

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

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IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2011

videotape or other mechanically, electronically or chemically reproduced visual image or material that the person knows or should know depicts another person engaging in sexually explicit conduct, and:

- (1) The other person has not in fact attained 12 years of age; or
- (2) The person knows or has reason to know that the other person has not attained 12 years of age.

Violation of this paragraph is a Class C crime; or

Sec. 3. 17-A MRSA §284, sub-§5, as enacted by PL 2009, c. 608, §4, is amended to read:

5. For purposes of this section, any element of age of the person depicted means the age of the person at the time the sexually explicit conduct occurred, not the age of the person depicted at the time of dissemination ~~or~~ possession or accessing of the sexually explicit visual image or material.

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

Effective April 25, 2011.

CHAPTER 51

H.P. 480 - L.D. 650

**An Act To Create an
Apprentice Trapper License**

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

Sec. 1. 12 MRSA §12204 is enacted to read:

§12204. Apprentice trapper license

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "In the presence of" means in visual and voice contact without the use of visual or audio enhancement devices, including but not limited to binoculars and citizen band radios.

B. "Supervisor" means a person who is 18 years of age or older, has held a valid trapping license under this subchapter for 3 consecutive years and is trapping with a person holding an apprentice trapper license.

2. Supervisor required. A holder of an apprentice trapper license may not trap other than in the presence of a supervisor.

3. Supervisor responsibility. A supervisor shall ensure that the holder of an apprentice trapper license

follows safe and ethical trapping protocol and adheres to the laws under this Part. A supervisor may not intentionally permit a person trapping under an apprentice trapper license with that supervisor to violate subsection 2.

4. Eligibility. A resident or nonresident 16 years of age or older who has never held a valid trapping license or junior trapping license in this State, or any other state, province or country, is eligible to obtain an apprentice trapper license, except that a person may not be issued an apprentice trapper license after having previously held an apprentice trapper license under this section. A person is eligible to obtain an apprentice trapper license without having successfully completed a trapper education course as described in section 10108, subsection 7.

5. Expiration of apprentice trapper license. An apprentice trapper license is valid for up to 12 calendar months and expires on June 30th.

6. Issuance; fee. The commissioner, through the commissioner's authorized agent, shall issue an apprentice trapper license to an eligible person. The fee for an apprentice trapper license is \$35 for residents and \$317 for nonresidents.

7. Restrictions. The holder of an apprentice trapper license is not eligible to obtain a permit to trap for bear under section 12260-A.

8. 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.

See title page for effective date.

CHAPTER 52

H.P. 278 - L.D. 352

**An Act To Amend the Laws
Governing Criminal History
Record Information**

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

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to facilitate the work of the agency responsible for licensing health and social services agencies and facilities in

the investigation of suspected abuse, neglect or exploitation in licensed, certified and registered facilities and programs that care for children and adults; 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. 16 MRSA §614, sub-§3, ¶B-1 is enacted to read:

B-1. The division of licensing and regulatory services within the Department of Health and Human Services for use in the investigation of suspected abuse, neglect or exploitation in licensed, certified and registered facilities and programs that provide care to children and adults;

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect July 1, 2011.

Effective July 1, 2011.

CHAPTER 53

H.P. 560 - L.D. 753

**An Act To Establish
Juneteenth Independence Day**

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

Sec. 1. 1 MRSA §150-F is enacted to read:

§150-F. Juneteenth Independence Day

The Governor shall annually issue a proclamation designating the 3rd Saturday in June as Juneteenth Independence Day to commemorate the day freedom was proclaimed to all slaves in the South by Union General Gordon Granger in 1865, 2 1/2 years after the Emancipation Proclamation was signed.

See title page for effective date.

CHAPTER 54

H.P. 437 - L.D. 554

**An Act To Amend the
Telecommunications Education
Access Fund**

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

Sec. 1. 35-A MRSA §7104-B, sub-§5, as amended by PL 2001, c. 522, §2, is further amended to read:

5. Guidelines for funding. The commission shall allocate money from the fund using the following guidelines:

A. To ensure a basic level of connectivity for all of the qualified schools and qualified libraries in the State;

B. To ensure that all qualified schools, qualified libraries and the Raymond H. Fogler Library at the University of Maine are capable of using the advanced technology equipment obtained through the fund;

C. To ensure that more technologically sophisticated equipment is available to students in grades 9 to 12 and in larger qualified libraries in the State;

D. To provide for necessary equipment to use the services obtained through the fund;

E. To provide for internal connections necessary to use the services obtained through the fund;

F. To provide training to teachers so that they may assist and educate their students in the use of the advanced technology equipment;

G. To provide for the establishment of computer technology training programs in schools to provide training to students in areas such as, but not limited to, electronic commerce, Internet proficiency and World Wide Web-enabled systems; and

H. To provide for electronic database content to be used for the purposes of accessing information by schools and libraries.

~~A minimum of 25% of each annual program budget must be devoted to targeted projects that are innovative and technologically advanced.~~

See title page for effective date.

CHAPTER 55

H.P. 541 - L.D. 710

**An Act To Amend the Laws
Governing the Duties of the
Director of the Governor's
Office of Energy Independence
and Security**

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