

# 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.**

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

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.

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**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.

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**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.

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

**Sec. 1. 21-A MRSA §101, sub-§9** is enacted to read:

**9. Training.** The registrar must attend a training session that is approved by the Secretary of State at least once every 2 years in regard to the conduct of voter registration.

**Sec. 2. 21-A MRSA §503, sub-§10**, as enacted by PL 1995, c. 459, §33, is repealed.

**Sec. 3. 21-A MRSA §505, sub-§7**, as enacted by PL 1995, c. 459, §34, is amended to read:

**7. Return of votes cast.** Report the return of votes cast to the Secretary of State; ~~and~~

**Sec. 4. 21-A MRSA §505, sub-§7-A** is enacted to read:

**7-A. Training.** Attend a training session that is approved by the Secretary of State at least once every 2 years in regard to the conduct of elections. The Secretary of State shall offer training sessions regionally at least once every 2 years at no fee. The Secretary of State shall encourage municipalities to provide training biennially to all election officials; and

**Sec. 5. Effective date.** This Act takes effect January 1, 2003.

Effective January 1, 2003.

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**CHAPTER 416**

**S.P. 308 - L.D. 1055**

**An Act to Regulate Push Polling**

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

**Sec. 1. 21-A MRSA §1014-B** is enacted to read:

**§1014-B. Push polling**

**1. Push poll defined.** For purposes of this section, "push poll" means any paid telephone survey or series of telephone surveys that are similar in nature that reference a candidate or group of candidates other than in a basic preference question, and when:

A. A list or directory is used, exclusively or in part, to select respondents belonging to a particular subset or combination of subsets of the population, based on demographic or political

characteristics such as race, sex, age, ethnicity, party affiliation or like characteristics;

B. The survey fails to make demographic inquiries on factors such as age, household income or status as a likely voter sufficient to allow for the tabulation of results based on a relevant subset of the population consistent with standard polling industry practices;

C. The pollster or polling organization does not collect or tabulate survey results;

D. The survey prefaces a question regarding support for a candidate on the basis of an untrue statement; and

E. The survey is primarily for the purpose of suppressing or changing the voting position of the call recipient.

"Push poll" does not include any survey supporting a particular candidate that fails to reference another candidate or candidates other than in a basic preference question.

**2. Push polls; political telephone solicitations; requirements.** Push polling must be conducted in accordance with this subsection.

A. A person may not authorize, commission, conduct or administer a push poll by telephone or telephonic device unless, during each call, the caller identifies the person or organization sponsoring or authorizing the call by stating "This is a paid political advertisement by (name of persons or organizations)," and identifies the organization making the call, if different from the sponsor, by stating "This call is conducted by (name of organization)."

B. If any person identified as either sponsoring or authorizing the call is not required to file any document with election officials pursuant to this Title, a valid, current, publicly listed telephone number and address for the person or organization must be disclosed during each call.

C. If any person sponsoring or authorizing the call is affiliated with a candidate, the candidate's name and the office sought by that candidate must be disclosed during each call.

D. If the call is an independent expenditure, as defined in section 1019, that a candidate has not approved the call must be disclosed during each call.

It is not a violation of this subsection if the respondent voluntarily terminates the call or asks to be called back before the required disclosures are made, unless the