

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
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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;

B. The person, at the time of the crime, intended to cause multiple deaths;

C. The person was previously convicted of criminal homicide or any other crime involving the use of deadly force against a person;

D. The attempted murder was accompanied by torture, sexual assault or other extreme cruelty inflicted upon the victim;

E. The attempted murder was committed in a penal institution by an inmate of that institution against another inmate or against prison personnel;

F. The attempted murder was committed against a law enforcement officer while the officer was acting in performance of that officer's duties; or

G. The attempted murder was committed against a hostage.

2. Aggravated attempted murder is a Class A crime except that, notwithstanding section 1252, subsection 2, the sentence for aggravated attempted murder is imprisonment for life or a definite period of imprisonment for any term of years. The existence of an aggravating circumstance serves only as a precondition for the court to consider a life sentence.

See title page for effective date.

CHAPTER 414

S.P. 386 - L.D. 1283

An Act to Amend the Criminal Laws with Regard to Animal Welfare

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

Sec. 1. 17 MRSA §1031, sub-§1, ¶G, as amended by PL 1999, c. 765, §11, is further amended to read:

G. Hunts or sells for the purpose of hunting any animal, except as permitted pursuant to Title 7, chapter 202-A and Title 12, Part 10; ~~or~~

Sec. 2. 17 MRSA §1031, sub-§1, ¶H, as enacted by PL 1999, c. 254, §21, is amended to read:

H. Injects, inserts or causes ingestion of any substance used solely to enhance the performance of an animal by altering the animal's metabolism to that animal's detriment, including but not limited to excessive levels of sodium bicarbonate in equines used for competition; or

Sec. 3. 17 MRSA §1031, sub-§1, ¶I is enacted to read:

I. Commits bestiality on an animal. For purposes of this paragraph, "commits bestiality" means that a person:

(1) Engages in a sexual act with an animal for the purpose of that person's sexual gratification;

(2) Coerces anyone to engage in a sexual act with an animal;

(3) Engages in a sexual act with an animal in the presence of a minor;

(4) Uses any part of the person's body or an object to sexually stimulate an animal;

(5) Videotapes a person engaging in a sexual act with an animal; or

(6) For the purpose of that person's sexual gratification, kills or physically abuses an animal.

For purposes of this paragraph, "sexual act" means any act between a person and an animal involving direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other. A sexual act may be proved without allegation or proof of penetration.

This paragraph may not be construed to prohibit normal and accepted practices of animal husbandry.

See title page for effective date.

CHAPTER 415

H.P. 483 - L.D. 623

An Act to Require Election Law Training to Voter Registrars and Clerks

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.