decree.

See title page for effective date.

**CHAPTER 391**

**S.P. 628 - L.D. 1811**

**An Act to Permit the Salvage of Pulpwood**

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

**Whereas,** it is necessary that this legislation take effect before the 90-day period so that salvage activities may begin immediately; 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,

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

**Sec. 1. 12 MRSA §1867, sub-§1, ¶A-1** is enacted to read:

A-1. "Pulpwood" means a portion of a tree intended for use in the paper-making process.

**Sec. 2. 12 MRSA §1867, sub-§1, ¶B,** as enacted by PL 1997, c. 678, §13, is amended to read:

B. "Salvage" means any activity involved in the retrieval of sunken logs or pulpwood from submerged land.

**Sec. 3. 12 MRSA §1867, sub-§6** is enacted to read:

**6. Pulpwood salvage exemption.** A person who has been granted a charter or other specific authorization by the Legislature prior to June 30, 1998 to erect and maintain piers and booms to collect and store pulpwood in waters over submerged lands may salvage the pulpwood stored in compliance with that charter and is exempt from subsections 3, 4 and 5 of this section, as long as, prior to conducting a pulpwood salvage operation, that person:

A. Provides documentation satisfactory to the bureau of the legislative charter or approval specifically authorizing pulpwood storage at the proposed salvage site;

B. Attests that the salvaged pulpwood is to be processed at a mill owned by that person;

C. Obtains all applicable permits required by local, state and federal agencies having jurisdiction over the salvage activity; and