

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

(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.

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.

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:**

Sec. 1. 20-A MRSA §11611, sub-§5, as amended by PL 1991, c. 582, §1 and affected by §3, is further amended to read:

5. Institution of higher education. "Institution of higher education" means an institution of higher education located within this State, ~~within another state with which this State has a reciprocal agreement or within another state that permits portability. The institutions shall meet that meets~~ the requirements of and ~~conform conforms~~ to the definitions contained in the federal Higher Education Act of 1965, Section 1201, as amended, United States Code, Title 20, Section 1141; and the federal Higher Education Act of 1965, Section 491, as amended, United States Code, Title 20, Section 1088; and the regulations, guidelines and procedures promulgated by the Secretary of Education and published in the Federal Register pursuant to these sections of law.

Sec. 2. 20-A MRSA §11611, sub-§6, as enacted by PL 1991, c. 582, §2 and affected by §3, is repealed.

Sec. 3. 20-A MRSA §11614, sub-§2, as amended by PL 2001, c. 70, §8, is further amended to read:

2. Minimum amount. It is the intent of the Legislature that grants awarded under this chapter, except as provided in subsections 4, 5 and 6, may not be less than: \$1,000 for students attending public institutions of higher education within the State; \$1,250 for students attending private institutions of higher education within the State; \$500 for students attending public institutions of higher education outside the State; and \$1,000 for students attending private institutions of higher education outside the State. ~~Amounts less than the minimum amounts required by this subsection may be awarded to meet needs as determined under section 11613. The authority may not grant awards of less than \$200 to a full time student. The authority may establish by rule increased grant amounts for students attending their 2nd, 3rd and 4th years, or the equivalents thereof, at institutions of higher education. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.~~

Sec. 4. 20-A MRSA §11614, sub-§7, as amended by PL 2001, c. 70, §8, is further amended to read:

7. Part-time students. The authority may allocate up to 5% of the Maine State Grants grants to eligible part-time students. The authority must establish eligibility criteria by rulemaking pursuant to the Maine Administrative Procedure Act.

Sec. 5. 20-A MRSA §11614, sub-§8 is enacted to read:

8. Exception for certain public institutions outside the State. The authority may adopt rules establishing criteria and an application process for making grant awards to students who wish to pursue a course of study available only at a public institution outside the State as part of the New England regional student program offered by the New England Board of Higher Education established by Title 5, section 12004-K, subsection 2. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 6. 20-A MRSA §11616, sub-§2, as amended by PL 2001, c. 70, §9, is further amended to read:

2. Period of study. An eligible ~~full-~~ full-time or part-time student may receive a grant for a period not to exceed 150% of the published length of the program in which the student is enrolled 10 semesters or the equivalent thereof at the institution that the student is attending, ~~measured in academic years, academic terms, credit hours attempted or clock hours completed, as appropriate.~~

Sec. 7. 20-A MRSA §11617, sub-§3 is enacted to read:

3. Decennial review. The authority shall, by January 1, 2021, and every 10 years thereafter, conduct a review of the Maine State Grant Program. The authority shall establish a stakeholder group, through a partnership with other appropriate entities, to work together on the review. The review must include, but is not limited to, the following:

A. A review of the history and efficacy of the program and any necessary changes to the program;

B. Ideas to enhance the program in light of current and future higher education trends and needs;

C. Any recommendations on state funding for the program in light of trends in higher education costs and federal and private sector funding for student financial aid; and

D. Current and future grant and financial aid needs of students and families in the State.

The authority shall submit a written report of the findings of the decennial review by the January 1st the decennial review is due, along with any proposed legislation, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs.

See title page for effective date.