

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

the sheriff's discretion. Except as set out in this subsection, all other provisions of this section apply to home-release monitoring pursuant to this subsection.

Sec. 2. 34-A MRSA §3036-A, sub-§10, as amended by PL 2003, c. 205, §13, is further amended to read:

10. Terminally ill prisoner. With the consent of the prisoner, the commissioner may permit a prisoner committed to the department to be transferred from a correctional facility to supervised community confinement without meeting the requirements of subsection 2, paragraphs B and C if the facility's treating physician has determined that the prisoner is terminally ill and that care outside the correctional facility for the remainder of the prisoner's illness is medically appropriate. The Except as set out in this subsection, the prisoner shall live in a hospital or other appropriate care facility, such as a nursing facility or a residential care facility or a facility that is a licensed hospice program pursuant to Title 22, section 8622, approved by the commissioner. As approved by the commissioner, the prisoner may receive hospice services from an entity licensed pursuant to Title 22, chapter 1681, subchapter 1 and, subject to approval by the commissioner, may live at home while receiving these hospice services. The commissioner may exempt a prisoner transferred to supervised community confinement pursuant to this subsection from any mandatory condition under subsection 3 that the commissioner determines to be inapplicable.

See title page for effective date.

CHAPTER 69

H.P. 49 - L.D. 53

An Act To Clarify the Law Regarding Unlawful Interference with Law Enforcement Dogs

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

Sec. 1. 17-A MRSA §752-B, sub-§1, as amended by PL 2001, c. 383, §82 and affected by §156, is further amended to read:

1. A person is guilty of unlawful interference with a law enforcement dog if the person intentionally or knowingly:

A. Kills, mutilates or permanently disables any dog that is in fact certified for law enforcement use and that the person knows or reasonably should have known is certified used for law enforcement ~~use~~ purposes. Violation of this paragraph is a Class C crime; or

B. Torments, beats, strikes, injures, temporarily disables or otherwise mistreats any dog that is in fact certified for law enforcement use and that the person knows or reasonably should have known is certified used for law enforcement ~~use~~ purposes. Violation of this paragraph is a Class D crime.

See title page for effective date.

CHAPTER 70

S.P. 124 - L.D. 400

An Act To Align Maine Special Education Complaint Management Provisions with the Federal Individuals with Disabilities Education Act

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

Sec. 1. 20-A MRSA §7206, sub-§4, as amended by PL 1999, c. 424, Pt. A, §6, is repealed.

See title page for effective date.

CHAPTER 71

S.P. 16 - L.D. 36

An Act To Promote Access to Transportation for Seniors

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

Sec. 1. 29-A MRSA §951, sub-§4, as amended by PL 1999, c. 631, §1, is further amended to read:

4. Exemptions. Financial institutions, as defined in Title 9-B, section 131, subsections 17 and 17-A, are exempt from the requirements of this section when selling vehicles repossessed and sold by full-time employees of the institution. Financial institutions that do not use full-time employees to repossess and sell vehicles must use dealers licensed pursuant to this chapter.

Any public or nonprofit organization that, for the purpose of making vehicles available to low-income persons, accepts donated vehicles and provides them to low-income persons at a cost that is no more than the cost of ensuring that the vehicle is in good operating condition is exempt from the requirements of this section. A public or nonprofit organization that transfers a vehicle under this subsection is subject to

the provisions of Title 10, chapter 217 and shall register with the Secretary of State and maintain a certificate of training as required by the Secretary of State.

Any public or nonprofit organization whose sole or primary purpose is to provide transportation for persons 65 years of age or older that accepts donated vehicles for the purpose of providing that transportation or accepts in trade for transportation services the vehicles belonging to persons 65 years of age or older who use those transportation services is exempt from the requirements of this section. A public or nonprofit organization that transfers a vehicle under this subsection is subject to the provisions of Title 10, chapter 217 and shall register with the Secretary of State and maintain a certificate of training as required by the Secretary of State.

See title page for effective date.

CHAPTER 72

S.P. 23 - L.D. 83

An Act to Prohibit Payment Card Skimming

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

Sec. 1. 17-A MRSA §905-B is enacted to read:

§905-B. Misuse of scanning device or reencoder

1. A person is guilty of misuse of a scanning device or a reencoder if the person intentionally or knowingly uses a scanning device or a reencoder without the permission of the authorized payment card user whose card information is scanned or reencoded and with the intent to defraud or deceive the authorized payment card user, the issuer of the authorized payment card user's payment card or another person.

2. As used in this section, the following terms have the following meanings.

A. "Authorized payment card user" means a person with the authority or permission to use a payment card.

B. "Payment card" means a credit card, charge card, debit card, hotel key card or stored value card or any other card that is issued to an authorized payment card user that allows the user to obtain, purchase or receive goods, services, money or anything else of value.

C. "Reencoder" means an electronic device that places encoded information from the computer chip or magnetic strip or stripe of a payment card onto the computer chip or magnetic strip or stripe of another payment card or any electronic medium that allows an authorized transaction to occur.

D. "Scanning device" means a scanner, reader or any other electronic device that is used to access, read, scan, obtain, memorize or store, temporarily or permanently, information encoded on the computer chip or magnetic strip or stripe of a payment card.

3. Misuse of a scanning device or a reencoder is a Class D crime.

See title page for effective date.

CHAPTER 73

H.P. 687 - L.D. 977

An Act To Create a Civil Violation for Operating a Snowmobile Left of Center

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

Sec. 1. 12 MRSA §13106-A, sub-§26 is enacted to read:

26. Operating snowmobile left of center of snowmobile trail. A person may not operate a snowmobile to the left of the center on a snowmobile trail that is funded in whole or part by the Snowmobile Trail Fund when approaching or navigating a curve, corner, grade or hill.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 and not more than \$500 may be adjudged.

B. A person who violates this subsection 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.

See title page for effective date.