

# 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**

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
<b>GENERAL FUND TOTAL</b>	<b>\$5,000</b>	<b>\$22,000</b>

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.

The division shall issue a stop-work order if the requirements of this section are not met at the time harvesting is occurring.

For the purposes of this section, "person" means an individual, corporation, partnership, association or any other legal entity.

The Commissioner of Agriculture, Conservation and Forestry shall adopt rules to carry out the provisions of this section. Rules adopted pursuant to this section are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

**Forest Policy and Management - Division of 0240**

Initiative: Provides one-time funding for rule-making costs.

GENERAL FUND	2013-14	2014-15
All Other	\$3,700	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$3,700</b>	<b>\$0</b>

See title page for effective date.

**CHAPTER 413  
S.P. 93 - L.D. 260**

**An Act To Extend Funding for the Loring Job Increment Financing Fund**

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

**Sec. 1. 5 MRSA §13080-Q, sub-§2, ¶D,** as enacted by PL 1995, c. 644, §2, is amended to read:

D. Payments made to the fund may not be made for tax years beginning on or after July 1, ~~2016~~ 2026.

See title page for effective date.

**CHAPTER 414  
H.P. 346 - L.D. 527**

**An Act To Protect Vulnerable Adults from Exploitation**

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

**Sec. 1. 17-A MRSA §109, sub-§3, ¶B,** as enacted by PL 1981, c. 324, §27, is amended to read:

B. It is given by a person who, by reason of intoxication, physical illness, mental illness or mental defect, including, but not limited to, dementia and other cognitive impairments, or youth, is manifestly unable, or known by the defendant to be unable, to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the crime; or

**Sec. 2. 17-A MRSA §109, sub-§3, ¶C,** as enacted by PL 1981, c. 324, §27, is amended to read:

C. It is induced by force, duress or deception or undue influence.

**Sec. 3. 17-A MRSA §109, sub-§4** is enacted to read:

4. As used in this section, "undue influence" means the misuse of real or apparent authority or the use of manipulation by a person in a trusting, confidential or fiduciary relationship with a person who is an incapacitated adult as defined in Title 22, section 3472, subsection 10 or is a dependent adult as defined in Title 22, section 3472, subsection 6 and who is wholly or partially dependent upon that person or others for care or support, either emotional or physical.

**Sec. 4. 17-A MRSA §361-A, sub-§3** is enacted to read:

3. Proof that a defendant possessed or controlled property of a person who, by reason of physical illness or mental illness or mental defect, including, but not limited to, dementia and other cognitive impairments, is manifestly unable or known by the defendant to be unable to make a reasonable judgment with respect to the disposition of the property or proof that a defendant obtained possession or control of the property by undue influence gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that the defendant obtained or exercised unauthorized control over the property with the intent to deprive the owner of the property. As used in this subsection, "undue influence" has the same meaning as in section 109, subsection 4.