

# MAINE STATE LEGISLATURE

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**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.**

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**Augusta, Maine**  
**2013**

juvenile has not attained the level of mental or emotional development normally associated with persons 18 years of age or older.

**Sec. 6. 15 MRSA §3003, sub-§20**, as enacted by PL 1977, c. 520, §1, is repealed.

**Sec. 7. 15 MRSA §3003, sub-§22**, as enacted by PL 1977, c. 520, §1, is repealed.

**Sec. 8. 15 MRSA §3103-A** is enacted to read:  
**§3103-A. Provisions of Title 17-A, Part 1 made applicable**

The following provisions of Title 17-A, Part 1 are applicable to juvenile crimes:

**1. Chapter 1.** Chapter 1, except section 1; section 2, subsections 3-C and 5-B; and sections 6, 8, 9 and 17;

**2. Chapter 2.** Chapter 2, except section 40;

**3. Chapter 3.** Chapter 3, except section 60; and

**4. Chapter 5.** Chapter 5.

**Sec. 9. 15 MRSA §3305**, as amended by PL 2011, c. 336, §3, is further amended to read:

**§3305. Answer**

An answer to a petition need not be entered by a juvenile or by the juvenile's parents, guardian or legal custodian. A juvenile must personally appear, and the juvenile or the juvenile's counsel may enter an answer asserting the absence of criminal responsibility by reason of insanity or denying, admitting or not contesting the allegations of the petition, in accordance with Rules 11 and 11A, Maine Rules of Criminal Procedure, except that, if the case has been continued for investigation and for a bind-over hearing pursuant to section 3101, subsection 4, paragraph A, the court may not accept an answer to the petition other than a denial or assertion of the absence of criminal responsibility by reason of insanity until the court has conducted a bind-over hearing and has decided to retain jurisdiction of the juvenile in the Juvenile Court or until the prosecuting attorney has withdrawn the request to have the juvenile tried as an adult. An answer may be both a denial and an assertion of the absence of criminal responsibility by reason of insanity. If the juvenile or the juvenile's counsel declines to enter an answer, the court shall enter an answer of denial.

Upon the acceptance of such an answer If the court accepts an answer admitting or not contesting the allegations of the petition, a dispositional hearing shall must be set at the earliest practicable time that will allow for the completion of a predisposition study conducted pursuant to section 3311 and for service of notice as required by section 3314, subsection 1, paragraph C-1 or C-2. If the answer entered is a denial or an assertion of the absence of criminal responsibility by reason of insanity, or both, or if the court declines

to accept an answer admitting or not contesting the allegations of the petition, the matter must be set for further proceedings.

**Sec. 10. 15 MRSA §3315, sub-§1**, as amended by PL 2001, c. 696, §6 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

**1. Right to review.** Every disposition pursuant to section 3314 ~~and 3318-B~~, other than unconditional discharge, must be reviewed not less than once in every 12 months until the juvenile is discharged. The review must be made by a representative of the Department of Corrections unless the juvenile ~~was~~ has been committed to the ~~Department~~ Department ~~custody of the~~ Commissioner of Health and Human Services, in which case such review must be made by a representative of the Department of Health and Human Services. A report of the review must be made in writing to the juvenile's parents, guardian or legal custodian. A copy of the report must be forwarded to the program or programs that were reviewed, and the department whose personnel made the review shall retain a copy of the report in their files. The written report must be prepared in accordance with subsection 2. When a juvenile is placed in the custody of the ~~Department~~ Commissioner of Health and Human Services, reviews and permanency planning hearings must be conducted in accordance with Title 22, section 4038. Title 22, sections 4005, 4039 and 4041 also apply.

**Sec. 11. 15 MRSA §3402, sub-§5**, as amended by PL 1991, c. 202, is further amended to read:

**5. Time for appeals.** An appeal from the juvenile court to the Superior Court must be taken within ~~5~~ 7 days ~~of~~ after the entry of an order of disposition or other appealed order or such further time as the Supreme Judicial Court may provide pursuant to a rule of court.

See title page for effective date.

