

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2008 to March 31, 2008**

**FIRST SPECIAL SESSION**  
**April 1, 2008 to April 18, 2008**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 30, 2008**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 18, 2008**

**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**  
**2008**

**Sec. 5. 17-A MRSA §16, sub-§2**, as repealed and replaced by PL 2007, c. 466, Pt. B, §11 and affected by §12, is amended to read:

2. Any person who, in fact, is committing in the private person's presence and in a public place any of the Class D or Class E crimes described in section 207; 209; 211; 254; ~~255; 501, subsection 2~~ 255-A; 501-A, subsection 1, paragraph B; 503; 751; 806; or 1002.

**Sec. 6. 17-A MRSA §261, sub-§2, ¶C**, as enacted by PL 2007, c. 393, §1, is amended to read:

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.

**Sec. 7. 17-A MRSA §1304, sub-§3**, as repealed and replaced by PL 1999, c. 367, §5, is amended to read:

3. Either the attorney for the State or the court may initiate a motion to enforce payment of a fine. Notification for the hearing on the motion must be sent by regular mail to the offender's last known address. If the offender does not appear for the hearing after proper notification has been sent, the court may issue a bench warrant. A court need not bring a motion to enforce payment of a fine nor notify the offender by regular mail of the date of the hearing if at the time of sentence imposition the court's order to pay the fine and accompanying warnings to the offender comply with Title 14, section 3141, subsection 3 or 4 and, if the offender fails to appear as directed by the court's fine order, the court may issue a bench warrant.

A. Unless the offender shows by a preponderance of the evidence that the default was not attributable to an intentional or knowing refusal to obey the court's order or to a failure on the offender's part to make a good-faith effort to obtain the funds required for the payment, the court shall find that the default was unexcused and may commit the offender to the custody of the sheriff until all or a specified part of the fine is paid. The length of confinement in a county jail for unexcused default must be specified in the court's order and may not exceed one day for every \$5 of unpaid fine or 6 months, whichever is shorter. An offender committed for nonpayment of a fine is given credit toward the payment of the fine for each day of confinement that the offender is in custody, at the rate specified in the court's order. The offender is also given credit for each day that the offender is detained as the result of an arrest warrant issued pursuant to this section. An offender is responsible for paying any fine remaining after receiving credit for confinement and detention. A default on the remaining fine is also governed by this section.

B. If it appears that the default is excusable, the court may give the offender additional time for payment or may reduce the amount of each installment.

C. If the court commits a person to the custody of the sheriff for nonpayment of a fine, the court may authorize, at the time of its order only, participation of the person in a project under Title 30-A, section 1606 with the agreement of the sheriff of the county jail where the person is committed. The person must be given credit according to Title 30-A, section 1606, subsection 2.

D. The confinement ordered under this subsection must be nonconcurrent with any judgment of conviction involving a term of imprisonment.

**Sec. 8. 19-A MRSA §4002, sub-§4**, as amended by PL 2005, c. 265, §19, is further amended to read:

**4. Family or household members.** "Family or household members" means spouses or domestic partners or former spouses or former domestic partners, individuals presently or formerly living together as spouses, natural parents of the same child, adult household members related by consanguinity or affinity or minor children of a household member when the defendant is an adult household member and, for the purposes of this chapter and Title 17-A, sections 15, 207-A, 209-A, 210-B, 210-C, 211-A, 1201, 1202 and 1253 only, includes individuals presently or formerly living together and individuals who are or were sexual partners. Holding oneself out to be a spouse is not necessary to constitute "living as spouses." For purposes of this subsection, "domestic partners" means 2 unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.

See title page for effective date.

