

MAINE STATE LEGISLATURE

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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

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

mills; fence pole and piling making operations; pulp and paper mills; wafer board, particle board and plywood mills; whole tree chippers; commercial fuel wood processors; custom wood processing mills; and log yards established to accumulate logs awaiting shipment to these facilities.

C. "Harvest operation" means the harvest of forest products on land in a single municipality or township. Land harvested need not be contiguous, and more than one harvester may work a harvest operation.

2. Payment required within 45 days. Absent a written contract that indicates different payment terms between the landowner and the person conducting a harvest operation, the person conducting the harvest operation shall provide to the landowner full payment for each truckload of harvested forest products transported to a handling or processing facility within 45 days of delivery to the handling or processing facility. In accordance with Title 10, section 2364-A, subsection 2, paragraph G, the person conducting the harvest operation shall provide to the landowner a copy of the measurement tally sheet or stumpage sheet for each truckload of forest products transported to a handling or processing facility when the person conducting the harvest operation pays the landowner.

3. Penalties. The following penalties apply.

A. A person who violates subsection 2 commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

B. A person who violates subsection 2 after having been adjudicated as having violated subsection 2 within the previous 5 years commits a civil violation for which a fine of not more than \$2,000 may be adjudged.

C. A person who violates subsection 2 after having been adjudicated as having committed 2 or more civil violations under subsection 2 within the previous 5 years commits a Class E crime. Violation of this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

D. In addition to any other penalties imposed in this subsection, the court may order a person adjudicated as having violated this section to provide upon request to any forest ranger of the Department of Conservation, Bureau of Forestry copies of measurement tally sheets for subsequent harvest operations being conducted by the violator for a period not to exceed one year.

4. Restitution. In addition to any penalties imposed pursuant to subsection 3 and, when appropriate,

in accordance with the requirements of Title 17-A, chapter 54, the court shall order restitution to the landowner on the basis of an adequate factual foundation. The amount of restitution may be determined by using the measured volume of the harvested forest products as listed on the measurement tally sheet or stumpage sheet in accordance with Title 10, section 2364-A, subsection 2 and by the terms of the sales contract according to the measurement procedures set forth in Title 10, section 2363-A that are applicable to a sale of wood.

Any restitution ordered and paid must be deducted from the amount of any restitution awarded in a civil action brought by the owner or the State against the offender based on the same facts.

5. Exemptions. The following are exempt from this section:

A. The Department of Transportation in the performance of activities under Title 23, section 701;

B. Public utilities in maintaining adequate facilities in emergencies in compliance with Title 35-A, section 301; and

C. Municipal employees, persons contracting with a municipality or other legitimate agents of a municipality acting within the course and scope of their employment or performing volunteer work for the municipality removing street trees or fallen trees or in emergencies.

Sec. 2. Report from Department of Conservation. By March 1, 2008, the Commissioner of Conservation shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the number of cases prosecuted and the results of those cases under the Maine Revised Statutes, Title 17, section 2512 and the impact of the new penalties in deterring timber theft.

See title page for effective date.

CHAPTER 547

H.P. 1253 - L.D. 1813

An Act To Allow Smelt Dipping in Mud Brook in Aroostook County

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

Sec. 1. 12 MRSA §12460-A is enacted to read: