

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
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J.S. McCarthy Company
Augusta, Maine
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CHAPTER 548**H.P. 1650 - L.D. 2156**

**An Act to Implement the
Recommendations of the Joint
Standing Committee on Agriculture,
Conservation and Forestry Relating
to Review of the Land for Maine's
Future Board Under the Government
Evaluation Act**

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

Sec. 1. 3 MRSA §959, sub-§1, ¶A, as amended by PL 1999, c. 603, §1, is further amended to read:

A. The joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters shall use the following list as a guideline for scheduling reviews:

- (1) Baxter State Park Authority in 2003;
- (2) Department of Conservation in 2005;
- (3) Blueberry Advisory Committee in 2005;
- (4) Board of Pesticides Control in 2005;
- (5) Wild Blueberry Commission of Maine in 2005;
- (6) Seed Potato Board in 2005;
- (7) Maine Dairy and Nutrition Council in ~~2004~~ 2007;
- (8) Maine Dairy Promotions Board in ~~2004~~ 2007;
- (9) Maine Milk Commission in ~~2004~~ 2007;
- (10) State Harness Racing Commission in ~~2004~~ 2007;
- (11) Maine Agricultural Bargaining Board in 2003;
- (12) Department of Agriculture, Food and Rural Resources in 2003;
- (13) State Soil and Water Conservation Commission in 2003; and
- (14) Land for Maine's Future Board in ~~2004~~ 2007.

Sec. 2. 5 MRSA §6206, sub-§1, ¶E, as amended by PL 2001, c. 466, §1, is further amended to read:

E. On January 1st of every odd-numbered year, report to the joint standing committee of the Legislature having jurisdiction over matters pertaining to state parks and public lands on expenditures from the Land for Maine's Future Fund and the Public Access to Maine Waters Fund and revisions to the strategies and guidelines. This report must include a description of access to land and interest in land acquired during the report period. If an acquisition has been made that does not include guaranteed public vehicular access to the land acquired, the board must provide justification for that acquisition and a plan for continuing efforts to acquire guaranteed public access to the land. This report must include a summary of the board's experience during the reporting period with projects funded pursuant to section 6203 or 6203-A and in which the land or interest in land is acquired by a cooperating entity.

Sec. 3. 7 MRSA §19, as enacted by PL 1991, c. 415, §2, is amended to read:

§19. Holding of real estate

The commissioner may accept, hold, administer ~~and~~, retain and dispose of interests in real estate in order to further the purposes of this Title.

See title page for effective date.

CHAPTER 549**H.P. 526 - L.D. 681**

**An Act Regarding Possession of
Firearms by Prohibited Persons**

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

Sec. 1. 15 MRSA c. 15 is amended by repealing the chapter headnote and enacting in its place the following:

CHAPTER 15

**POSSESSION OF FIREARMS BY PROHIBITED
PERSONS**

Sec. 2. 15 MRSA §393, sub-§1, as amended by PL 1997, c. 334, §§1 and 2, is further amended to read:

1. Possession prohibited. A person may not own, possess or have under that person's control a firearm, unless that person has obtained a permit under this section, if that person:

~~A. Has been convicted of a crime, under the laws of the United States, this State or any other state, that is punishable by imprisonment for one year or more;~~

A-1. Has been convicted of committing or found not criminally responsible by reason of mental disease or defect of committing:

(1) A crime in this State that is punishable by imprisonment for a term of one year or more;

(2) A crime under the laws of the United States that is punishable by imprisonment for a term exceeding one year;

(3) A crime under the laws of any other state that, in accordance with the laws of that jurisdiction, is punishable by a term of imprisonment exceeding one year. This subparagraph does not include a crime under the laws of another state that is classified by the laws of that state as a misdemeanor and is punishable by a term of imprisonment of 2 years or less;

(4) A crime under the laws of any other state that, in accordance with the laws of that jurisdiction, does not come within subparagraph (3) but is elementally substantially similar to a crime in this State that is punishable by a term of imprisonment for one year or more; or

(5) A crime under the laws of the United States, this State or any other state or the Passamaquoddy Tribe or Penobscot Nation in a proceeding in which the prosecuting authority was required to plead and prove that the person committed the crime with the use of:

(a) A firearm against a person; or

(b) Any other dangerous weapon;

~~B. Has been convicted of a crime, under the laws of the United States, this State or any other state, that was committed with the use of a dangerous weapon or a firearm against a person, except for a violation of former Title 12, chapter 319, subchapter III;~~

C. Has been adjudicated in this State or under the laws of the United States or any other state to

have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction:

~~(1) Under paragraph A-1, subparagraphs (1) to (4) and bodily injury to another person was threatened or resulted; or~~

