

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**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.**

---

---

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

**Sec. B-419. 12 MRSA §13160, sub-§7**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

**Sec. B-420. 12 MRSA §13161**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

**§13161. Sale of ATV; light equipment**

**1. Headlight and taillight required.** A person may not sell or offer to sell a new ATV unless:

A. That ATV is equipped with a functioning headlight and taillight; or

B. The ATV:

(1) Is a 2-wheel off-road motorcycle; or

(2) Has an engine size of 90 cubic centimeters or less and has 4 or more wheels.

**2. Penalty.** ~~A person who violates The following penalties apply to violations of this section commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.~~

A. A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. A person who violates this section after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**Sec. B-421. 12 MRSA §13201, first ¶**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

A municipality or political subdivision of the State may not enact any ordinance, law or rule regulating the hunting, trapping or fishing for any species of fish or wildlife; the operation, registration or numbering of all-terrain vehicles, watercraft or snowmobiles or any other subject matter relating to all-terrain vehicles, watercraft or snowmobiles regulated under chapter 935 or 937 or under any other provisions of this Part, except that a municipality may regulate the operation of all-terrain vehicles on municipal property and on rights-of-way and easements held by that municipality. For purposes of this section, except as provided in subsection 3, the regulation of fishing includes the regulation of ice fishing shacks. This section ~~may does not be construed to prohibit:~~

**Sec. B-422. Effective date.** This Part takes effect August 31, 2004.

**PART C**

**Sec. C-1. PL 2003, c. 527, §2** is enacted to read:

**Sec. 2. Effective date.** This Act takes effect August 31, 2004.

**Sec. C-2. PL 2003, c. 552, §15** is enacted to read:

**Sec. 15. Effective date.** This Act takes effect August 31, 2004.

**Sec. C-3. PL 2003, c. 573, §8** is amended to read:

**Sec. 8. Effective date.** Those sections of this Act that amend the Maine Revised Statutes, Title 12, sections 12801 and 12803 take effect ~~90 days after the adjournment of the Second Regular Session of the 121st Legislature~~ August 31, 2004.

**Sec. C-4. PL 2003, c. 587, §2** is enacted to read:

**Sec. 2. Effective date.** This Act takes effect August 31, 2004.

**Sec. C-5. PL 2003, c. 592, §5** is enacted to read:

**Sec. 5. Effective date.** This Act takes effect August 31, 2004.

**Sec. C-6. Effective date.** This Part takes effect 90 days after adjournment of the Second Special Session of the 121st Legislature.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved, except as otherwise indicated.

Effective April 22, 2004, unless otherwise indicated.

---

---

**CHAPTER 656**

**H.P. 1373 - L.D. 1847**

**An Act To Implement the  
Recommendations of the Commission  
To Improve Community Safety and  
Sex Offender Accountability  
Regarding Public Notification by  
Law Enforcement**

**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, 2/3 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. 25 MRSA §2803-B, sub-§1, ¶H,** as amended by PL 2003, c. 370, §1, is further amended to read:

H. Criminal conduct engaged in by law enforcement officers; ~~and~~

**Sec. 2. 25 MRSA §2803-B, sub-§1, ¶I,** as enacted by PL 2003, c. 370, §2, is amended to read:

I. Death investigations, including at a minimum the protocol of the Department of the Attorney General regarding such investigations; ~~and~~

**Sec. 3. 25 MRSA §2803-B, sub-§1, ¶J** is enacted to read:

J. Public notification regarding persons in the community required to register under Title 34-A, chapter 15.

**Sec. 4. 25 MRSA §2803-B, sub-§§2 and 3,** as amended by PL 2003, c. 370, §3, are further amended to read:

**2. Minimum policy standards.** The board shall establish minimum standards for each law enforcement policy no later than June 1, 1995, except that policies for expanded requirements for domestic violence under subsection 1, paragraph D, subparagraphs (1) to (3) must be established no later than January 1, 2003 ~~and~~ policies for death investigations under subsection 1, paragraph I must be established no later than January 1, 2004 and policies for public notification regarding persons in the community required to register under Title 34-A, chapter 15 must be established no later than January 1, 2005.

**3. Agency compliance.** The chief administrative officer of each law enforcement agency shall certify to the board no later than January 1, 1996 that the agency has adopted written policies consistent with the minimum standards established by the board pursuant to subsection 2, except that certification to the board for expanded policies for domestic violence under subsection 1, paragraph D, subparagraphs (1) to (3) must be made to the board no later than June 1, 2003 ~~and~~ certification to the board for adoption of a death investigation policy under subsection 1, paragraph I must be made to the board no later than June 1, 2004 and certification to the board for adoption of a public notification policy under

subsection 1, paragraph J must be made to the board no later than June 1, 2005. This certification must be accompanied by copies of the agency policies. The chief administrative officer of each agency shall certify to the board no later than June 1, 1996 that the agency has provided orientation and training for its members with respect to the policies, except that certification for orientation and training with respect to expanded policies for domestic violence under subsection 1, paragraph D must be made to the board no later than January 1, 2004 ~~and~~ certification for orientation and training with respect to policies regarding death investigations must be made to the board no later than January 1, 2005 and certification for orientation and training with respect to policies regarding public notification must be made to the board no later than January 1, 2006.

See title page for effective date.

---

---

## CHAPTER 657

H.P. 1370 - L.D. 1844

### An Act To Amend the Maine Criminal Code and Motor Vehicle Laws as Recommended by the Criminal Law Advisory Commission

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

**Sec. 1. 15 MRSA §3314, sub-§6,** as corrected by RR 2001, c. 2, Pt. A, §24 and affected by §25, is amended to read:

**6. Forfeiture of firearms.** As part of every disposition in every proceeding under this code, every firearm that constitutes the basis for an adjudication for a juvenile crime that, if committed by an adult, would constitute a violation of section 393; Title 17-A, section 1105-A, subsection 1, paragraph C-1; Title 17-A, section 1105-B, subsection 1, paragraph C; Title 17-A, section 1105-C, subsection 1, paragraph C-1; or Title 17-A, section 1105-D, subsection 1, paragraph B-1 and every firearm used by the juvenile or any accomplice during the course of conduct for which the juvenile has been adjudicated to have committed a juvenile crime that would have been forfeited pursuant to Title 17-A, section ~~4458~~ 1158-A if the criminal conduct had been committed by an adult must be forfeited to the State and the juvenile court shall so order unless another person satisfies the court prior to the dispositional hearing and by a preponderance of the evidence that the other person had a right to possess the firearm, to the exclusion of the juvenile, at the time of the conduct that constitutes the juvenile crime. Rules adopted by the Attorney General that govern the disposition of firearms forfeited pursuant to