

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2006 to June 21, 2007**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

**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**  
**2007**

**CHAPTER 31  
H.P. 190 - L.D. 219**

**An Act To Use Forfeited Bail  
Money for the Victims of an  
Offender**

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

**Sec. 1. 15 MRSA §224-A, sub-§2,** as amended by PL 1995, c. 447, §2, is further amended to read:

**2. Funding.** The Extradition Account in each prosecutorial district is funded by bail forfeited to and recovered by the State pursuant to the Maine Rules of Criminal Procedure, Rule 46. Whenever bail is so forfeited and recovered by the State and if it is not payable as restitution pursuant to Title 17-A, section 1329, subsection 3-A, the district attorney shall determine whether it or a portion of it is deposited in the Extradition Account for that district attorney's prosecutorial district, but in no event may the account exceed \$20,000. Any bail so forfeited and recovered and not deposited in the Extradition Account must be deposited in the General Fund. Any unexpended balance in the Extradition Account of a prosecutorial district established by this section may not lapse but must be carried forward into the next year.

**Sec. 2. 15 MRSA §1094, first ¶,** as amended by PL 1997, c. 543, §21, is further amended to read:

When a defendant who has been admitted to either preconviction or post-conviction bail in a criminal case fails to appear as required or has violated the conditions of release, the court shall declare a forfeiture of the bail. The obligation of the defendant and any sureties may be enforced in such manner as the Supreme Judicial Court shall by rule provide and in accordance with section 224-A and Title 17-A, section 1329, subsection 3-A. The rules adopted by the Supreme Judicial Court must provide for notice to the defendant and any sureties of the consequences of failure to comply with the conditions of bail.

**Sec. 3. 17-A MRSA §1329, sub-§3-A** is enacted to read:

**3-A. Forfeiture of bail.** When an offender who has been sentenced to make restitution and has defaulted in payment or service of the restitution is declared in forfeiture of bail in the proceeding brought under this section pursuant to Title 15, section 1094, the obligation and sureties of the defendant must be enforced pursuant to Title 15, section 1094 and the district attorney shall use the proceeds to satisfy the offender's restitution obligation. Any proceeds from

the forfeited bail remaining after the offender's restitution obligation has been satisfied must be used in accordance with Title 15, section 224-A, subsection 2.

See title page for effective date.

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**CHAPTER 32  
H.P. 331 - L.D. 415**

**An Act To Enhance Consumer  
Awareness of Insurance Sales  
Activity**

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

**Sec. 1. 24-A MRSA §2154,** as amended by PL 2005, c. 46, §1, is further amended to read:

**§2154. False information, advertising**

A person may not make, publish, disseminate, circulate or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in a newspaper, magazine or other publication or on a business card, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio or television station, or in any other way, an advertisement, announcement or statement containing any assertion, representation or statement with respect to the business of insurance or with respect to any person in the conduct of that person's insurance business that is untrue, deceptive or misleading or that uses the name of a financial institution without that financial institution's express written permission unless the person discloses that the person does not have permission to use the financial institution's name and the person discloses that the person is not affiliated with the financial institution.

See title page for effective date.

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**CHAPTER 33  
H.P. 142 - L.D. 160**

**An Act To Provide Safe All-  
terrain Vehicle Access on  
Public Ways**

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

**Sec. 1. 12 MRSA §13157-A, sub-§6, ¶H,** as enacted by PL 2003, c. 655, Pt. B, §414 and as affected by §422, is amended to read:

H. Notwithstanding paragraphs A to G, an ATV may be operated on the extreme right of a public way or as directed by the appropriate governmental unit within the public way of a municipal-