

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.

Penmor Lithographers
Lewiston, Maine
2007

Sec. 2. 32 MRSA §14807, sub-§6-A is enacted to read:

6-A. Limited energy auditor technician. The board may issue a limited energy auditor technician license to a person who presents to the board, at a minimum, satisfactory evidence of training and written and field certification that conform to the standards established by a nationally recognized building performance industry certification and quality assurance program, the equivalent Maine residential energy auditor certification program or an equivalent training and education program as determined by the board. Privileges of practice are restricted to the performance of combustion safety and efficiency testing on natural gas-fired or propane gas-fired space heating or water heating equipment to ensure health and safety standards and do not include any adjustment of natural or propane gas-fired space heating or water heating equipment.

Sec. 3. Rules. The Oil and Solid Fuel Board, as established in the Maine Revised Statutes, Title 32, chapter 33, subchapter 2, shall adopt emergency rules to implement the provisions of Title 32, section 2401-B, subsection 2-A. The Propane and Natural Gas Board, as established in Title 32, chapter 130, shall adopt emergency rules to implement the provisions of Title 32, section 14807, subsection 6-A. These boards must each adopt those rules within 90 days after the effective date of this Act. Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

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

Effective June 21, 2007.

CHAPTER 393

S.P. 518 - L.D. 1491

**An Act To Prohibit
Unauthorized Contact of
Persons Convicted of Sex
Offenses against Persons under
14 Years of Age with Persons
under 14 Years of Age**

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

Sec. 1. 17-A MRSA §261 is enacted to read:

§261. Prohibited contact with a minor; sex offender restricted zone

1. A person is guilty of prohibited contact with a minor if that person:

A. Has previously been convicted of an offense under this chapter or chapter 12 against another person who had not in fact attained 14 years of age or has previously been convicted in another jurisdiction for conduct substantially similar to that contained in this chapter or chapter 12 against another person who had not in fact attained 14 years of age;

B. Has a duty to register under Title 34-A, chapter 15, subchapters 1 and 2; and

C. Intentionally or knowingly has direct or indirect contact with another person who has not in fact attained 14 years of age.

Violation of this subsection is a Class E crime.

2. A person is guilty of prohibited contact with a minor in a sex offender restricted zone if that person:

A. Has previously been convicted of an offense under this chapter or chapter 12 against another person who had not in fact attained 14 years of age or has previously been convicted in another jurisdiction for conduct substantially similar to that contained in this chapter or chapter 12 against another person who had not in fact attained 14 years of age;

B. Has a duty to register under Title 34-A, chapter 15, subchapters 1 and 2; and

C. Intentionally or knowingly has any direct or indirect contact in a sex offender restricted zone with another person who has not in fact attained 14 years of age.

Violation of this subsection is a Class D crime.

3. It is an affirmative defense to prosecution under this section that the parent, foster parent, guardian or other similar person responsible for the person who had not in fact attained 14 years of age, knowing the conviction status described in subsections 1 and 2, gave consent that the defendant initiate, have or continue direct or indirect contact. It is also an affirmative defense to prosecution under this section that any contact is incidental to and directly related to the defendant's employment.

4. For purposes of this section, "sex offender restricted zone" means the real property comprising a public or private elementary or middle school; the real property comprising a child care center, a child care facility, a day care operated by a family child care provider, a nursery school or a small child care facility as defined under Title 22, section 8301-A; or an athletic field, park, playground, recreational facility, children's camp or other place where children are the primary users.

See title page for effective date.
