

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

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

Sec. 1. 17 MRSA §316, as enacted by PL 1975, c. 307, §2, is amended to read:

§316. Evidence

The Chief of the State Police may require such evidence as ~~he the chief~~ may ~~deem~~ determine necessary to satisfy ~~him the chief~~ that an applicant or organization licensed to conduct beano conforms to the restrictions and other provisions of this chapter. Charters, organizational papers, bylaws or other such written orders of founding ~~which that~~ outline or otherwise explain the purpose for which organizations were founded shall must, upon request, be forwarded to the Chief of the State Police. The Chief of the State Police may require such evidence as the chief may determine necessary regarding the conduct of beano by a licensee to determine compliance with this chapter.

Sec. 2. 17 MRSA §332, sub-§1, as amended by PL 1993, c. 730, §1, is further amended to read:

1. Organizations eligible. Notwithstanding other provisions of law, the Chief of the State Police may issue a license to operate a game of chance to an agricultural society eligible for the state stipend under Title 7, section 62, or to a bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic or religious organization, or to a volunteer fire department or to an auxiliary of any of these organizations, any of which must be founded, chartered or organized in this State for a period of not less than 2 consecutive years before applying for a license.

Sec. 3. 17 MRSA §334, as amended by PL 1981, c. 593, §3, is further amended to read:

§334. Evidence

The Chief of the State Police may require such evidence as ~~he the chief~~ may ~~deem~~ determine necessary to satisfy ~~him the chief~~ that an applicant or organization licensed to conduct games of chance conforms to the restrictions and other provisions of this chapter. Charters, organizational papers, bylaws or other such written orders of founding ~~which that~~ outline or otherwise explain the purpose for which such organization was founded, shall must, upon request, be forwarded to the Chief of the State Police. The Chief of the State Police may require of any licensee or of any person operating, conducting or assisting in the operation of a licensed game of chance evidence as ~~he the chief~~ may ~~deem~~ determine necessary to satisfy ~~him the chief~~ that the person is a duly authorized member of the licensee, or a person employed by the licensee as a bartender, as required

by section 332, subsection 2. Upon request, this evidence ~~shall must~~ be forwarded to the Chief of the State Police. The Chief of the State Police may require such evidence as the chief may determine necessary regarding the conduct of games of chance by a licensee to determine compliance with this chapter.

Sec. 4. 17 MRSA §341, sub-§4, as amended by PL 2001, c. 384, §1 and affected by §3, is further amended to read:

4. Games conducted at agricultural fairs by members of agricultural society or bona fide nonprofit. Beginning January 1, 2002, games of chance operated and conducted solely by members of an agricultural fair society or games of chance operated and conducted by members of bona fide nonprofit organizations on the grounds of the agricultural society and during the annual fair of the agricultural society may use cash, tickets, tokens or other device approved by the Chief of the State Police by rule.

Notwithstanding any other provision of this section, the tickets, tokens or other device approved by the Chief of the State Police must be unique to the agricultural society and may be in denominations ~~from~~ of 25¢ to, 50¢ or \$1. The tickets, tokens or device approved by the Chief of the State Police may be sold and redeemed only by a person who has been a member or active volunteer of the agricultural society for at least 2 fair seasons. The agricultural society has the burden of proof for demonstrating the qualification of members or active volunteers.

See title page for effective date.

CHAPTER 539

H.P. 1515 - L.D. 2019

**An Act to Protect Victims of
Domestic Violence, Sexual Assault
and Stalking**

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

Sec. 1. 5 MRSA §90-B is enacted to read:

§90-B. Address Confidentiality Program

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Address" means a residential street, school or work address of an individual, as specified on

the individual's application to be a program participant under this chapter.

B. "Application assistant" means an employee of a state or local agency, or of a nonprofit program that provides counseling, referral, shelter or other specialized service to victims of domestic abuse, rape, sexual assault or stalking and who has been designated by the respective agency, and trained, accepted and registered by the secretary to assist individuals in the completion of program participation applications.

C. "Designated address" means the address assigned to a program participant by the secretary pursuant to this section.

D. "Mailing address" means an address that is recognized for delivery by the United States Postal Service.

E. "Program" means the Address Confidentiality Program established in this section.

F. "Program participant" means a person certified by the Secretary of State to participate in the program.

G. "Secretary" means the Secretary of State.

2. Program established. The Address Confidentiality Program is established to protect victims of domestic violence, stalking or sexual assault by authorizing the use of designated addresses for such victims. The program is administered by the secretary under the following application and certification procedures.

