

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2010 to June 29, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 28, 2011**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2011**

bled to an amount not to exceed a maximum of \$10,000 per violation.

See title page for effective date.

**CHAPTER 38**

**S.P. 85 - L.D. 279**

**An Act To Amend  
Indemnification Notification  
Laws**

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

**Sec. 1. 24-A MRSA §3102-A**, as enacted by PL 1995, c. 296, §1, is repealed.

See title page for effective date.

**CHAPTER 39**

**H.P. 44 - L.D. 51**

**An Act Regarding Access to  
Sexually Explicit Material**

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

**Sec. 1. 15 MRSA c. 107** is enacted to read:

**CHAPTER 107**

**CUSTODY AND EXAMINATION OF  
SEXUALLY EXPLICIT MATERIAL**

**§1121. Limitations on examination of sexually explicit material**

**1. Sexually explicit material.** For purposes of this section, "sexually explicit material" means the property or material described in Title 17-A, chapter 12.

**2. Custody of sexually explicit material.** Sexually explicit material subject to a criminal investigation or proceeding must remain in the care, custody and control of the attorney for the State or the court. Notwithstanding provisions of the Maine Rules of Criminal Procedure, Rule 16 to the contrary, in any criminal proceeding the attorney for the State may not release to the defendant a copy, photograph, duplicate or any other reproduction of any sexually explicit material, as long as the attorney for the State makes the sexually explicit material reasonably available to the defendant.

**3. Reasonably available.** For purposes of this section, sexually explicit material is determined to be reasonably available to the defendant if the attorney for the State provides ample opportunity for inspect-

tion, viewing and examination of the sexually explicit material at a location within the control of the attorney for the State by the defendant, the defendant's attorney, the defendant's attorney's agent or any person whom the defendant may seek to qualify to furnish expert testimony at trial.

See title page for effective date.

**CHAPTER 40**

**H.P. 156 - L.D. 179**

**An Act To Prohibit the  
Issuance of a Duplicate  
Absentee Ballot under Certain  
Circumstances**

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

**Sec. 1. 21-A MRSA §753-B, sub-§4**, as amended by PL 2003, c. 447, §31, is further amended to read:

**4. Duplicate application.** The clerk may issue a ~~2nd~~ duplicate state absentee ballot to an applicant if the initially issued ballot has not already been marked and returned to the clerk, the applicant requests one by an acceptable method outlined in this subchapter and:

A. The applicant states good cause, including, but not limited to, loss of, spoiling of or damage to the first absentee ballot. Good cause does not include an applicant's decision to change the applicant's vote after the applicant has returned the ballot to the clerk; or

B. An absentee ballot for the applicant that was furnished to a designated 3rd person was not returned to the clerk's office within the time limit provided in subsection 3. If a ballot for an applicant is not returned to the clerk within that time limit, the clerk shall mail or hand deliver a ballot to that applicant and may not issue another ballot to the applicant except for good cause as provided in this subsection. This paragraph does not affect the deadline for delivery of absentee ballots under section 755.

The clerk may ~~also~~ issue a 2nd state absentee ballot to a voter from whom the clerk has received a return envelope apparently containing a state absentee ballot when the State has provided the clerk with replacement ballots to reflect the removal of a candidate's name or the addition of a new candidate's name or the correction of an error. When a 2nd state absentee ballot is issued to a voter under this section, the clerk