

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2006**

waive assessments otherwise due under subparagraphs (2) and (3) when a waiver is determined to be in the interests of the organization and the parties to be assessed.

See title page for effective date.

**CHAPTER 566**

**S.P. 660 - L.D. 1743**

**An Act To Allow the Department of Health and Human Services To Locate Parents Who Are Delinquent in Child Support Payments through Information Related to Cellular Telephones**

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

**Whereas,** the Department of Health and Human Services is finding it more difficult to locate parents delinquent in child support; and

**Whereas,** the sooner the Department of Health and Human Services has the authority to obtain information from wireless service providers, the sooner the department will be able to locate delinquent parents; 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. 19-A MRSA §2158** is enacted to read:

**§2158. Access to wireless service provider's records of individuals who owe child support**

**1. Definitions.** For the purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Account holder" means an individual who has executed an agreement with a wireless service provider for cellular telephone service.

B. "Match" means an automated comparison by name, date of birth and social security number of a list of obligors provided to a wireless service provider by the department with a list of account holders of the wireless service provider for the

purpose of providing the department with a list of addresses of account holders delinquent in support allowing the department to locate and enforce support obligations.

C. "Obligor" means a person who owes a child support obligation.

D. "Wireless service provider" means an entity that provides cellular telephone service.

**2. Match.** Upon request from the department to a wireless service provider conducting business in this State, the wireless service provider shall perform a match using the list of obligors' names provided by the department. The department may not request a wireless service provider to perform a match under this section more often than once every calendar quarter.

**3. Compilation of match list.** After completing a match under subsection 2, a wireless service provider shall compile for the department a list of those account holders whose names match names on the list of obligors provided by the department. The list must contain the following information, if available to the wireless service provider through its matching procedure, for each account holder identified:

- A. The account holder's full name;
- B. The account holder's date of birth;
- C. The account holder's social security number;
- D. The account holder's address; and
- E. The account holder's employer.

**4. Notice to department.** A wireless service provider that has compiled a match list under subsection 3 shall send the list to the department at the address designated by the department.

**5. Reasonable fee.** To cover the costs of carrying out the requirements of this section, a wireless service provider may assess a reasonable fee to the department not to exceed the actual costs incurred by the wireless service provider.

**6. Confidentiality.** A list of obligors provided by the department to a wireless service provider under subsection 2 is confidential. The information may be used only for the purpose of carrying out the requirements of this section. Knowing or intentional use of the information, without authorization from the department, is a civil violation for which a fine not to exceed \$1,000 may be adjudged.

**7. Immunity from liability; hold harmless.** A wireless service provider is immune from any liability

for its good faith actions to comply with this section. The department shall defend and hold harmless, including compensation for attorney's fees, a wireless service provider that acts in good faith to carry out the requirements of this section.

**8. Rulemaking.** The department shall adopt rules to carry out this section. Rules adopted under this subsection are routine technical rules as provided in Title 5, chapter 375, subchapter 2-A.

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

Effective April 11, 2006.

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## CHAPTER 567

S.P. 695 - L.D. 1778

### An Act To Protect Children from Contact with Convicted Sex Offenders

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

**Sec. 1. 19-A MRSA §1653, sub-§3, ¶P,** as amended by PL 2001, c. 665, §2, is further amended to read:

P. If the child is under one year of age, whether the child is being breast-fed; ~~and~~

**Sec. 2. 19-A MRSA §1653, sub-§3, ¶Q,** as enacted by PL 2001, c. 665, §3, is amended to read:

Q. The existence of a parent's conviction for a sex offense or a sexually violent offense as those terms are defined in Title 34-A, section 11203-; and

**Sec. 3. 19-A MRSA §1653, sub-§3, ¶R** is enacted to read:

R. If there is a person residing with a parent, whether that person:

(1) Has been convicted of a crime under Title 17-A, chapter 11 or 12 or a comparable crime in another jurisdiction;

(2) Has been adjudicated of a juvenile offense that, if the person had been an adult at the time of the offense, would have been a violation of Title 17-A, chapter 11 or 12; or

(3) Has been adjudicated in a proceeding, in which the person was a party, under Title

22, chapter 1071 as having committed a sexual offense.

See title page for effective date.

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## CHAPTER 568

H.P. 1329 - L.D. 1889

### An Act To Amend the Election Laws

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

**Whereas,** the Maine Revised Statutes, Title 21-A governs the conduct of statewide elections in the State, and changes to that law must be in place by the June 13, 2006 primary election in order for the Secretary of State to properly administer these laws and for the municipal election officials to properly conduct the election; 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. 21-A MRSA §1, sub-§21,** as amended by PL 2005, c. 364, §1, is further amended to read:

**21. Incoming voting list.** "Incoming voting list" means the list of all of the voters in a municipality that is used by election officials at a voting place to record which voters have been issued a ballot at an election. The list must include the following information for each voter and may not include any other information: name; residence address; enrollment status; electoral district; voter status, active or inactive; voter record number; designations regarding challenged ballots and absentee ballots; and any special designations indicating uniformed service voters, overseas voters or township voters. The portion of the incoming voting list relating to Address