

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
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TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2007

**CHAPTER 334
H.P. 455 - L.D. 588**

**An Act To Allow Civil
Penalties for Trespass while
Engaging in Activities
Regulated by Inland Fisheries
and Wildlife**

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

Sec. 1. 12 MRSA §10657 is enacted to read:

§10657. Civil trespass

1. Prohibition. While engaging in any activity regulated under this Part, a person, knowing that the person is not licensed or privileged to do so, may not:

A. Enter or cause a projectile to enter any place from which that person may lawfully be excluded and that is posted in accordance with Title 17-A, section 402, subsection 4 or in a manner reasonably likely to come to the attention of intruders or that is fenced or otherwise enclosed in a manner designed to exclude intruders; or

B. Enter or remain in or cause a projectile to enter or remain in any place in defiance of a lawful order not to enter or an order to vacate that was personally communicated to that person by the owner of the place or another authorized person.

2. Civil penalties. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than \$100 and not more than \$500 may be adjudged.

B. A person who violates this section after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

3. Definition. For the purposes of this section, "projectile" means a bullet, pellet, shot, shell, ball, arrow, bolt or other object propelled or launched from a firearm or a bow, crossbow or similar tensile device.

See title page for effective date.

**CHAPTER 335
S.P. 194 - L.D. 602**

**An Act To Clarify
Confidentiality in Child
Protective Proceedings**

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

Sec. 1. 22 MRSA §4008, sub-§1, as amended by PL 2005, c. 300, §2, is further amended to read:

1. Confidentiality of records and information. All department records that contain personally identifying information and are created or obtained in connection with the department's child protective activities and activities related to a child while in the care or custody of the department, and all information contained in those records, are confidential and subject to release only under the conditions of subsections 2 and 3.

Within the department, the records are available only to and may be used only by appropriate departmental personnel and legal counsel for the department in carrying out their functions.

Any person who receives department records or information from the department may use the records or information only for the purposes for which that release was intended and may not further disseminate that information. A person, including, but not limited to, a child, parent, custodian or subject of a record, may not further disseminate any record or information that person receives from the department unless the dissemination is otherwise allowed by law intended to contribute to that person's understanding of the action being taken or request for advocacy and support in the current child protective action. This prohibition of dissemination is limited to information gained through the department.

Sec. 2. 22 MRSA §4008, sub-§3, ¶A-2 is enacted to read:

A-2. Upon request, a parent or legal guardian of a child who is the subject of the records or information, with protection for identity of reporters and other persons when appropriate;

Sec. 3. 22 MRSA §4008, sub-§7 is enacted to read:

7. Release of information by parent or legal guardian. Notwithstanding any provision of law to the contrary, a parent or legal guardian of a child may release to any person information that is intended to contribute to that person's understanding of the action being taken or request for advocacy and support in the current child protection action. The recipient of any information in the record may not further disseminate or disclose the information. This prohibition of dissemination is limited to information gained through the department.

Sec. 4. Submission of Maine State Plan. The Commissioner of Health and Human Services shall submit for approval the amended Maine State Plan, containing the provisions of this Act, as required by 42 United States Code, Section 671 and Section 5106a and 45 Code of Federal Regulations, Section 1340.14, to the United States Department of Health