

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

cles of incorporation or on articles of merger, conversion or domestication.

B. A corporation that fails to comply with this subsection is a public benefit corporation until proper filing is made.

Sec. C-29. Effective date. This Part takes effect January 1, 2003.

See title page for effective date, unless otherwise indicated.

CHAPTER 551

H.P. 1433 - L.D. 1930

An Act to Ensure the Fair Collection of Overpayments

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

Sec. 1. 22 MRSA §3811, sub-§1-A is enacted to read:

1-A. Caretaker relative. "Caretaker relative" as defined by rules adopted by the department means any person, regardless of age, who applies for and receives assistance on behalf of a dependent child.

Sec. 2. 22 MRSA §3825 is enacted to read:

§3825. Exceptions to collections from minors

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

A. "AFDC" means the Aid to Families with Dependent Children program administered pursuant to former chapter 1053.

B. "TANF" means the Temporary Assistance for Needy Families program, under the United States Social Security Act, as amended by the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 110 Stat. 2105.

2. TANF and food stamps. To the extent allowable by federal law, a TANF or food stamp overpayment may not be collected from a person who was a minor dependent in the household at the time the overpayment accrued.

3. AFDC. If the caretaker relative and all adult members of an overpaid assistance unit can not be located, are deceased or have had the overpayment discharged in bankruptcy and a minor dependent member of the overpaid assistance unit is receiving

benefits from AFDC or TANF, or its successor programs, the department may reduce benefits to the extent required by federal law. To the extent allowable by federal law, the department may not otherwise seek to recover overpaid benefits from anyone who was a minor dependent member of the AFDC assistance unit at the time that the AFDC overpayment accrued.

4. Rulemaking. The department may adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 552

H.P. 1486 - L.D. 1989

An Act Regarding Criminal History Record Checks

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

Sec. 1. 25 MRSA §1541, sub-§6, as amended by PL 1999, c. 401, Pt. W, §1, is further amended to read:

6. Establishment of fees. The State Bureau of Identification may charge a fee to nongovernmental organizations ~~and~~ governmental organizations that are engaged in licensing and governmental organizations that are not a governmental entity of the State, a county of the State or a municipality of the State for services provided each criminal history record check requested for noncriminal justice purposes pursuant to ~~this chapter~~ Title 16, chapter 3, subchapter VIII. The requestor shall provide a name and date of birth for each record being requested. A request made pursuant to 5 United States Code, Section 9101 must be accompanied by fingerprints. A governmental organization that is engaged in licensing may charge an applicant for the cost of the ~~State Bureau of Identification services~~ criminal history record check. The commissioner shall establish a schedule of fees that covers the cost of providing these services. Revenues generated from ~~this fee~~ these fees must be credited to the General Fund and the Highway Fund in an amount consistent with currently budgeted allotments and allocations.

Sec. 2. 25 MRSA §1549, as amended by PL 1993, c. 235, §1, is further amended to read:

§1549. Request for fingerprints; fee

The State Police, the sheriffs and the chiefs of police in each of the cities and towns may take or

cause to be taken; and, upon payment of a \$3 fee, ~~shall~~ may take or cause to be taken, the fingerprints or palm prints, or fingerprints and palm prints, of any person who requests that the person's fingerprints or palm prints, or fingerprints and palm prints, be taken.

Such fingerprints and palm prints ~~shall~~ must be taken on a form provided by the requesting person; or, if the person does not provide a form, upon the Noncriminal Fingerprint Record. Fingerprints ~~or~~, palm prints or demographic information taken or collected pursuant to this section, or copies thereof, ~~shall~~ may not be retained by the taker ~~or~~. The fingerprints, palm prints or demographic information must be forwarded to the State Bureau of Identification if required by statute or if the requestor requests that the fingerprints, palm prints or demographic information be forwarded to the State Bureau of Identification for the purpose of obtaining a criminal history record check.

See title page for effective date.

CHAPTER 553

H.P. 1518 - L.D. 2022

An Act to Clarify the Sex Offender Registration and Notification Act of 1999

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

Whereas, statutory changes to the Sex Offender Registration and Notification Act of 1999 are necessary to ensure the efficient and effective registration of sex offenders and to reduce confusion about the registration requirements; 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. 34-A MRSA §11203, sub-§4-B is enacted to read:

4-B. Sentence. "Sentence," in addition to any punishment alternatives, includes an involuntary commitment under Title 15, section 103, or similar statute from another jurisdiction, following a verdict of not criminally responsible by reason of mental disease or defect or similar verdict in another jurisdiction.

Sec. 2. 34-A MRSA §11203, sub-§7, ¶A, as enacted by PL 1999, c. 437, §2, is amended to read:

A. A conviction for one of the offenses or for an attempt to commit ~~an offense~~ one of the offenses under Title 17-A, section 253, subsection 1; Title 17-A, section 253, subsection 2, paragraph A, B, C or D; or Title 17-A, section 255, subsection 1, paragraph B, C, D or H; or

Sec. 3. 34-A MRSA §11203, sub-§7, ¶A, as amended by PL 2001, c. 383, §154 and affected by §156, is further amended to read:

A. A conviction for one of the offenses or for an attempt to commit ~~an offense~~ one of the offenses under Title 17-A, section 253, subsection 1; Title 17-A, section 253, subsection 2, paragraph A, B, C or D; or Title 17-A, section 255-A, subsection 1, paragraph C, D, E, F, G, H, O or P; or

Sec. 4. 34-A MRSA §11203, sub-§7, ¶B, as enacted by PL 1999, c. 437, §2, is amended to read:

B. A conviction for an offense or for an attempt to commit an offense of the law in another jurisdiction, including, but not limited to, a state, federal, military or tribal court, that includes the essential elements of an offense listed in paragraph A.

Sec. 5. 34-A MRSA §11222, sub-§1-A is enacted to read:

1-A. When duty to register must be exercised. Following determination by the court under subsection 1, a sex offender or a sexually violent predator shall register as follows.

A. If the sex offender or sexually violent predator is sentenced to a wholly suspended sentence with probation or to a punishment alternative not involving imprisonment, the duty to register is triggered at the time the person commences an actual execution of the wholly suspended sentence or at the time of sentence imposition when no punishment alternative involving imprisonment is imposed, unless the court orders a stay of execution, in which event the duty is triggered by the termination of the stay.

B. If the sex offender or sexually violent predator is sentenced to a straight term of imprisonment or to a split sentence, the duty to register is triggered by discharge or conditional release.

C. If the sex offender or sexually violent predator is committed under Title 15, section 103, the duty to register is triggered by discharge or conditional release under Title 15, section 104-A.