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**CHAPTER 235**

**H.P. 991 - L.D. 1388**

**An Act To Clarify Civil  
Liability of Persons Making  
False Claims to the  
Department of Health and  
Human Services**

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

**Sec. 1. 22 MRSA §15, first ¶**, as amended by PL 1995, c. 191, §1, is further amended to read:

Any person, firm, association, partnership, corporation or other legal entity who makes or causes to be

made or presents or causes to be presented for payment or approval any claim upon or against the department or upon any funds administered by the department, knowing such claim to be materially false, fictitious or fraudulent, or who, ~~for the purpose of obtaining or aiding another to obtain the payment or approval of such a claim, knowingly~~ makes any false written statement or knowingly submits any false document ~~that the person does not believe to be true, material to a false, fictitious or fraudulent claim or who knowingly~~ enters into any agreement, combination or conspiracy to defraud the department by obtaining the payment or approval of any materially false, fictitious or fraudulent claim, ~~shall or who knowingly~~ makes or causes to be made a false written statement or record material to an obligation to pay or transmit money or property to the department or knowingly conceals or knowingly and improperly materially avoids or materially decreases an obligation to pay or transmit money or property to the department is, in addition to any criminal liability that may be provided by law, be subject to civil suit by this State in the Superior Court for recovery of civil penalties to include the following:

**Sec. 2. 22 MRSA §15**, as amended by PL 1995, c. 191, §§1 to 4, is further amended by adding at the end a new paragraph to read:

For purposes of this section, "knowing" or "knowingly" means that, with respect to information, a person has actual knowledge of the information, acts in deliberate ignorance of the truth or falsity of the information or acts in reckless disregard of the truth or falsity of the information. A person may act knowingly without specific intent to defraud.

See title page for effective date.

**CHAPTER 236**

**H.P. 713 - L.D. 1015**

**An Act To Expand Crossbow Hunting**

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

**Sec. 1. 12 MRSA §10952, sub-§1**, as enacted by PL 2011, c. 61, §1, is amended to read:

**1. Hunting with a bow and arrow or a crossbow.** A person may, except as otherwise provided in this Part, hunt any wild bird or wild animal with a hand-held bow and arrow or a crossbow during any open season on that bird or animal.

**Sec. 2. 12 MRSA §10952, sub-§2**, as enacted by PL 2011, c. 61, §1, is repealed.

**Sec. 3. 12 MRSA §10953, sub-§1**, as amended by PL 2011, c. 61, §2, is repealed and the following enacted in its place:

**1. Species and seasons.** Except as provided in this Part, a person may:

A. Hunt bear with a crossbow during the open season on bear as provided in section 11251;

B. Hunt wild turkey with a crossbow during the spring open season on wild turkey in areas open to wild turkey hunting as established by rule in section 11701;

C. Hunt moose with a crossbow in areas of the State open to moose hunting during the open season on moose established by rule in section 11552, subsections 1 and 2 and according to the rules pertaining to moose hunting permits adopted by the commissioner for the protection of the moose resource under section 11551 and in accordance with the provisions of section 11601; and

D. Hunt deer with a crossbow during the open firearm season on deer as provided in section 11401. This paragraph does not authorize a person to hunt deer with a crossbow during an expanded archery season established under section 11403 or in an expanded archery zone or during the muzzle-loading-only deer hunting season established under section 11404, except as provided in subsection 1-A.

**Sec. 4. 12 MRSA §11603, sub-§1**, as amended by PL 2005, c. 477, §13, is further amended to read:

**1. Prohibition.** A person may not use a .17 or .22 caliber rimfire firearm, or a shotgun using shot loads or a crossbow to hunt moose.

**Sec. 5. 12 MRSA §11603, sub-§1-A**, as enacted by PL 2011, c. 61, §5, is repealed.

**Sec. 6. 12 MRSA §11701, first ¶**, as amended by PL 2003, c. 552, §9 and affected by §15; c. 614, §9; and c. 655, Pt. C, §§2 and 6, is further amended to read:

The commissioner may establish open seasons for hunting wild turkeys, designate areas that are open to the taking of wild turkeys in any part of the State, prescribe the form and regulate the number of permits to be issued, determine the number and sex of the birds to be harvested, establish bag limits, establish permit eligibility requirements, establish legal hunting times, specify the types of weapons to be used during any open wild turkey hunting season and make any other rules that the commissioner considers necessary for the protection of the wild turkey resource. The rules