A. Upon recommendation of an application assistant, an adult person, a parent or guardian acting on behalf of a minor or a guardian acting on behalf of an incapacitated person may apply to the secretary to have a designated address assigned by the secretary to serve as the person's address or the address of the minor or incapacitated person.

B. The secretary may approve an application only if it is filed with the office of the secretary in the manner established by rule and on a form prescribed by the secretary. A completed application must contain:

(1) The application preparation date, the applicant's signature and the signature and registration number of the application assistant who assisted the applicant in applying to be a program participant;

(2) A designation of the secretary as agent for purposes of service of process and for receipt of first-class mail;

(3) The mailing address where the applicant may be contacted by the secretary or a designee and the telephone number or numbers where the applicant may be called by the secretary or the secretary's designee; and

(4) One or more addresses that the applicant requests not be disclosed for the reason that disclosure will jeopardize the applicant's safety or increase the risk of violence to the applicant or members of the applicant's household.

C. Upon receipt of a properly completed application, the secretary may certify the applicant as a program participant. A program participant is certified for 4 years following the date of initial certification unless the certification is withdrawn or invalidated before that date. The secretary shall send notification of lapsing certification and a reapplication form to a program participant at least 4 weeks prior to the expiration of the program participant's certification.

D. The secretary shall forward first-class mail to the appropriate program participants.

E. A person who violates this paragraph commits a Class E crime.

(1) An applicant may not file an application knowing that it:

(i) Contains false or incorrect information; or

(ii) Falsely claims that disclosure of the applicant's address or mailing address threatens the safety of the applicant or the applicant's children or the minor or incapacitated person on whose behalf the application is made.

(2) An application assistant may not assist or participate in the filing of an application that the application assistant knows:

(i) Contains false or incorrect information; or

(ii) Falsely claims that disclosure of the applicant's address or mailing address threatens the safety of the applicant or the applicant's children or the minor or incapacitated person on whose behalf the application is made.

3. Cancellation. Certification for the program may be canceled if one or more of the following conditions apply:

A. If the program participant obtains a name change, unless the program participant provides the secretary with documentation of a legal name change within 10 business days of the name change;

B. If there is a change in the residential street address from the one listed on the application, unless the program participant provides the secretary with notice of the change in such manner as the secretary provides by rule; or

C. The applicant or program participant violates subsection 2, paragraph E, subparagraph (1).

4. Use of designated address. Upon demonstration of a program participant's certification in the program, state and local agencies and the courts shall accept the designated address as a program participant's address when creating a new public record unless the secretary has determined that:

A. The agency has a bona fide statutory or administrative requirement for the use of the program participant's address or mailing address, such that it is unable to fulfill its statutory duties and obligations without the residential address; and

B. The program participant's address or mailing address will be used only for those statutory and administrative purposes.

5. Disclosure to law enforcement and state agencies. If the secretary determines appropriate, the secretary may make a program participant's address or mailing address available for inspection or copying, under the following circumstances:

A. If requested of the secretary by a law enforcement agency in the manner provided for by rule; or

B. Upon request to the secretary by a commissioner of a state agency or the commissioner's designee in the manner provided for by rule and upon a showing of a bona fide statutory or administrative requirement for the use of the program participant's address or mailing address, such that the commissioner or the commissioner's designee is unable to fulfill statutory duties and obligations without the address or mailing address.

6. Disclosure pursuant to court order or canceled certification. If the secretary determines appropriate, the secretary shall make a program

participant's address and mailing address available for inspection or copying under the following circumstances:

A. To a person identified in a court order, upon the secretary's receipt of that court order that specifically orders the disclosure of a particular program participant's address and mailing address and the reasons stated for the disclosure; or

B. If the certification has been canceled because the applicant or program participant violated subsection 2, paragraph E, subparagraph (1).

7. Confidentiality. The program participant's application and supporting materials are not a public record and must be kept confidential by the secretary.

8. Rules. The secretary shall adopt rules to carry out this section. These rules are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 540

S.P. 795 - L.D. 2150

An Act to Facilitate Water Well Drilling if Necessitated by Emergency Drought Conditions

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

Whereas, low underground water levels caused by dry weather conditions over the past several years have imperiled the water supply of many rural homes; and

Whereas, low water levels and dry wells pose a public health hazard to a significant portion of the State's population; 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. 29-A MRSA §2395, sub-§4-A is enacted to read:

4-A. Municipal permit not required during declared drought emergency. Notwithstanding