

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

reporting requirements and procedures to ensure that this section is being implemented in a manner that is consistent with just and reasonable rate-making principles, including a requirement that utilities submit an infrastructure needs assessment plan when establishing and using a capital reserve account. Rules adopted under this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 603

S.P. 645 - L.D. 1850

**An Act To Assist Maine's
Current and Former Members
of the United States
Armed Forces**

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

Sec. 1. 10 MRSA §8002, sub-§10, as amended by PL 2007, c. 466, Pt. C, §4, is further amended to read:

10. Confidentiality of shared information. Keep confidential any information provided by or to the commissioner that has been designated confidential by the agency, bureau, board or commission within or affiliated with the department that furnished the information and that is the property of the agency, bureau, board or commission that furnished the information. Any information provided pursuant to this subsection may not be disclosed by the recipient of the information unless disclosure has been authorized by the agency, bureau, board or commission that furnished the information; ~~and~~

Sec. 2. 10 MRSA §8002, sub-§11, as enacted by PL 2007, c. 466, Pt. C, §5, is amended to read:

11. Report on fees. By December 1st of each even-numbered year, conduct a review of the fees assessed by the department and provide a written report to the State Budget Officer and the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs, insurance and financial services matters and business, research and economic development matters identifying any fee changes the commissioner recommends for the next biennium; and

Sec. 3. 10 MRSA §8002, sub-§12 is enacted to read:

12. Recommend measures. Recommend legislation or other measures to the Governor and the Legislature for the purpose of assisting current and former members of the United States Armed Forces in obtaining any professional license within the provisions of

the department related to their relevant training and experience from their military service.

See title page for effective date.

CHAPTER 604

H.P. 1374 - L.D. 1856

**An Act To Implement Certain
Recommendations of the
Criminal Law Advisory
Commission**

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

Sec. 1. 15 MRSA §1094-A is enacted to read:

§1094-A. Improper contact after bail has been revoked and denied

A person is guilty of improper contact after bail has been revoked and denied if, while being detained as a result of the person's preconviction or post-conviction bail having been revoked and denied, the person intentionally or knowingly makes direct or indirect contact with a person when that contact was prohibited under a former condition of release. Violation of this section is a Class D crime.

Sec. 2. 30-A MRSA §1803, as enacted by PL 2003, c. 228, §1, is amended to read:

§1803. Relationship to other laws

This chapter provides an alternative method for carrying out the purposes of this chapter and is supplemental to powers conferred by other laws, and is not in derogation of any existing powers. Any reference to "county jail" or "jail" in the Maine Revised Statutes includes the Lincoln and Sagadahoc Multi-county Jail.

Sec. 3. 34-A MRSA §11203, sub-§6, ¶B, as amended by PL 2009, c. 365, Pt. B, §10 and affected by §22, is further amended to read:

B. A violation under former Title 17, section 2922; former Title 17, section 2923; former Title 17, section 2924; Title 17-A, section 253, subsection 2, paragraph E, F, G, H, I or J; Title 17-A, section 254; former Title 17-A, section 255, subsection 1, paragraph A, E, F, G, I or J; former Title 17-A, section 255, subsection 1, paragraph B or D if the crime was not elevated a class under former Title 17-A, section 255, subsection 3; Title 17-A, section 255-A, subsection 1, paragraph A, B, C, ~~F-2~~, G, I, J, K, L, M, N, Q, R, S or T; Title 17-A, section 256; Title 17-A, section 258; Title 17-A, section 259; Title 17-A, section 282; Title 17-A, section 283; Title 17-A, section 284; Title 17-A, section 301, subsection 1, paragraph A,

subparagraph (3), unless the actor is a parent of the victim; Title 17-A, section 511, subsection 1, paragraph D; Title 17-A, section 556; Title 17-A, section 852, subsection 1, paragraph B; or Title 17-A, section 855;

Sec. 4. Retroactivity. That section of this Act that amends the Maine Revised Statutes, Title 34-A, section 11203, subsection 6, paragraph B applies retroactively to September 28, 2011.

See title page for effective date.

CHAPTER 605

S.P. 672 - L.D. 1896

An Act To Provide a Temporary Registration Permit to Certain Members of the Armed Forces

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

Sec. 1. 29-A MRSA §462-A is enacted to read:

§462-A. Temporary registration permit; United States Armed Forces deployments; rules

Upon application to the Secretary of State and evidence of insurance as required by section 402, the Secretary of State may issue a temporary registration permit to a member of the United States Armed Forces authorizing that member to operate a motor vehicle or trailer for a period of 30 days if that member has returned to the State from a deployment outside the continental United States, unless the provisions of section 353 apply. The application required by this section may be completed by an authorized representative of the member of the United States Armed Forces. The Secretary of State may delegate the authority granted under this section and may adopt rules to establish the application criteria. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 606

H.P. 1351 - L.D. 1831

An Act To Allow Forfeiture of Maine Public Employees Retirement System Benefits for Persons Convicted of Certain Crimes

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

Sec. 1. 2 MRSA §1-A, sub-§3 is enacted to read:

3. Forfeiture and restitution. The rights and benefits of a member or retiree under this section are subject to forfeiture or assignment to the member's spouse, dependent or former spouse in accordance with the provisions of Title 5, section 17062.

Sec. 2. 3 MRSA §703, sub-§2, as amended by PL 2007, c. 137, §1, is further amended to read:

2. Accumulated contributions available for child support. A member's accumulated contributions, ~~which~~ that are refundable under sections 805-A and 805-B; are available to satisfy a child support obligation that is otherwise enforceable by execution, garnishment, attachment, assignment or other process; ~~and~~

Sec. 3. 3 MRSA §703, sub-§3, as enacted by PL 1991, c. 746, §1 and affected by §10, is amended to read:

3. Qualified domestic relations order. The rights and benefits of a member or retiree under this chapter are subject to the rights of or assignment to an alternate payee, as defined in Title 5, section 17001, subsection 3-B, under a qualified domestic relations order in accordance with Title 5, section 17059; ~~and~~

Sec. 4. 3 MRSA §703, sub-§4 is enacted to read:

4. Forfeiture and restitution. The rights and benefits of a member or retiree under this chapter are subject to forfeiture or assignment to the member's spouse, dependent or former spouse in accordance with the provisions of Title 5, section 17062.

Sec. 5. 4 MRSA §1203, sub-§2, as amended by PL 2007, c. 137, §5, is further amended to read:

2. Accumulated contributions available for child support. A member's accumulated contributions, ~~which~~ that are refundable under sections 1305-A and 1305-B; are available to satisfy a child support obligation that is otherwise enforceable by execution, garnishment, attachment, assignment or other process; ~~and~~

Sec. 6. 4 MRSA §1203, sub-§3, as enacted by PL 1991, c. 746, §2 and affected by §10, is amended to read:

3. Qualified domestic relations order. The rights and benefits of a member or retiree under this chapter are subject to the rights of or assignment to an alternate payee, as defined in Title 5, section 17001, subsection 3-B, under a qualified domestic relations order in accordance with Title 5, section 17059; ~~and~~