

# 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**

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.

**Sec. 5. 17-A MRSA §903**, as enacted by PL 1975, c. 499, §1, is amended to read:

**§903. Misuse of entrusted property**

1. A person is guilty of misuse of entrusted property if ~~he that person~~ deals with property that has been entrusted to ~~him that person~~ as a fiduciary, or property of the government or of a financial institution, in a manner ~~which he that that person~~ knows is a violation of ~~his that person's~~ duty and ~~which that~~ involves a substantial risk of loss to the owner or to a person for whose benefit the property was entrusted.

2. As used in this section "fiduciary" includes any person carrying on fiduciary functions on behalf of an organization ~~which that~~ is a fiduciary.

3. ~~Misuse~~ Except as provided in subsection 4, misuse of entrusted property is a Class D crime.

4. If a misuse of entrusted property results in the loss of a vulnerable person's property or the loss of property entrusted to a person for the benefit of a vulnerable person and, at the time of the offense, the owner or the beneficiary of the property is a vulnerable person:

A. If the value of the property is more than \$1,000 but not more than \$10,000, the misuse of entrusted property is a Class C crime; and

B. If the value of the property is more than \$10,000, the misuse of entrusted property is a Class B crime.

As used in this subsection, "vulnerable person" means an incapacitated adult as defined in Title 22, section 3472, subsection 10 or a dependent adult as defined in Title 22, section 3472, subsection 6.

See title page for effective date.

**CHAPTER 415**

**H.P. 651 - L.D. 927**

**An Act To Further Energy Independence for the State**

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

**Sec. 1. 2 MRSA §9, sub-§2-A, ¶B**, as enacted by PL 2011, c. 655, Pt. MM, §2 and affected by §26, is amended to read:

B. To the extent federal funds are inadequate to meet the funding needs of the office, the office may receive funds from the Efficiency Maine Trust, established in Title 35-A, chapter 97, but only for that portion of the office's activities that support or reasonably relate to programs or activities of the Efficiency Maine Trust. The director

shall keep an accounting of the office's resources devoted to its various duties and activities, including that portion of its resources devoted to activities in support of or reasonably related to programs or activities of the Efficiency Maine Trust. The office shall ~~annually by January 15th~~ provide the accounting to the joint standing committee of the Legislature having jurisdiction over energy matters as part of its annual report under subsection 3, paragraph C-1. The joint standing committee of the Legislature having jurisdiction over energy matters shall make recommendations to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs with regard to any proposed allocation of the Efficiency Maine Trust funds to support the office. In accordance with any legislative allocation or deallocation of Efficiency Maine Trust funds to support the office, the director shall request from the Efficiency Maine Trust and the trust shall provide the allocated resources to the office.

**Sec. 2. 2 MRSA §9, sub-§3, ¶C**, as amended by PL 2011, c. 400, §1, is further amended to read:

C. In consultation with the Efficiency Maine Trust Board, established in Title 5, section 12004-G, subsection 10-C, prepare and submit a comprehensive state energy plan to the Governor and the Legislature by January 15, 2009 and submit an updated plan every 2 years thereafter. Within the comprehensive state energy plan, the director shall identify opportunities to lower the total cost of energy to consumers in this State and transmission capacity and infrastructure needs and recommend appropriate actions to lower the total cost of energy to consumers in this State and facilitate the development and integration of new renewable energy generation within the State and support the State's renewable resource portfolio requirements specified in Title 35-A, section 3210 and wind energy development goals specified in Title 35-A, section 3404. The comprehensive state energy plan must include a section that specifies the State's progress in meeting the oil dependence reduction targets in subsection 5. The office shall make recommendations, if needed, for additional legislative and administrative actions to ensure that the State can meet the reduction targets in subsection 5. The recommendations must include a cost and resource estimate for technology development needed to meet the reduction targets.

(1) Beginning in 2015, the update to the plan must:

(a) Be submitted to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters and the joint standing committee of