

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

that assistance. If the applicant or voter is unable to appear at the office of the registrar, the registrar shall visit the individual to provide that assistance, upon request and with reasonable notice. The municipality shall pay the registrar travel expenses at the same rate paid other municipal employees.

Sec. 4. 21-A MRSA §335, sub-§7, ¶A, as enacted by PL 1985, c. 161, §6, is amended to read:

A. The circulator of a primary petition shall verify by oath or affirmation before a notary public or other person authorized by law to administer oaths or affirmations that all of the signatures to the petition were made in ~~his~~ the circulator's presence and that to the best of ~~his~~ the circulator's knowledge and belief each signature is the signature of the person whose name it purports to be; each signature authorized under section 153-A was made by the authorized signer in the presence and at the direction of the voter; and each person is enrolled in the party named in the petition and is a resident of the electoral division named in the petition.

Sec. 5. 21-A MRSA §354, sub-§7, ¶A, as enacted by PL 1985, c. 161, §6, is amended to read:

A. The circulator of a nomination petition shall verify by oath or affirmation before a notary public or other person authorized by law to administer oaths or affirmations that all of the signatures to the petition were made in ~~his~~ the circulator's presence and that to the best of ~~his~~ the circulator's knowledge and belief each signature is the signature of the person whose name it purports to be; each signature authorized under section 153-A was made by the authorized signer in the presence and at the direction of the voter; and each person is a resident of the electoral division named in the petition.

See title page for effective date.

CHAPTER 197

H.P. 667 - L.D. 957

An Act To Limit Faxes from Telemarketers

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

Sec. 1. 10 MRSA §1498, sub-§1, ¶¶A and B, as enacted by PL 1989, c. 775, are amended to read:

A. "Automated telephone calling device" means any system or equipment, including a facsimile

machine, that selects, dials or calls telephone numbers and plays recorded messages or attempts to send facsimiles.

B. "Solicitation calls" means calls, including facsimile transmissions, the purpose of which is any of the following:

- (1) To offer real property, goods or services for sale or rent;
- (2) To convey information on real property, goods or services to solicit sales or ~~purchase~~ purchases;
- (3) To promote or solicit charitable contributions; or
- (4) To gather data or statistics or solicit information.

See title page for effective date.

CHAPTER 198

H.P. 481 - L.D. 661

An Act To Allow Dental Hygienists To Perform Temporary Filling Procedures

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

Sec. 1. 32 MRSA §1098-E is enacted to read:

§1098-E. Temporary filling procedures

A dental hygienist with public health supervision status, as defined by rules adopted by the Board of Dental Examiners, may perform temporary filling procedures without a dentist present under protocols developed by the Board of Dental Examiners. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 199

H.P. 593 - L.D. 834

An Act To Prevent Camcorder Piracy

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

Sec. 1. 17 MRSA c. 114, as amended, is further amended by repealing the chapter headnote and enacting the following in its place:

CHAPTER 114

DETENTION OF CERTAIN PERSONS SUSPECTED OF STEALING

Sec. 2. 17 MRSA §3521, as amended by PL 1989, c. 122, §1, is further amended to read:

§3521. Detention of certain persons suspected of stealing

A store or motion picture theater owner, manager or supervisor, or that person's designee, may detain on the premises in a reasonable manner and for a period of time not to exceed 1/2 hour any person as to whom there is probable cause to believe is unlawfully concealing merchandise or concealing part of or operating an audiovisual or audio recording function of any device in the motion picture theater while a motion picture is being exhibited, without the written consent of the motion picture theater owner. The purposes of detention ~~shall be~~ are: ~~To~~ to require the person being detained to provide identification; to verify the identification; to inform a law enforcement officer of the detention and to surrender that person to the officer; to take possession of and hold stolen merchandise or recordings and related equipment pending arrival of law enforcement; and, when the detained person is a minor, to inform a law enforcement officer or the parents or guardian of the minor of the detention and to surrender the minor to the person so informed.

Sec. 3. 17-A MRSA §352, sub-§5, ¶D, as amended by PL 2001, c. 389, §2, is further amended to read:

D. If the value of property or services cannot be ascertained beyond a reasonable doubt pursuant to the standards set forth in paragraphs A to C, the trier of fact may find the value to be not less than a certain amount, and if no such minimum value can be thus ascertained, the value is deemed to be an amount less than \$500. Notwithstanding this provision, for the purposes of this chapter, the value of any audio or visual recording of all or any part of a motion picture that is obtained through the use of any type of recording device in a motion picture theater while a motion picture is being exhibited, without the written consent of the motion picture theater owner, is deemed to be more than \$500 but not more than \$1,000, unless a higher value can be proven.

Sec. 4. 17-A MRSA §353, sub-§1, as amended by PL 2001, c. 667, Pt. D, §3 and affected by §36, is further amended to read:

1. A person is guilty of theft if:

A. The person obtains or exercises unauthorized control over the property of another with intent to deprive the other person of the property. Violation of this paragraph is a Class E crime; ~~or~~

B. The person violates paragraph A and:

(1) The value of the property is more than \$10,000. Violation of this subparagraph is a Class B crime;

(2) The property stolen is a firearm or an explosive device. Violation of this subparagraph is a Class B crime;

(3) The person is armed with a dangerous weapon at the time of the offense. Violation of this subparagraph is a Class B crime;

(4) The value of the property is more than \$1,000 but not more than \$10,000. Violation of this subparagraph is a Class C crime;

(5) The value of the property is more than \$500 but not more than \$1,000. Violation of this subparagraph is a Class D crime; or

(6) The person has 2 prior Maine convictions for any combination of the following: theft; any violation of section 401 in which the crime intended to be committed inside the structure is theft; any violation of section 405 in which the crime intended to be committed inside the motor vehicle is theft; any violation of section 651; any violation of section 702, 703 or 708; or attempts thereat. Section 9-A governs the use of prior convictions when determining a sentence. Violation of this subparagraph is a Class C crime; or

C. The person knowingly operates an audiovisual or audio recording function of any device in a motion picture theater while a motion picture is being exhibited for the purpose of making a copy of the motion picture, without the written consent of the motion picture theater owner. Violation of this paragraph is a Class D crime.

See title page for effective date.