

# 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**

**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:**

**PART A**

**Sec. A-1. 19-A MRSA §4013, sub-§4, ¶C**, as amended by PL 2001, c. 240, §2, is further amended to read:

C. The panel shall collect and compile data related to domestic and sexual abuse, including data relating to deaths resulting from domestic abuse when the victim was pregnant at the time of death.

**Sec. A-2. 22 MRSA §3028, sub-§12** is enacted to read:

**12. Report to domestic abuse panel.** If the Chief Medical Examiner determines that a death resulted from criminal conduct and that the victim was pregnant at the time of death, the Chief Medical Examiner shall send a copy of any report prepared under this section to the Domestic Abuse Homicide Review Panel created pursuant to Title 19-A, section 4013.

**PART B**

**Sec. B-1. 17-A MRSA §1251, 2nd ¶**, as enacted by PL 1999, c. 536, §1, is amended to read:

In setting the length of imprisonment, if the victim is a child who had not in fact attained the age of 6 years at the time the crime was committed or if the victim is a woman that the convicted person knew or had reasonable cause to believe to be in fact pregnant at the time the crime was committed, a court shall assign special weight to this objective fact in determining the basic sentence in the first step of the sentencing process. The court shall assign special weight to any subjective victim impact in determining the final sentence in the 2nd and final step in the sentencing process. Nothing in this paragraph may be construed to restrict a court in setting the length of imprisonment from considering the age of the victim in other circumstances when relevant.

**Sec. B-2. 17-A MRSA §1252, sub-§5-C** is enacted to read:

**5-C.** In using a sentencing alternative involving a term of imprisonment for a person convicted of the attempted murder, manslaughter, elevated aggravated assault or aggravated assault of a woman that the convicted person knew or had reasonable cause to believe to be in fact pregnant at the time the crime was committed, a court shall assign special weight to this objective fact in determining the basic term of imprisonment as the first step in the sentencing process. The court shall assign special weight to any subjective victim impact in determining the maximum period of incarceration in the 2nd step in the sentencing process. The court may not suspend that portion

of the maximum term of imprisonment based on objective or subjective victim impact in arriving at the final sentence as the 3rd step in the sentencing process. Nothing in this subsection may be construed to restrict a court in setting a sentence from considering the fact that the victim was pregnant in other circumstances when relevant.

See title page for effective date.

**CHAPTER 89****H.P. 673 - L.D. 963**

**An Act To Set Standards for  
Electronic Methods Used for Wage  
Payment**

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

**Sec. 1. 26 MRSA §663, sub-§5**, as amended by PL 1965, c. 410, §4, is further amended to read:

**5. Wages.** "Wages" paid to any employee includes compensation paid to ~~such~~ the employee in the form of legal tender of the United States; and checks on banks convertible into cash on demand; and includes the reasonable cost to the employer who furnishes ~~such~~ the employee board or lodging. "Wages" also includes compensation paid through a direct deposit system, automated teller machine card or other means of electronic transfer as long as the employee either can make an initial withdrawal of the entire net pay without additional cost to the employee or the employee can choose another means of payment that involves no additional cost to the employee;

**Sec. 2. 26 MRSA §665, sub-§1**, as amended by PL 1971, c. 620, §13, is further amended to read:

**1. Examination of records, books; copies.** Every employer subject to this subchapter shall keep a true and accurate record of the hours worked by each employee and of the wages paid, such records to be preserved by the employer for a period of at least 3 years; and shall furnish to each employee with each payment of wages a statement ~~which shall that~~ clearly ~~show~~ shows the date of the pay period, the hours, total earnings and itemized deductions. An employer making payment by direct deposit or other means of electronic transfer shall provide each employee with an accurate record of the transfer, including the date of the pay period, the hours, total earnings and itemized deductions, when the transfer is made. If the record is provided in an electronic format the employer shall provide a method by which the employee may have ready access to the information and print it without cost to the employee. The director or his the director's authorized representative may, and upon written