

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.

Augusta, Maine
2011

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

B. The applicant has served in the United States Armed Forces as defined in 10 United States Code, Section 101(a)(4) (2011) and has been honorably discharged. To receive the designation under this paragraph, the applicant must provide an Armed Forces Report of Transfer or Discharge, DD Form 214, or a certification from the United States Veterans Administration or the appropriate branch of the United States Armed Forces verifying the applicant's military service and honorable discharge.

2. **Renewal.** A license or nondriver identification card with a military service designation issued in accordance with subsection 1, paragraph A may be renewed upon verification of continuing eligibility.

3. **Design and location.** The Secretary of State shall determine the design and location on the license and nondriver identification card for the military service designation under this section.

See title page for effective date.

**CHAPTER 135
S.P. 105 - L.D. 343**

**An Act To Facilitate a Change
of Location for Agency Liquor
Stores**

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

Sec. 1. 28-A MRSA §453-D is enacted to read:

§453-D. Change of location

The bureau shall permit the relocation of an agency liquor store within the same municipality as prescribed by this section.

1. **Relocation application requirements.** The bureau shall permit a change of location of an agency liquor store licensee if:

A. The licensee submits a \$2,000 relocation fee and an application in a form prescribed by the bureau;

B. The application includes proof of receipt of municipal approval of the relocation;

C. The licensee has held the license and operated as an agency liquor store for no less than one year at the currently licensed location, unless the relocation is directly related to retroactive zoning or unintentional destruction of the property that prevents rebuilding at the current location; and

D. The proposed location of the agency liquor store meets all applicable criteria for licensure for an agency liquor store.

2. **Hearing on relocation application.** Within 45 days of receipt of a relocation application under this section, the bureau, in accordance with the provisions of the Maine Administrative Procedure Act, shall conduct a hearing to take testimony, consider comment and deliberate on the proposed relocation. In addition to giving any notice required by the Maine Administrative Procedure Act, the bureau shall give notice of public hearing in writing to any agency liquor stores located in the same municipality as the applicant's proposed relocation site by regular mail at least 15 days prior to the hearing.

See title page for effective date.

**CHAPTER 136
H.P. 839 - L.D. 1127**

**An Act To Amend the
Authority of the Washington
County Development Authority**

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

Whereas, it is immediately necessary to allow the Washington County Development Authority to borrow money and issue bonds; 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. 5 MRSA §13083-B, sub-§2-A is enacted to read:

2-A. Operating revenues. "Operating revenues" means funds available to the authority from fees, fares, rental or sale of property and miscellaneous revenue and interest not otherwise pledged or dedicated.

Sec. 2. 5 MRSA §13083-C, sub-§1, ¶F-4 is enacted to read:

F-4. Borrow money, make, issue and sell at public or private sale negotiable notes, bonds and other evidences of indebtedness or obligation of the authority for the purposes under this article and secure the payment of that obligation or any