

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

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
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GENERAL FUND TOTAL	\$3,700	\$0

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.