

# 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.

**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.

**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-

ity or an unorganized or unincorporated township if the appropriate governmental unit has designated the public way as an ATV-access route. An ATV must travel in the same direction as motor vehicle traffic on a public way designated as an ATV-access route. A public way designated by an appropriate governmental unit as an ATV-access route must be posted conspicuously at regular intervals by that governmental unit with highly visible signs designating the ATV-access route. Before designating a public way as an ATV-access route, the appropriate governmental unit shall make appropriate determinations that ATV travel on the extreme right of the public way or as directed by the appropriate governmental unit within the public way may be conducted safely and will not interfere with vehicular traffic on the public way. For purposes of this paragraph, "appropriate governmental unit" means the Department of Transportation, county commissioners or municipal officers within their respective jurisdictions. The jurisdiction of each appropriate governmental unit over public ways pursuant to this paragraph is the same as its jurisdiction over the passage of vehicles on public ways pursuant to Title 29-A, section 2395. Municipal or county law enforcement officials having jurisdiction have primary enforcement authority over any route established under this paragraph.

See title page for effective date.

## CHAPTER 34

### H.P. 213 - L.D. 257

#### An Act To Allow Expense Reimbursement for the Commercial Fishing Safety Council

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

**Sec. 1. 5 MRSA §12004-I, sub-§57-E,** as enacted by PL 2003, c. 90, §1, is amended to read:

#### 57-E.

Marine	Commercial	<del>None</del>	12 MRSA
Resources	Fishing	Expenses	§6034
	Safety	<u>only</u>	
	Council		

**Sec. 2. 12 MRSA §6034, sub-§9** is enacted to read:

**9. Compensation.** Members of the council are entitled to compensation according to Title 5, chapter 379.

## Sec. 3. Appropriations and allocations.

The following appropriations and allocations are made.

### MARINE RESOURCES, DEPARTMENT OF

#### Marine Patrol - Bureau of 0029

Initiative: Allocates funds for the costs of providing compensation to members of the Commercial Fishing Safety Council.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	\$1,875	\$2,500
OTHER SPECIAL	\$1,875	\$2,500
REVENUE FUNDS TOTAL		

See title page for effective date.

## CHAPTER 35

### H.P. 256 - L.D. 312

#### An Act To Allow Plantations To Enact an Animal Control Ordinance

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

**Sec. 1. 30-A MRSA §7051, sub-§9,** as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

**9. Regulations, licenses and permits.** Part 2, Subpart 6; ~~and~~

**Sec. 2. 30-A MRSA §7051, sub-§10,** as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

**10. Tax base sharing.** Chapter 223, subchapter ~~V-5;~~ and

**Sec. 3. 30-A MRSA §7051, sub-§11** is enacted to read:

**11. Animal control ordinances.** Chapter 141, but only with respect to animal control ordinances and subject to Title 7, section 3950.

See title page for effective date.