

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

412-A and any rules adopted pursuant to section 412-A.

**5. Rulemaking.** The superintendent may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

Effective May 10, 2005.

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## CHAPTER 84

S.P. 101 - L.D. 339

### An Act To Include Androscoggin County in the Law Governing the Use of County Surplus Funds

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

**Sec. 1.** ~~30-A MRSA §725, sub-§9, as amended by PL 1999, c. 253, §8, is repealed.~~

**Sec. 2.** ~~30-A MRSA §924, first ¶, as amended by PL 2001, c. 349, §6, is further amended to read:~~

~~The county commissioners of each county shall use any unencumbered surplus funds at the end of a fiscal year in the following fiscal year only as provided in this section, except that the Androscoggin County commissioners shall act in accordance with section 725, subsection 9.~~

See title page for effective date.

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## CHAPTER 85

H.P. 309 - L.D. 424

### An Act To Exempt Certain Religious, Nonpublic, Postsecondary Institutions from State Requirements for Degree-granting Authority

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

**Sec. 1.** ~~20-A MRSA §10708, sub-§§2 and 3, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:~~

~~**2. Federal reservations.** Offer programs or courses which that are conducted solely on a federal reservation over which the Federal Government has~~

~~exclusive jurisdiction. The commissioner shall authorize exempt status under this subsection; and~~

~~**3. Noncredit courses.** Offer courses or programs which that are not for academic credit; and~~

~~**Sec. 2.** 20-A MRSA §10708, sub-§4 is enacted to read:~~

~~**4. Religious, nonpublic, educational institution.** Meet the following criteria.~~

~~A. The educational institution must be substantially owned, operated or supported by a bona fide church or religious organization.~~

~~B. The educational programs of the educational institution must be primarily designed for, aimed at and attended by persons who seek to learn the particular religious faith or beliefs of the church or religious organization under paragraph A.~~

~~C. The programs under paragraph B must be intended to prepare students to assume leadership positions in, or enter into some other vocation closely related to, the particular faith of the church or religious organization under paragraph A.~~

~~The exemption under this subsection does not apply to any educational institution that represents to any student or prospective student that the major purpose of its program is to prepare the student for a vocation not closely related to the particular religious faith of the educational institution or to provide the student with a general educational program substantially equivalent to the educational programs offered by schools or departments or branches of schools that are not exempt from this section. Any educational institution receiving an exemption under this subsection must inform all applicants of its exempt status in writing and must prominently display the following statement on all written materials, including, but not limited to, any electronic materials, made available to potential applicants or to the general public: "Pursuant to the Maine Revised Statutes, Title 20-A, section 10708, subsection 4, this institution is not required to obtain authorization from either the State Board of Education or the Maine State Legislature in order to: (1) use the name "junior college," "college" or "university," (2) offer courses or programs for academic credit or (3) confer degrees."~~

See title page for effective date.

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## CHAPTER 86

H.P. 281 - L.D. 379

### An Act To Raise the Marriage Fees

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

**Sec. 1. 30-A MRSA §2652, sub-§2**, as amended by PL 1993, c. 405, §1, is further amended to read:

**2. Marriage intentions and license.** Recording marriage intentions and issuing a marriage license, ~~§20~~ **§30**, except, when the laws of this State require 2 licenses, the fee is ~~§10~~ **§15** each;

See title page for effective date.

**CHAPTER 87**

**H.P. 181 - L.D. 242**

**An Act To Amend the Maine Juvenile Code**

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

**Sec. 1. 15 MRSA §3105-A, sub-§1**, as enacted by PL 1987, c. 222, §2, is amended to read:

**1. Expiration of limitation; defense.** It is a defense that prosecution was commenced after the expiration of the applicable period of limitations provided in this section, ~~provided except~~ that a prosecution for the juvenile crime of murder or criminal homicide in the first or 2nd degree may be commenced at any time. It is a defense that prosecution was commenced after the expiration of the applicable period of limitations provided in this section, except that if the victim had not attained 16 years of age at the time of the crime and the juvenile had attained 16 years of age, a prosecution for the juvenile crime of unlawful sexual contact under Title 17-A, former section 255 or section 255-A or gross sexual assault under Title 17-A, section 253 may be commenced at any time if the attorney for the State first presents evidence based on DNA, as defined in section 2136, to the court in a closed hearing that implicates the defendant in the crime by a preponderance of the evidence.

**Sec. 2. 15 MRSA §3105-A, sub-§2, ¶C**, as amended by PL 1995, c. 470, §5, is further amended to read:

C. A prosecution for conduct specified in section 3103, subsection 1, paragraph B, C, D, E ~~or~~, F or H must be commenced within one year after it is committed.

**Sec. 3. 15 MRSA §3310, sub-§4**, as enacted by PL 1977, c. 520, §1, is amended to read:

**4. Standard of proof.** ~~When~~ If the court finds that the elements of the juvenile crime as defined in section 3103, subsection 1, paragraph A, D, E, F, G or H are not supported by evidence beyond a reasonable doubt or that the elements of a juvenile crime as defined in section 3103, subsection 1, paragraph B or C are not supported by a preponderance of the evidence, the court shall order the petition dismissed and the juvenile discharged from any detention or restriction previously ordered. The juvenile's parents, guardian or other legal custodian ~~shall~~ must also be discharged from any restriction or other temporary order.

**Sec. 4. 15 MRSA §3310, sub-§5, ¶A**, as amended by PL 1979, c. 681, §25, is further amended to read:

A. ~~When~~ If the court finds that the allegations of the petition alleging a juvenile crime as defined in section 3103, subsection 1, paragraph A, D, E, F, G or H are supported by evidence beyond a reasonable doubt or that the allegations of a petition alleging a juvenile crime as defined in section 3103, subsection 1, paragraph B or C are supported by a preponderance of the evidence, the court shall adjudge that the juvenile committed a juvenile crime and shall, in all such adjudications, issue an order of adjudication.

**Sec. 5. Application.** That section of this Act that amends the Maine Revised Statutes, Title 15, section 3105-A, subsection 1 applies to the following juvenile crimes in which the victim had not attained 16 years of age at the time of the crime and the juvenile had attained 16 years of age:

1. The juvenile crime of unlawful sexual contact and gross sexual assault committed on or after the effective date of this Act; and
2. The juvenile crime of unlawful sexual contact or gross sexual assault for which the prosecution has not yet been barred by the previous statute of limitations in force on the effective date of this Act.

See title page for effective date.

**CHAPTER 88**

**S.P. 292 - L.D. 884**

**An Act To Protect Motherhood**

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