

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 21, 2003 to August 22, 2003**

**The General Effective Date For**  
**First Special Session**  
**Non-Emergency Laws Is**  
**November 22, 2003**

**SECOND REGULAR SESSION**  
**January 7, 2004 to January 30, 2004**

**The General Effective Date For**  
**Second Regular Session**  
**Non-Emergency Laws Is**  
**April 30, 2004**

**SECOND SPECIAL SESSION**  
**February 3, 2004 to April 30, 2004**

**The General Effective Date For**  
**Second Special Session**  
**Non-Emergency Laws Is**  
**July 30, 2004**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2004**

authority fully considers environmental risks when making its decisions. Environmental conditions posing risks that must be considered include, but are not limited to, licensing obligations, existing or historic regulatory noncompliance and site clean-up responsibilities.

**Sec. 51. 10 MRSA §1048, 3rd ¶**, as enacted by PL 1993, c. 741, §2, is amended to read:

If, in connection with any outstanding revenue obligation securities issued under previous chapter 104, any predecessor to the authority financed or guaranteed more than 90% of the total value of a project, the authority, in connection with issuing its revenue refunding securities, may continue to finance or guarantee the corresponding percentage of the total value of the project financed or guaranteed by its predecessor, notwithstanding section ~~1026-D~~ 1026-A, subsection ~~2~~ 1, paragraph ~~B~~ A, subparagraph (1).

**Sec. 52. 10 MRSA §1063, sub-§2, ¶E**, as repealed and replaced by PL 1989, c. 878, Pt. A, §28, is repealed and the following enacted in its place:

E. For all revenue obligation securities in excess of \$1,000,000 and in other instances when the authority determines it is appropriate, the Department of Environmental Protection has provided a written assessment to the authority of the environmental conditions known by the department to exist at a project location so that the authority fully considers environmental risks when making its decisions. Environmental conditions posing risks that must be considered include, but are not limited to, licensing obligations, existing or historic regulatory noncompliance and site clean-up responsibilities.

**Sec. 53. Effective date.** This Act takes effect January 1, 2005.

Effective January 1, 2005.

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## CHAPTER 538

H.P. 1319 - L.D. 1797

### An Act To Clarify the Standards for Granting a Name Change

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

**Sec. 1. 18-A MRSA §1-701, sub-§§(e) and (f)** are enacted to read:

(e) The judge may require the person seeking a name change to undergo one or more of the following background checks: a criminal history record check; a

motor vehicle record check; or a credit check. The judge may require the person to pay the cost of each background check required.

(f) The judge may not change the name of the person if the judge has reason to believe that the person is seeking the name change for purposes of defrauding another person or entity or for purposes otherwise contrary to the public interest.

See title page for effective date.

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## CHAPTER 539

H.P. 1299 - L.D. 1777

### An Act To Authorize the Commissioner of Administrative and Financial Services To Execute Easements

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

**Sec. 1. 5 MRSA §282-A** is enacted to read:

**§282-A. Commissioner of Administrative and Financial Services authorized to execute easements**

**1. Authority.** The Commissioner of Administrative and Financial Services is authorized to release, grant or receive title to nonfee interests such as easements or rights-of-way in property held by state agencies over which the Department of Administrative and Financial Services has jurisdiction in accordance with the following:

A. A release of an interest in property is authorized upon the commissioner's finding that the interest no longer contributes to the value of the state property or that the release does not detract from the value of state property;

B. The granting of an interest in property is authorized upon the commissioner's finding that such interest does not detract from the value of state property; and

C. Receiving title to an interest in property is authorized upon the commissioner's finding that the value of state property is enhanced.

The authority granted to the commissioner under this subsection does not apply to state park lands protected by the Constitution of Maine, Article IX, Section 23 and designated in Title 12, section 598-A.

**2. Appraisal.** In order to release, grant or receive title to nonfee interests pursuant to subsection 1, the Commissioner of Administrative and Financial

Services must have the current market value of the nonfee interest determined through an estimate of value if the value is under \$1,000 or through an independent appraisal if the value exceeds \$1,000.

See title page for effective date.

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## CHAPTER 540

H.P. 1260 - L.D. 1738

### An Act To Amend the Law Providing Restitution to Victims of Timber Theft

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

**Sec. 1. 17 MRSA §2510, sub-§4**, as enacted by PL 1997, c. 152, §3, is amended to read:

**4. Restitution.** The court shall inquire of the prosecutor or the owner of the property on which the tree was cut down or felled the extent of the owner's financial loss. With the owner's consent, the court shall order restitution when appropriate on the basis of an adequate factual foundation. The order of restitution must designate the amount of restitution to be paid and the person or persons to whom the restitution must be paid. Restitution ordered under this subsection is in addition to any forfeitures adjudged under subsection 2; except that at the request of the prosecutor, the court may suspend all or a portion of the forfeiture adjudged under subsection 2 and apply it to restitution to the property owner under this section.

Any restitution ordered and paid must be deducted from the amount of any judgment awarded in a civil action brought by the owner against the offender based on the same facts.

See title page for effective date.

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## CHAPTER 541

S.P. 623 - L.D. 1691

### An Act To Strengthen the Charitable Solicitations Act

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

**Sec. 1. 9 MRSA §5003, sub-§1**, as amended by PL 1999, c. 386, Pt. A, §2, is further amended to read:

**1. Charitable organization.** "Charitable organization" means any person or entity, including any

person or entity organized in a foreign state, that is or holds itself out to be organized or operated for any charitable purpose or that solicits, accepts or obtains contributions from the public for any charitable purpose and by any means, including, but not limited to, personal contact, telephone, mail, newspaper advertisement, television or radio. Status as a tax-exempt entity does not necessarily qualify that entity as a charitable organization. A chapter, branch, area office or similar affiliate or any person soliciting contributions for any charitable purpose within the State for a charitable organization that has its principal place of business outside the State is considered a charitable organization for the purposes of this Act. For purposes of this chapter, an organization established for and serving bona fide religious purposes is not a charitable organization.

**Sec. 2. 9 MRSA §5003, sub-§3**, as amended by PL 1999, c. 221, §1, is amended to read:

**3. Commercial co-venturer.** "Commercial co-venturer" means any person who, for profit ~~or other commercial consideration~~, is regularly and primarily engaged in trade or commerce in this State, other than in connection with the raising of funds for charitable organizations or purposes, and who conducts, promotes, underwrites, arranges or sponsors a sale, performance, event or collection of and sale of donated goods or event of any kind that is advertised in conjunction with the name of any charitable organization. Any such person who will benefit in good will only may not be considered a commercial co-venturer if the collection and distribution of the proceeds of the sale, performance or event, or the collection and sale of donated goods, are supervised and controlled by the benefiting charitable organization.

**Sec. 3. 9 MRSA §5003, sub-§4-B** is enacted to read:

**4-B. Department.** "Department" means the Department of Professional and Financial Regulation.

**Sec. 4. 9 MRSA §5003, sub-§9**, as amended by PL 1977, c. 654, §1, is further amended to read:

**9. Professional fund-raising counsel.** "Professional fund-raising counsel" means any person who, ~~for a flat fixed fee under a written agreement or for a fee computed under a written agreement on the basis of funds actually raised or to be raised, or for any financial consideration of any kind or amount, plans, conducts, manages, carries on, advises or acts as a consultant, whether directly or indirectly, in connection with soliciting contributions for or on behalf of any charitable organization is retained, for compensation, by a charitable organization to plan, manage, advise or provide consultation services with respect to~~