

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

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

Augusta, Maine
2012

Sec. 1. 30-A MRSA §1606, sub-§1, as amended by PL 2001, c. 171, §9, is further amended to read:

1. Participation in public works projects authorized. The sheriff in charge of a county jail, or the sheriff of a county that shares a regional jail with other counties, may permit certain inmates of that jail to participate in public works-related projects or in the improvement of property owned by charitable organizations ~~if the public works project or the property of the charitable organization is in the county where the jail is located in that county or another county. A project or improvement must be supervised by the sheriff of the county in which the project or improvement is being conducted.~~ The sheriff may request payment from charitable organizations for the transportation of the prisoners and for the transportation and per diem compensation for any guards who accompany the prisoners. For the purposes of this section, "charitable organization" means any nonprofit organization organized or incorporated in this State or having a principal place of business in this State that is exempt from federal income taxation under the United States Internal Revenue Code of 1986, Section 501(a), because the nonprofit organization is described in the United States Internal Revenue Code of 1986, Section 501(c)(3).

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

Effective March 16, 2012.

CHAPTER 507

H.P. 1282 - L.D. 1737

An Act Regarding the Interception of Oral or Wire Communications of Residents of State Correctional Facilities and Jails

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

Sec. 1. 15 MRSA §709, sub-§1-B is enacted to read:

1-B. Administration of juvenile criminal justice. "Administration of juvenile criminal justice" has the same meaning as in section 3308, subsection 7, paragraph A, subparagraph (2).

Sec. 2. 15 MRSA §709, sub-§4-A, as amended by PL 1997, c. 361, §1, is further amended to read:

4-A. Investigative officer. "Investigative officer" means an employee of the Department of Correc-

tions designated by the Commissioner of Corrections as having the authority to conduct investigations of ~~offenses crimes or juvenile crimes~~ relating to the security or orderly management of a facility administered by the department and engage in any other activity that is related to the administration of criminal justice or the administration of juvenile criminal justice.

Sec. 3. 15 MRSA §709, sub-§4-B, as enacted by PL 1997, c. 361, §2, is amended to read:

4-B. Jail investigative officer. "County jail Jail investigative officer" means an employee of a ~~county~~ jail designated by the ~~county~~ jail administrator as having the authority to conduct investigations of ~~offenses crimes~~ relating to the security or orderly management of the ~~county~~ jail and engage in any other activity that is related to the administration of criminal justice.

Sec. 4. 15 MRSA §712, sub-§2, as amended by PL 2009, c. 93, §1, is further amended to read:

2. Investigative officers. It is not a violation of this chapter for an investigative officer, as defined in this chapter, or for an employee of the Department of Corrections acting at the direction of an investigative officer, to intercept, disclose or use that communication in the normal course of employment while engaged in any activity that is ~~a necessary incident related to the administration of criminal justice or the administration of juvenile criminal justice~~, if:

A. Either the sender or receiver of that communication is a person residing in an adult or juvenile correctional facility administered by the Department of Corrections; and

B. Notice of the possibility of interception is provided in a way sufficient to make the parties to the communication aware of the possibility of interception, which includes:

- (1) Providing the resident with a written notification statement;
- (2) Posting written notification next to every telephone at the facility that is subject to monitoring; and
- (3) Informing the recipient of a telephone call from the resident by playing a recorded warning before the recipient accepts the call.

This subsection does not authorize any interference with the attorney-client privilege.

Sec. 5. 15 MRSA §712, sub-§3, as enacted by PL 1997, c. 361, §4, is amended to read:

3. Jail investigative officer. It is not a violation of this chapter for a ~~county~~ jail investigative officer, as defined in this chapter, or for a ~~county~~ jail employee acting at the direction of a ~~county~~ jail investigative officer to intercept, disclose or use that communication in the normal course of employment while engaged in

any activity that is a ~~necessary incident~~ related to the administration of criminal justice if:

- A. Either the sender or the receiver of that communication is a person residing in an adult section of the ~~county~~ jail; and
- B. Notice of the possibility of interception is provided in a way sufficient to make the parties to the communication aware of the possibility of interception, which includes:
 - (1) Providing the resident with a written notification statement;
 - (2) Posting written notification next to every telephone at the jail that is subject to monitoring; and
 - (3) Informing the recipient of a telephone call from the resident by playing a recorded warning before the recipient accepts the call.

This subsection does not authorize any interference with the attorney-client privilege.

Sec. 6. 15 MRSA §712, sub-§4 is enacted to read:

4. Disclosure to another state agency. It is not a violation of this chapter for the contents of an interception of any oral communication or wire communication that has been legally obtained pursuant to subsection 2 or 3 to be disclosed to a state agency if related to the statutory functions of that agency.

Sec. 7. 15 MRSA §713, as amended by PL 1997, c. 361, §5, is repealed and the following enacted in its place:

§713. Evidence

The contents of an interception are not admissible in court, except that:

1. Contents obtained under the laws of another jurisdiction. The contents of an interception of any oral communication or wire communication that has been legally obtained under the laws of another jurisdiction in which the interception occurred are admissible in the courts of this State, subject to the Maine Rules of Evidence; and

2. Contents obtained under this chapter. The contents of an interception of any oral communication or wire communication that has been legally obtained pursuant to section 712, subsection 2 or 3 are admissible in the courts of this State, subject to the Maine Rules of Evidence, if related to the administration of criminal justice or the administration of juvenile criminal justice or the statutory functions of a state agency.

See title page for effective date.

CHAPTER 508
S.P. 526 - L.D. 1616

An Act Concerning Copying Fees for Users of County Registries of Deeds

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

Whereas, county registries of deeds provide a valuable public service in recording and maintaining the land records of the State; and

Whereas, under current law, the fees specified for making abstracts and copies of records at registries of deeds will be repealed July 31, 2012; and

Whereas, in order to keep the fees in effect, this legislation must be enacted as an emergency measure; 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. 33 MRSA §751, sub-§14-B, as enacted by PL 2011, c. 378, §2, is amended to read:

14-B. Abstracts and copies. Making abstracts and copies of records at the office of the register of deeds as follows:

- A. Five dollars per page for paper abstracts and copies of plans;
- B. One dollar per page for other paper abstracts and copies; and
- C. Fifty cents per page for digital abstracts and copies, except that the fee is 5¢ per page for copies of 1,000 or more digital abstracts and copies of consecutive records; ~~and~~

~~This subsection is repealed July 31, 2012;~~

Sec. 2. 33 MRSA §751, sub-§14-C, as enacted by PL 2011, c. 378, §2, is repealed.

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

Effective March 16, 2012.