

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION
July 29, 2005

SECOND REGULAR SESSION
January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 23, 2006

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

Penmor Lithographers
Lewiston, Maine
2006

conducted in this State between December 1, 1996 and the date on which it files that application.

Sec. D-18. Effective date. This Part takes effect July 1, 2007.

See title page for effective date, unless otherwise indicated.

CHAPTER 544

H.P. 1325 - L.D. 1885

An Act To Protect Drivers' Privacy by Clarifying Ownership of Data Recorded by Motor Vehicle Data Recorders

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

Sec. 1. 29-A MRSA c. 17, sub-c. 3 is enacted to read:

SUBCHAPTER 3

MOTOR VEHICLE EVENT DATA RECORDERS

§1971. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Event data recorder. "Event data recorder" means a feature that is installed by the manufacturer of a motor vehicle and does one or more of the following for the purpose of capturing data for retrieval after a crash:

- A. Records vehicle speed, direction or both;
- B. Records vehicle location data;
- C. Records vehicle steering performance;
- D. Records vehicle brake performance, including whether brakes were applied before the crash;
- E. Records the driver's seatbelt status; and
- F. Has the ability to transmit information concerning a crash in which the motor vehicle has been involved to a central communication system when a crash occurs.

2. Owner. "Owner" means:

A. A person having all the incidents of ownership, including the legal title of the motor vehicle, whether or not the person lends, rents or creates a security interest in the motor vehicle;

B. A person entitled to the possession of the motor vehicle as the purchaser under a security agreement; or

C. A person entitled to possession of the motor vehicle as lessee pursuant to a written lease agreement, as long as the agreement at inception is for a period of at least 3 months.

§1972. Ownership and access to data

1. Ownership; access. Data described in section 2561, subsection 1 that are recorded on an event data recorder may not be downloaded or otherwise retrieved by a person other than the owner of the motor vehicle at the time the data are accessed, except under the following circumstances:

A. The owner of the motor vehicle or the owner's agent or legal representative consents to the retrieval of the information;

B. A court of competent jurisdiction in this State orders the production of the data;

C. For purposes of improving motor vehicle safety, security or traffic management, including medical research on the human body's reaction to motor vehicle crashes, as long as the identity of the owner or driver is not disclosed in connection with that retrieved data. For the purposes of this paragraph, the disclosure of the vehicle identification number with the last 4 digits deleted does not constitute the disclosure of the identity of the owner or driver;

D. The data are retrieved by a licensed motor vehicle dealer or by an automotive technician for the purpose of diagnosing, servicing or repairing the motor vehicle;

E. The data are retrieved for the purpose of determining the need for or facilitating emergency medical response in the event of a motor vehicle crash;

F. The data are retrieved by a law enforcement officer acting pursuant to authority recognized under applicable statutory or constitutional law; or

G. The data are requested as part of routine civil or criminal discovery.

2. Release of data prohibited; exceptions. A person, including a service or data processor operating on behalf of such person, authorized to download or

otherwise retrieve data from the event data recorder pursuant to subsection 1, paragraph C may not release the data except:

A. For the purpose of motor vehicle safety and medical research communities to advance motor vehicle safety, security or traffic management; or

B. To a data processor solely for the purposes permitted by this subsection only if the identity of the owner or driver is not disclosed.

3. Disclosure by subscription services. If a motor vehicle is equipped with an event data recorder that is capable of recording or transmitting information described in section 1971, subsection 1 and that capability is part of a subscription service, the fact that the information may be recorded or transmitted must be disclosed in the subscription service agreement.

4. Application concerning subscription services. Subsection 1 does not apply to subscription services meeting the requirements of subsection 3.

5. Duty to cooperate. Nothing in this subchapter affects an insured's duty to cooperate as provided in an applicable insurance contract or agreement.

§1973. Disclosure by manufacturer

A manufacturer of a new motor vehicle sold or leased in this State that is equipped with one or more event data recorders, including those known as "sensing and diagnostic modules," shall disclose that fact in the owner's manual for the motor vehicle.

See title page for effective date.

CHAPTER 545

H.P. 1271 - L.D. 1831

An Act To Allow Law Enforcement Agencies To Maintain Sex Offender Websites for Public Use

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

Sec. 1. 34-A MRSA §11221, sub-§11, as enacted by PL 2005, c. 423, §13, is amended to read:

11. Maintenance by bureau. Only the bureau may is authorized to maintain a sex offender registry on the Internet for purposes of public access as described in subsection 9. ~~Law enforcement agencies may maintain their own sex offender registries for internal use only by those agencies and may provide a link to the bureau's Internet sex offender registry.~~

Sec. 2. 34-A MRSA §11221, sub-§12 is enacted to read:

12. Law enforcement agency website. A law enforcement agency may maintain its own sex offender website and may make that information available for use by the public if:

A. A notice is prominently posted on the website that expressly states that the website is not the official state sex offender registry under subsection 1 and that the law enforcement agency posting the website is solely responsible for the website's content;

B. The website provides a link to the bureau's Internet sex offender registry under subsection 1;

C. The website contains information regarding only registrants who are domiciled, reside, attend college or school or work within the posting law enforcement agency's jurisdiction; and

D. The information on the website is updated by the law enforcement agency as frequently as available resources permit, but no less than every 7 days. The law enforcement agency shall also prominently post on the website the date and time of the most recent update to the website.

See title page for effective date.

CHAPTER 546

S.P. 676 - L.D. 1759

An Act To Strengthen Maine's Timber Theft Laws

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

Sec. 1. 17 MRSA §2512 is enacted to read:

§2512. Failure to pay for trees harvested

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Forest products" means logs, pulpwood, veneer, bolt wood, wood chips, stud wood, poles, pilings, biomass fuel wood, fuel wood or other products commonly known as forest products, but does not include Christmas trees, maple syrup, nursery products used for ornamental purposes, wreaths, bough material, cones or other seed crops.

B. "Handling or processing facility" means sawmills; bolter mills; shingle mills; veneer