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## CHAPTER 519

### H.P. 1514 - L.D. 2132

#### An Act To Amend the Family Medical Leave Laws To Include Siblings

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

**Sec. 1. 26 MRSA §843, sub-§4, ¶D**, as amended by PL 2007, c. 261, §1 and c. 388, §3, is repealed and the following enacted in its place:

D. A child, domestic partner's child, parent, domestic partner, sibling or spouse with a serious health condition;

**Sec. 2. 26 MRSA §843, sub-§4, ¶F**, as enacted by PL 2007, c. 388, §5, is amended to read:

F. The death or serious health condition of the employee's spouse, domestic partner, parent, sibling or child if the spouse, domestic partner, parent, sibling or child as a member of the state military forces, as defined in Title 37-B, section 102, or the United States Armed Forces, including the National Guard and Reserves, dies or incurs a serious health condition while on active duty.

**Sec. 3. 26 MRSA §843, sub-§8** is enacted to read:

**8. Sibling.** "Sibling" means a sibling of an employee who is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements and joint financial arrangements.

See title page for effective date.

**CHAPTER 520**

**S.P. 792 - L.D. 1998**

**An Act To Provide Accessible Higher Education Financial Assistance for Maine Families**

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

**Whereas**, Maine residents require a consistent, reliable source of higher education financial assistance, including unbiased information; and

**Whereas**, due to substantial changes in the availability of student financial assistance, Maine residents have less access to higher education financial assistance; and

**Whereas**, the educational attainment of Maine residents is essential to the economic growth and prosperity of Maine; and

**Whereas**, students need to know that sufficient student financial assistance is available so that they can make determinations about attending postsecondary schools in a timely manner; 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. 10 MRSA §363, sub-§8-A, ¶B**, as enacted by PL 2003, c. 112, §3, is repealed.

**Sec. 2. 10 MRSA §363, sub-§10**, as enacted by PL 1999, c. 443, §4, is amended to read:

**10. Allocation for benefit of State.** All of the allocation of the state ceiling must be used for a purpose that benefits individuals, communities or businesses in this State. For purposes of this subsection, a bond issuance is presumed to benefit individuals, communities or businesses in this State if it benefits business operations located in this State, residents of this State, students attending institutions of higher education in this State, residents of this State attending institutions of higher education outside this State or municipalities in this State or programs predominantly for the provision of benefits for residents of this State. ~~An allocation of the state ceiling may only be used to purchase student loans if the borrower is a resident of this State or is a student attending an institution of higher education in this State or if the borrower has previously obtained a student loan while a resident of this State or while attending an institution of higher education in this State.~~ A student eligible to receive the benefit of a portion of the state ceiling remains eligible for student loans notwithstanding any changes in residency or institution attended.

**Sec. 3. 20-A MRSA §11492, sub-§6**, as enacted by PL 2003, c. 455, §2, is amended to read:

**6. Finance.** "Finance" means the origination, acquisition or refinancing of eligible loans, including through loans to eligible lenders; ~~however, except as otherwise provided in section 11493, subsection 2, the authority is not authorized hereby to originate loans, other than consolidation loans funding the payment of eligible loans to borrowers of eligible loans financed by the authority, through a financial institution acting in the capacity of a trustee on behalf of the authority.~~

**Sec. 4. 20-A MRSA §11493, sub-§1**, as enacted by PL 2003, c. 455, §2, is amended to read:

**1. Program.** The authority is authorized to carry out the program by issuing bonds for the purpose of financing eligible loans and may use any net earnings on those bonds to administer the program, to pay or further secure the bonds and to make eligible loans; ~~except as otherwise provided in subsection 2.~~

**Sec. 5. 20-A MRSA §11493, sub-§2**, as enacted by PL 2003, c. 455, §2, is repealed.

**Sec. 6. 20-A MRSA §11495, sub-§1**, as enacted by PL 2003, c. 455, §2, is amended to read:

**1. Issuance; purpose; payment; authorization; interim receipts or certificates.** The authority may issue bonds for the purposes of this chapter, including; ~~except as otherwise provided by section 11493, subsection 2,~~ financing eligible loans, which may include originating eligible loans, including consolidation