

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 9, 2013

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

Augusta, Maine
2013

**CHAPTER 225
S.P. 437 - L.D. 1276**

**An Act Regarding Research
and Development in Maine**

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

Sec. 1. 5 MRSA §15305, as enacted by PL 1999, c. 401, Pt. AAA, §3, is amended to read:

§15305. Limitation of powers

The institute may not enter into contracts, obligations or commitments of any kind on behalf of the State or any of its agencies, nor does it have the power of eminent domain or any other power not provided to business corporations generally. Bonds, notes and other evidences of indebtedness of the institute may not in any way be a debt or liability of the State or constitute a pledge of the faith and credit of the State. The institute may not expend more than ~~7%~~ 10% of funds appropriated per biennium by the State for management and related operating costs of the institute.

Sec. 2. 10 MRSA §948, sub-§1, ¶H, as enacted by PL 2011, c. 698, §3, is amended to read:

H. Apportioning a minimum percentage of the annual disbursements from the fund among the University of Maine at Augusta, the University of Maine at Farmington, the University of Maine at Fort Kent, the University of Maine at Machias ~~and~~ the University of Maine at Presque Isle ~~and~~ the Maine Maritime Academy to support research and development as follows: beginning July 1, 2013 a minimum of 2.5% and beginning July 1, 2015 a minimum of 3%.

See title page for effective date.

**CHAPTER 226
S.P. 66 - L.D. 177**

**An Act To Expand Moose
Hunting Opportunities**

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

Sec. 1. 12 MRSA §11154, sub-§9, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

9. Selection procedure. Permittees are selected by a public chance drawing, except that a permit must be issued to any resident who is 70 years of age or older or will attain 70 years of age during the calendar year in which the resident is applying for the permit, who has accumulated at least 30 points pursuant to

subsection 8 and who applies for and is otherwise eligible to obtain the permit.

Sec. 2. 12 MRSA §11154, sub-§9-A is enacted to read:

9-A. Permits in road safety management areas.

A person who has been selected as a permittee to hunt in a wildlife management district that the commissioner has designated as a road safety management area and who indicates to the commissioner that the person wishes to decline the permit retains any points accumulated, as long as the person appropriately indicates the intent to decline within a reasonable amount of time after receiving notice from the commissioner of the person's permit and the person's right to decline the permit under this subsection. For purposes of this subsection, "road safety management area" means a wildlife management district in which the predominant moose management goal is to reduce the moose population to the extent necessary to minimize the danger to motorists.

See title page for effective date.

**CHAPTER 227
H.P. 593 - L.D. 842**

**An Act To Facilitate the Use of
Electronic Monitoring**

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

Sec. 1. 15 MRSA §1026, sub-§3, ¶A, as repealed and replaced by PL 2007, c. 518, §3, is amended to read:

A. If, after consideration of the factors listed in subsection 4, the judicial officer determines that the release described in subsection 2-A will not reasonably ensure the appearance of the defendant at the time and place required, will not reasonably ensure that the defendant will refrain from any new criminal conduct, will not reasonably ensure the integrity of the judicial process or will not reasonably ensure the safety of others in the community, the judicial officer shall order the pretrial release of the defendant subject to the least restrictive further condition or combination of conditions that the judicial officer determines will reasonably ensure the appearance of the defendant at the time and place required, will reasonably ensure that the defendant will refrain from any new criminal conduct, will reasonably ensure the integrity of the judicial process and will reasonably ensure the safety of others in the community. These conditions may include that the defendant:

- (1) Remain in the custody of a designated person or organization agreeing to supervise

the defendant, including a public official, public agency or publicly funded organization, if the designated person or organization is able to reasonably ensure the appearance of the defendant at the time and place required, that the defendant will refrain from any new criminal conduct, the integrity of the judicial process and the safety of others in the community. When it is feasible to do so, the judicial officer shall impose the responsibility upon the defendant to produce the designated person or organization. The judicial officer may interview the designated person or organization to ensure satisfaction of both the willingness and ability required. The designated person or organization shall agree to notify immediately the judicial officer of any violation of release by the defendant;

- (2) Maintain employment or, if unemployed, actively seek employment;
- (3) Maintain or commence an educational program;
- (4) Abide by specified restrictions on personal associations, place of abode or travel;
- (5) Avoid all contact with a victim of the alleged crime, a potential witness regarding the alleged crime or with any other family or household members of the victim or the defendant or to contact those individuals only at certain times or under certain conditions;
- (6) Report on a regular basis to a designated law enforcement agency or other governmental agency;
- (7) Comply with a specified curfew;
- (8) Refrain from possessing a firearm or other dangerous weapon;
- (9) Refrain from use or excessive use of alcohol and from any use of drugs;
- (10) Undergo, as an outpatient, available medical or psychiatric treatment, or enter and remain, as a voluntary patient, in a specified institution when required for that purpose;
- (10-A) Enter and remain in a long-term residential facility for the treatment of substance abuse;
- (11) Execute an agreement to forfeit, in the event of noncompliance, such designated property, including money, as is reasonably necessary to ensure the appearance of the defendant at the time and place required, to ensure that the defendant will refrain from any new criminal conduct, to ensure the integrity of the judicial process and to ensure the safety of others in the community and post

with an appropriate court such evidence of ownership of the property or such percentage of the money as the judicial officer specifies;

