

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

§321. Time and place; procedure

Each party shall hold a state convention between March 1st and August 1st biennially during each general election year.

1. Time, place and representation. The party's state committee shall determine the time, place and basis of representation for the convention. Delegates must be qualified to vote in the party's primary election unless otherwise permitted by party rules.

2. Proceedings at convention. The convention shall do the following:

A. Elect a secretary and a ~~chairman~~ chair of the convention in that order;

B. Adopt a platform for the next general election;

C. Nominate the number of presidential electors to which the State is entitled;

D. Determine the size of the state, district and county committees and the method of their election-;

E. Elect a district committee for each congressional district; and

F. Elect a county committee for each county from persons nominated at municipal caucuses held in the county, unless party rules provide for county committee members to be elected directly by their respective municipalities. If a municipality entitled to nominate a person for election to the county committee fails to do so, the convention may elect any resident of that municipality to the county committee.

Sec. 5. 21-A MRSA §322, as amended by PL 1997, c. 436, §46, is further amended to read:

§322. Committee functions

~~Committees elected at the convention~~ State, congressional district and county committees of qualified political parties are governed by the following provisions.

1. Committees to organize and report. ~~The committees elected at the convention shall organize within 30 days after the convention.~~ The secretary of each committee shall notify the state committee of the name and residence of its ~~chairman~~ chair and secretary within 10 days after their election. The state committee shall hold an organizational meeting within 30 days after the convention.

2. State committee to report organization. The chair and the secretary of the state committee

shall certify to the Secretary of State the platform adopted and the names of the party's candidates for presidential electors ~~elector~~ within 30 days after the convention. The chair and the secretary of the state committee shall certify to the Secretary of State the name and residence of the chair and secretary of each committee and of each committee member within 20 days after their election.

3. Term of office and duties of committees. The committees and their officers shall hold office as prescribed in their bylaws and shall perform the duties imposed upon them by the convention and their bylaws.

4. Certain officers of state committee. The ~~chairman~~ chair, ~~vice chairman~~ vice-chair, treasurer and finance ~~chairman~~ chair of the state committee may be chosen from outside the membership of the state committee.

See title page for effective date.

CHAPTER 388
H.P. 712 - L.D. 1027**An Act To Ensure the Safety of Victims of Domestic Violence**

Emergency preamble. **Whereas**, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, privacy and confidentiality are critical to the safety of a domestic violence victim, and disclosure of information that directly or indirectly reveals the identity and location of a victim who has sought domestic violence services can create a serious risk of physical harm to the victim or to the victim's family members; and

Whereas, it is necessary to protect the privacy of victims of domestic violence and, in doing so, clarify that privileged communication between a victim and a domestic violence advocate includes the personal identifying information of that victim; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 16 MRSA §53-B, sub-§1, ¶A-1 is enacted to read:

A-1. "Confidential communications" means all information, whether written or oral, transmitted between a victim and a domestic violence advocate in the course of the working relationship. "Confidential communications" includes, but is not limited to, information received or given by the advocate in the course of the working relationship, advice, records, reports, notes, memoranda, working papers, electronic communications, case files, history and statistical data, including name, date of birth and social security number, that personally identify the victim.

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

Effective June 14, 2005.

CHAPTER 389

H.P. 613 - L.D. 862

An Act To Improve the Collection of Restitution and Supervision Fees

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

Sec. 1. 17-A MRSA §1176 is enacted to read:

§1176. Confidentiality of victim records

Records that pertain to a victim's current address or location or that contain information from which a victim's current address or location could be determined must be kept confidential and may be disclosed only to a state agency if necessary to carry out the statutory function of that agency or to a criminal justice agency if necessary to carry out the administration of criminal justice or the administration of juvenile criminal justice. In no case may a victim's request for notice of release be disclosed outside the agency to which the defendant is committed and the office of the attorney for the State with which the request was filed.

Sec. 2. 17-A MRSA §1204, sub-§1-A, as amended by PL 1995, c. 502, Pt. F, §11, is further amended to read:

1-A. The court shall attach as a condition of probation that the convicted person pay, through the Department of Corrections, a supervision fee of between \$10 and \$50 per month, as determined by the court, for the term of probation. Notwithstanding the attachment of supervision fee conditions on more than one sentence, a person on probation on concurrent sentences is required to pay only one supervision fee. In determining the amount of the fee, the court shall

take into account the financial resources of the convicted person and the nature of the burden its payment imposes. A person may not be sentenced to imprisonment without probation solely for the reason the person is not able to pay the fee. When a person on probation fails to pay the supervision fee, the court may revoke probation as specified in section 1206, unless the person shows that failure to pay was not attributable to a willful refusal to pay or to a failure on that person's part to make a good faith effort to obtain the funds required for the payment. The court, if it determines that revocation of probation is not warranted, shall issue a judgment for the total amount of the fee and shall issue an order attaching a specified portion of money received by or owed to the person on probation until the total amount of the fee has been paid. If the person makes this showing, the court may allow additional time for payment within the remaining period of probation or reduce the size of the fee to as low as \$10 per month, but may not revoke the requirement to pay the fee unless the remaining period of probation is 30 days or less.

Sec. 3. 17-A MRSA §1323, sub-§1, as amended by PL 1983, c. 793, §1, is further amended to read:

1. Inquiry as to victim's financial loss. The court shall, whenever practicable, inquire of a prosecutor, ~~police~~ law enforcement officer or victim with respect to the extent of the victim's financial loss, and shall order restitution ~~where~~ when appropriate. The order for restitution shall designate the amount of restitution to be paid and the person or persons to whom the restitution will be paid.

Sec. 4. 17-A MRSA §1326-E is enacted to read:

§1326-E. Joint and several order

If the victim's financial loss has been caused by more than one offender, the order must designate that the restitution is to be paid on a joint and several basis, unless the court specifically determines that one defendant should not equally share the burden. The agency collecting restitution pursuant to a joint and several order may, after the full amount of restitution has been collected and disbursed to the victim, continue to collect payments from an offender who has not paid an equal share of the restitution and may disburse the money collected to any other offender who has paid more than an equal share of the restitution.

Sec. 5. 34-A MRSA §5404, sub-§2, ¶C, as amended by PL 1995, c. 502, Pt. F, §37, is further amended to read:

C. If the officer has probable cause to believe that a person under the supervision of the de-