

# 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.**

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**Augusta, Maine**  
**2012**

(10) A Class E crime under Title 15, section 1092, subsection 1, paragraph A, if the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) and the underlying crime involved domestic violence.

**PART C**

**Sec. C-1. 19-A MRSA §4002, sub-§4,** as amended by PL 2007, c. 518, §8, is further amended to read:

**4. Family or household members.** "Family or household members" means spouses or domestic partners or former spouses or former domestic partners, individuals presently or formerly living together as spouses, natural parents of the same child, adult household members related by consanguinity or affinity or minor children of a household member when the defendant is an adult household member and, for the purposes of Title 15, section 1023, subsection 4, paragraph B-1, this chapter and Title 17-A, sections 15, 207-A, 209-A, 210-B, 210-C, 211-A, 1201, 1202 and 1253 only, includes individuals presently or formerly living together and individuals who are or were sexual partners. Holding oneself out to be a spouse is not necessary to constitute "living as spouses." For purposes of this subsection, "domestic partners" means 2 unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.

**PART D**

**Sec. D-1. 25 MRSA §2803-B, sub-§1, ¶D,** as amended by PL 2011, c. 265, §2, is further amended to read:

D. Domestic violence, which must include, at a minimum, the following:

- (1) A process to ensure that a victim receives notification of the defendant's release from jail;
- (2) A process for the collection of information regarding the defendant that includes the defendant's previous history, the parties' relationship, whether the commission of an alleged crime included the use of strangulation as defined in Title 17-A, section 208, subsection 1, paragraph C, the name of the victim and a process to relay this information to a bail commissioner before a bail determination is made;
- (3) A process for the safe retrieval of personal property belonging to the victim or the defendant that includes identification of a possible neutral location for retrieval, the presence of at least one law enforcement officer during the retrieval and giving the victim

the option of at least 24 hours notice to each party prior to the retrieval; and

- (4) Standard procedures to ensure that protection from abuse orders issued under Title 19-A, section 4006 or 4007 are served on the defendant as quickly as possible;

**PART E**

**Sec. E-1. Report.** The judicial branch shall study the application of the provisions of this Act. The study must include, but is not limited to, information, if available, about the number of domestic violence cases in which preconviction bail for a person arrested for a domestic violence offense listed under the Maine Revised Statutes, Title 15, section 1023, subsection 4, paragraph B-1 was set or denied by a judge or justice without prior review by a bail commissioner. The judicial branch shall report the results of the study to the joint standing committee of the Legislature having jurisdiction over criminal justice matters no later than January 30, 2013. The joint standing committee of the Legislature having jurisdiction over criminal justice matters may submit legislation to the First Regular Session of the 126th Legislature that is related to the report.

See title page for effective date.

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**CHAPTER 641**

**S.P. 671 - L.D. 1894**

**An Act To Restore  
Departmental Management  
over Costs of State-paid  
Child Care**

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

**Sec. 1. 22 MRSA §8308,** as enacted by PL 2007, c. 672, §1, is repealed.

See title page for effective date.

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**CHAPTER 642**

**S.P. 680 - L.D. 1908**

**An Act To Implement the  
Recommendations of the  
Stakeholder Group To Review  
the Maine State Grant  
Program**

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