

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

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2011

**CHAPTER 130
S.P. 137 - L.D. 433**

**An Act To Exempt from
Income Tax the Income of
Nonresidents Working in
Maine Pursuant to an
Interlocal Agreement**

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

Sec. 1. 36 MRSA §5142, sub-§9 is enacted to read:

9. Compensation for work under interlocal agreement. Compensation received as an employee of a political subdivision of an adjoining state performing service in this State pursuant to an interlocal agreement under Title 30-A, chapter 115 is not considered income derived from sources within this State as long as the performance of the service under the interlocal agreement does not displace an employee currently performing the service who is a resident of this State.

Sec. 2. Application. This Act applies to tax years beginning on or after January 1, 2011.

See title page for effective date.

**CHAPTER 131
S.P. 337 - L.D. 1104**

**An Act To Direct the Judicial
Branch To Take Requisite
Measures To Collect Fines and
Penalties**

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

Sec. 1. 4 MRSA §20, as enacted by PL 1989, c. 875, Pt. E, §3, is amended to read:

§20. Provide for collection of overdue fines and fees from money collected

The Chief Justice of the Supreme Judicial Court shall plan and implement arrangements for the collection of overdue fines and fees due the state courts, the costs of which may be paid from money collected. These arrangements may include but are not limited to: Employing special project clerks, assistants and other staff; contracting with state agencies; contracting for special or private debt collection services; purchasing necessary equipment; and compensating state,

county and municipal law enforcement agencies for services provided.

See title page for effective date.

**CHAPTER 132
S.P. 339 - L.D. 1130**

**An Act To Amend the Laws
Regarding the Determination
of Domicile Based on the
Geographic Location of an
Individual's Bank**

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

Whereas, current income tax law may provide an incentive for part-time residents and nonresidents to remove capital from financial institutions in Maine; 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. 36 MRSA §5102, sub-§5, as amended by PL 2005, c. 519, Pt. G, §1 and affected by §2, is further amended to read:

5. Resident individual. "Resident individual" means an individual:

- A. Who is domiciled in Maine, unless:
 - (1) The individual does not maintain a permanent place of abode in this State, maintains a permanent place of abode elsewhere and spends in the aggregate not more than 30 days of the taxable year in this State; or
 - (2) Within any period of 548 consecutive days, the individual:
 - (a) Is present in a foreign country or countries for at least 450 days;
 - (b) Is not present in this State for more than 90 days;
 - (c) Does not maintain a permanent place of abode in this State at which a minor child of the individual or the individual's spouse is present for more than 90 days,

unless the individual and the individual's spouse are legally separated; and

(d) During the nonresident portion of the taxable year with which, or within which, such period of 548 consecutive days begins and the nonresident portion of the taxable year with which, or within which, such period ends, is present in this State for a number of days that does not exceed an amount that bears the same ratio to 90 as the number of days contained in such portion of the taxable year bears to 548; or

B. Who is not domiciled in Maine, but maintains a permanent place of abode in this State and spends in the aggregate more than 183 days of the taxable year in this State, unless the individual is in the Armed Forces of the United States.

The geographic location of a political organization or political candidate that receives one or more contributions from the individual is not in and of itself determinative on the question of whether the individual is domiciled in Maine. The geographic location of a professional advisor retained by an individual or the geographic location of a financial institution with an active account or loan of an individual may not be used to determine whether or not an individual is domiciled in Maine. For purposes of this subsection, "professional advisor" includes, but is not limited to, a person that renders medical, financial, legal, accounting, insurance, fiduciary or investment services. Charitable contributions may not be used to determine whether or not an individual is domiciled in Maine.

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

Effective May 23, 2011.

CHAPTER 133

H.P. 863 - L.D. 1165

An Act To Enable Prosecutions for Criminal Invasion of Computer Privacy

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

Sec. 1. 17-A MRSA §434 is enacted to read:

§434. Prosecution of invasion of computer privacy

1. The crime of criminal invasion of computer privacy as defined in section 432 may be prosecuted and punished in:

A. The county in which the defendant was located when the defendant accessed the computer resource; or

B. A county in which the computer resource was located.

2. The crime of aggravated criminal invasion of computer privacy as defined in section 433 may be prosecuted and punished in:

A. The county in which the defendant was located when the defendant copied the computer program, computer software or computer information;

B. The county in which the defendant was located when the defendant damaged the computer resource;

C. The county in which the defendant was located when the defendant introduced or allowed the introduction of a computer virus into the computer resource; or

D. A county in which the computer resource was located.

See title page for effective date.

CHAPTER 134

S.P. 304 - L.D. 986

An Act To Allow a Person To Receive a Designation of Active Military or Veteran Status on a Driver's License or Nondriver Identification Card

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

Sec. 1. 29-A MRSA §1412 is enacted to read:

§1412. Military service designation for active military personnel and veterans

The Secretary of State shall, at the request of an eligible applicant, issue a driver's license or nondriver identification card to that applicant with a military service designation that identifies the applicant as a person actively serving in an enlisted grade of the United States Armed Forces or as a veteran of the United States Armed Forces.

1. Eligibility. In order to make a determination of eligibility for a military service designation under this section, the bureau shall determine, based on an examination of an applicant's military identification, whether the following criteria are met:

A. The applicant is serving in an enlisted grade in the United States Armed Forces as defined in 10 United States Code, Section 101(a)(4) (2011); or