

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.

Augusta, Maine
2013

3. Preclusion of notice to owner or user subject to warrant for location information. A government entity acting under section 642 may include in its application for a warrant a request for an order directing a provider of electronic communication service or location information service to which a warrant is directed not to notify any other person of the existence of the warrant. The court may issue the order if the court determines that there is reason to believe that notification of the existence of the warrant will have an adverse result.

§644. Exceptions to warrant requirement

When disclosure of location information is not prohibited by federal law, a government entity may obtain the location information without a warrant:

1. Emergency services. To respond to the user's call for emergency services:

2. Consent of owner or user. With the informed, affirmative consent of the owner or user of the electronic device concerned, except when the device is known or believed by the owner or user to be in the possession of a 3rd party known to the owner or user:

3. Consent of family member. With the informed, affirmative consent of the legal guardian or next of kin of the owner or user, if the owner or user is believed to be deceased or reported missing and unable to be contacted; or

4. Immediate danger of death or serious injury. If the government entity reasonably believes that an emergency involving immediate danger of death or serious physical injury to a person requires the disclosure, without delay, of location information concerning a specific person and that a warrant cannot be obtained in time to prevent the identified danger, and the possessor of the location information, in good faith, believes that an emergency involving danger of death or serious physical injury to a person requires the disclosure without delay.

Within a reasonable period of time after seeking disclosure pursuant to this subsection, the government entity seeking the location information shall file with the appropriate court a written statement setting forth the facts giving rise to the emergency and the facts as to why the person whose location information was sought is believed to be important in addressing the emergency.

§645. Conditions of use of location information

1. Conditions of use of location information in proceeding. Location information obtained pursuant to this subchapter or evidence derived from that information may be received in evidence or otherwise disclosed in a trial, hearing or other proceeding only if each party, not less than 10 days before the trial, hearing or proceeding, has been furnished with a copy of

the warrant and accompanying application under which the information was obtained.

2. Ten-day requirement; exception. The 10-day requirement under subsection 1 may be waived if a judge makes a finding that it was not possible to provide a party with the warrant and accompanying application 10 days prior to a trial, hearing or proceeding and that the party will not be prejudiced by the delay in receiving the information.

§646. Action against a corporation

This subchapter may not be construed to create a cause of action against a corporation or its officers, employees or agents for providing location information.

See title page for effective date.

CHAPTER 410

S.P. 393 - L.D. 1132

An Act To Achieve Economic Growth by Enhancing Science, Technology, Engineering and Mathematics Education and To Meet Workforce Needs

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

Sec. 1. 20-A MRSA §11, sub-§7, as enacted by PL 2011, c. 346, §2, is amended to read:

7. Assistance. The executive director established pursuant to subsection 9, the Department of Education, the University of Maine System and the Maine Community College System and the Maine Maritime Academy shall jointly provide staff support to the council.

Sec. 2. 20-A MRSA §11, sub-§§9 and 10 are enacted to read:

9. Office of executive director. The council shall establish the office of executive director to provide leadership and management expertise to assist the council in meeting its goals. The council may enter into an agreement, to the extent that public and private funds are available, to contract with an executive director to assist the council in the execution of its duties under this section.

10. Funding. The council may receive and expend funds from public and private sources. Funds must be used to carry out the council's duties and other provisions of this section. State and federal funds received by the council must be held separate and apart from all other money, funds and accounts. Any balance of funds appropriated, allocated or authorized by the Legislature remaining at the end of a fiscal year do

not lapse and are carried forward to the next fiscal year to carry out the purposes of this section.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF
Science, Technology, Engineering and Mathematics
Council N144**

Initiative: Provides one-time funds to the Science, Technology, Engineering and Mathematics Council to carry out the duties of the council and to establish the office of executive director to provide leadership and management expertise that will assist the council in achieving its goals.

GENERAL FUND	2013-14	2014-15
All Other	\$5,000	\$22,000
GENERAL FUND TOTAL	\$5,000	\$22,000

See title page for effective date.

**CHAPTER 411
H.P. 761 - L.D. 1068**

**An Act To Prevent the
Reduction in Adoption Subsidy
after an Agreement Has Been
Signed by the Prospective
Adoptive Parents and the
Department of Health and
Human Services**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, adoption assistance payments from the Department of Health and Human Services to prospective adoptive parents are essential to those parents' providing the necessary care and support of the adopted child; and

Whereas, when the Department of Health and Human Services reduces adoption assistance payment amounts after they have been agreed upon by the department and prospective adoptive parents it imposes an economic hardship on the parents and threatens their ability to provide proper care for the child; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preserva-

tion of the public peace, health and safety; now, therefore,

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

Sec. 1. 18-A MRSA §9-403, sub-§(a), as enacted by PL 1995, c. 694, Pt. C, §7 and affected by Pt. E, §2, is amended to read:

(a). A written agreement between the family entering into the program and the department must precede the final decree of adoption, except that an application may be filed subsequent to the finalization of the adoption if there were facts relevant to the child's eligibility that were not presented at the time of the request for assistance or if the child was eligible for participation in the program at the time of placement and the adoptive parents were not apprised of the program.

Except as provided by section 9-401, subsection (h), once an adoption assistance payment is agreed upon and the agreement signed by the prospective adoptive parents, the department may not reduce the adoption assistance payment amounts.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective July 10, 2013.

**CHAPTER 412
S.P. 26 - L.D. 59**

**An Act Relating to the
Unlawful Cutting of Trees**

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

Sec. 1. 12 MRSA §8869-A is enacted to read:

§8869-A. Prior division approval for harvesting trees and authority to issue stop-work orders

The division shall establish a prior approval process for harvesting trees by a person that has committed 2 violations of unlawful cutting of trees pursuant to Title 17, section 2510, subsection 1. The process must include at a minimum the following:

1. Written approval. Requiring written approval from the division for the person to harvest trees on any land in the State; and

2. Bonding. Requiring the person to post a private bond in an amount not less than \$500,000 before commencing tree harvesting.