

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

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

The superintendent may adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this chapter are major substantive rules as defined by Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 411

H.P. 594 - L.D. 749

An Act to Prohibit Cyberstalking

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

Sec. 1. 17-A MRSA §210-A, sub-§2, ¶A, as enacted by PL 1995, c. 668, §3, is amended to read:

A. "Course of conduct" means repeatedly maintaining a visual or physical proximity to a person or repeatedly conveying oral or written threats, threats implied by conduct or a combination of threats and conduct directed at or toward a person. For purposes of this section, "conveying oral or written threats" includes, but is not limited to, communicating or causing a communication to be initiated by mail or by mechanical or electronic means. For purposes of this section, "course of conduct" also includes, but is not limited to, gaining unauthorized access to personal, medical, financial or other identifying information, including access by computer network, mail, telephone or written communication. "Course of conduct" does not include activity protected by the Constitution of Maine, the United States Constitution or by state or federal statute.

See title page for effective date.

CHAPTER 412

H.P. 121 - L.D. 125

An Act to Specify That Possession of Sexually Explicit Materials by Way of the Internet is Criminal

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

Sec. 1. 17 MRSA §2923, sub-§2, as amended by PL 1999, c. 444, §4, is further amended to read:

2. Presumption. For the purposes of this section, possession of 10 or more copies of the same book, magazine, newspaper, print, negative, slide,

motion picture, computer data file, videotape or other mechanically, electronically or chemically reproduced visual image or material gives rise to a presumption that the person possesses those items with intent to disseminate.

Sec. 2. 17 MRSA §2924, sub-§2, as corrected by RR 1993, c. 2, §8, is amended to read:

2. Offense. A person is guilty of possession of sexually explicit material if that person intentionally or knowingly transports, exhibits, purchases or possesses any book, magazine, print, negative, slide, motion picture, computer data file, videotape or other mechanically, electronically or chemically reproduced visual image or material that the person knows or should know depicts another person engaging in sexually explicit conduct, and:

A. The other person has not in fact attained the age of 14 years; or

B. The person knows or has reason to know that the other person has not attained the age of 14 years.

See title page for effective date.

CHAPTER 413

H.P. 867 - L.D. 1147

An Act Creating the New Crime of Aggravated Attempted Murder

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

Sec. 1. 17-A MRSA §152, sub-§4, as amended by PL 1995, c. 422, §1, is repealed and the following enacted in its place:

4. Criminal attempt is an offense classified as one grade less serious than the classification of the offense attempted, except that an attempt to commit a Class E crime is a Class E crime and an attempt to commit murder is a Class A crime.

Sec. 2. 17-A MRSA §152-A is enacted to read:

§152-A. Aggravated attempted murder

1. A person is guilty of aggravated attempted murder if that person commits attempted murder and, at the time of that person's actions, one or more of the following aggravating circumstances is in fact present:

A. The person's intent to kill was accompanied by premeditation-in-fact;