- (12) Execute a bail bond with sureties in such amount as is reasonably necessary to ensure the appearance of the defendant at the time and place required, to ensure that the defendant will refrain from any new criminal conduct, to ensure the integrity of the judicial process and to ensure the safety of others in the community;
- (13) Return to custody for specified hours following release for employment, schooling or other limited purposes;
- (14) Report on a regular basis to the defendant's attorney;
- (15) Notify the court of any changes of address or employment;
- (16) Provide to the court the name, address and telephone number of a designated person or organization that will know the defendant's whereabouts at all times;
- (17) Inform any law enforcement officer of the defendant's condition of release if the defendant is subsequently arrested or summoned for new criminal conduct; ~~and~~
- (18) Satisfy any other condition that is reasonably necessary to ensure the appearance of the defendant at the time and place required, to ensure that the defendant will refrain from any new criminal conduct, to ensure the integrity of the judicial process and to ensure the safety of others in the community; ~~and~~
- (19) Participate in an electronic monitoring program, if available.

Sec. 2. 17-A MRSA §1204, sub-§2-A, ¶L, as repealed and replaced by PL 1977, c. 53, §4, is amended to read:

L. To perform specified work for the benefit of the State, a county, a municipality, a School Administrative District, other public entity or a charitable institution; ~~or~~

Sec. 3. 17-A MRSA §1204, sub-§2-A, ¶M, as enacted by PL 1977, c. 53, §4, is amended to read:

M. To satisfy any other conditions reasonably related to the rehabilitation of the convicted person or the public safety or security; ~~or~~

Sec. 4. 17-A MRSA §1204, sub-§2-A, ¶N is enacted to read:

N. To participate in an electronic monitoring program, if available.

Sec. 5. 34-A MRSA §1218, as enacted by PL 2011, c. 655, Pt. EEE, §1, is repealed.

Sec. 6. 34-A MRSA §1807 is enacted to read:

§1807. Electronic Monitoring Fund

The Electronic Monitoring Fund, referred to in this section as "the fund," is established within the board and is a nonlapsing fund to be used by the board for the purpose of funding the use of electronic monitoring pursuant to Title 15, section 1026, subsection 3, paragraph A, subparagraph (19) and Title 17-A, section 1204, subsection 2-A, paragraph N. The board may accept and deposit into the fund any monetary gifts, donations or other contributions from public or private sources, and funds in the fund must be used for the purposes specified in this section.

Sec. 7. PL 2011, c. 655, Pt. EEE, §2 is repealed.

Sec. 8. Development and implementation of a pilot project. The Maine Commission on Domestic and Sexual Abuse, to the extent practicable and as resources permit, shall assist the State Board of Corrections in developing and implementing an electronic monitoring pilot project. The commission shall report by February 15, 2014 to the Joint Standing Committee on Criminal Justice and Public Safety on the progress in developing and implementing an electronic monitoring pilot project. The joint standing committee may report out a bill implementing the recommendations of the commission to the Second Regular Session of the 126th Legislature.

Sec. 9. Transfer; unexpended funds; Electronic Monitoring Fund. Notwithstanding any other provision of law, the State Controller shall transfer the unexpended balance in the Department of Corrections, Electronic Monitoring Fund to the State Board of Corrections, Electronic Monitoring Fund upon the effective date of this Act.

Sec. 10. Appropriations and allocations. The following appropriations and allocations are made.

CORRECTIONS, STATE BOARD OF

Electronic Monitoring Fund - State Board of Corrections N160

Initiative: Provides a base allocation to establish the Electronic Monitoring Fund under the State Board of Corrections.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$500	\$500

OTHER SPECIAL	\$500	\$500
REVENUE FUNDS TOTAL		

See title page for effective date.

CHAPTER 228

S.P. 504 - L.D. 1410

An Act To Update the Fair Credit Reporting Act Consistent with Federal Law

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

Sec. 1. 10 MRSA c. 209-B is enacted to read:

CHAPTER 209-B

FAIR CREDIT REPORTING ACT

§1306. Short title

This chapter may be known and cited as "the Fair Credit Reporting Act."

§1307. Statement of purpose

1. Findings. The Legislature makes the following findings.

A. Creditors, insurers and prospective employers are dependent upon fair and accurate consumer reporting. Inaccurate consumer reports directly impair the efficiency of economic decisions, and unfair consumer reporting methods undermine the public confidence that is essential to our economic system.

B. An elaborate mechanism has been developed for investigating and evaluating the creditworthiness, credit standing, credit capacity, character and general reputation of consumers.

C. Consumer reporting agencies have assumed a vital role in assembling and evaluating consumer credit and other information on consumers.

D. There is a need to ensure that consumer reporting agencies exercise their grave responsibilities with fairness, impartiality and a respect for the consumer's right to privacy.

2. Purposes. The purposes of this chapter are to:

A. Require consumer reporting agencies to adopt reasonable procedures for meeting the needs of commerce for consumer credit, personnel, insurance and other information in a manner that is fair and equitable to the consumer, with regard for confidentiality, accuracy, relevancy and proper