~~(2) Under paragraph B; or~~

(3) Under paragraph A-1, subparagraph (5); or

D. Is subject to an order of a court of the United States or a state, territory, commonwealth or tribe that restrains that person from harassing, stalking or threatening an intimate partner, as defined in 18 United States Code, Section 921(a), of that person or a child of the intimate partner of that person, or from engaging in other conduct that would place the intimate partner in reasonable fear of bodily injury to the intimate partner or the child, except that this paragraph applies only to a court order that was issued after a hearing for which that person received actual notice and at which that person had the opportunity to participate and that:

(1) Includes a finding that the person represents a credible threat to the physical safety of an intimate partner or a child; or

(2) By its terms, explicitly prohibits the use, attempted use or threatened use of physical force against an intimate partner or a child that would reasonably be expected to cause bodily injury.

For the purposes of this subsection, a person is deemed to have been convicted upon the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

For the purposes of this subsection, a person is deemed to have been found not criminally responsible by reason of mental disease or defect upon the acceptance of a plea of not criminally responsible by reason of insanity or a verdict or finding of not criminally responsible by reason of mental disease or defect, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

Sec. 3. 15 MRSA §393, sub-§1-A, as enacted by PL 1993, c. 368, §2, is amended to read:

1-A. Limited prohibition for nonviolent juvenile offenses. A person who has been adjudicated in this State or under the laws of the United States or any other state to have engaged in conduct as a juvenile that, if committed by an adult, would have been a

disqualifying conviction under subsection 1, paragraph A- ~~A-1~~ but is not an adjudication under subsection 1, paragraph C may not own or have in that person's possession or control a firearm for a period of 3 years following completion of any disposition imposed or until that person reaches 18 years of age, whichever is later.

Sec. 4. 15 MRSA §393, sub-§7, as enacted by PL 1977, c. 225, §2, is repealed and the following enacted in its place:

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

A. "Firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A.

B. "Not criminally responsible by reason of mental disease or defect" has the same meaning as used in Title 17-A, section 39 and includes the former finding in this State under former provisions of section 103 of "not guilty by reason of mental disease or defect excluding responsibility" as well as any comparable finding under the laws of the United States or any other state.

C. "State" means the State of Maine and "state" means any other state of the United States and includes the District of Columbia, the Commonwealth of Puerto Rico and the possessions of the United States.

D. "Use of a dangerous weapon" has the same meaning as in Title 17-A, section 2, subsection 9, paragraph A.

Sec. 5. 15 MRSA §393, sub-§8, as repealed and replaced by PL 1997, c. 683, Pt. B, §8, is amended to read:

8. Penalty. A violation of subsection 1, paragraph ~~A, B~~ A-1 or C is a Class C crime. A violation of subsection 1, paragraph D is a Class D crime. A violation of subsection 1-A by a person at least 18 years of age is a Class C crime.

For the purposes of this subsection, a person is deemed to have been convicted upon the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty, or the equivalent in a juvenile case, by a court of competent jurisdiction.

Sec. 6. 25 MRSA §2003, sub-§2, ¶A-1, as enacted by PL 1993, c. 368, §6, is amended to read:

A-1. That the applicant understands that an affirmative answer to the question in subsection 1, paragraph D, subparagraph (5), division (c) or (c-1) is cause for refusal unless the applicant is

nonetheless authorized to possess a firearm under Title 15, section 393, ~~subsection 1-A~~;

Sec. 7. 25 MRSA §2003, sub-§2, ¶B, as repealed and replaced by PL 1989, c. 917, §10, is amended to read:

B. That the applicant understands that an affirmative answer to one or more of the questions in subsection 1, paragraph D, subparagraph (5), divisions ~~(e)~~ (d) to (k) is cause for refusal;

See title page for effective date.

CHAPTER 550

H.P. 1307 - L.D. 1770

An Act Regarding Public Charities, Nonprofit Corporations and Conversions of Nonprofit Entities to For-profit Entities

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

PART A

Sec. A-1. 5 MRSA §194 is repealed and the following enacted in its place:

§194. Public charities

1. Definition. As used in this section, "public charity" means an entity formed primarily for charitable purposes, including but not limited to:

A. A corporation formed under Title 13 or Title 13-B primarily for charitable purposes; and

B. A charitable trust.

2. Application; funds. The Attorney General shall enforce due application of funds given or appropriated to public charities within the State and prevent breaches of trust in the administration of public charities.

3. Gift. A gift to a public charity made for a public charitable purpose is deemed to have been made with a general intention to devote the property to public charitable purposes, unless otherwise provided in writing in the gift instrument.

4. Party to proceedings. The Attorney General must be made a party to all judicial proceedings in which the Attorney General is interested in the performance of the Attorney General's duties under subsection 2.