

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST SPECIAL SESSION
August 29, 2013

SECOND REGULAR SESSION
January 8, 2014 to May 2, 2014

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
EMERGENCY LAW IS
SEPTEMBER 6, 2013

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2014

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2014

D. The alleged victim is a family or household member of the person; and

E. After the notification specified in paragraph C, the person intentionally or knowingly makes direct or indirect contact with the specifically identified alleged victim.

As used in this subsection, "family or household member" has the same meaning as in Title 19-A, section 4002, subsection 4.

2. Penalty. Violation of this section is a Class D crime.

Sec. 3. 16 MRSA §53-B, sub-§1, ¶A, as enacted by PL 1995, c. 128, §1, is amended to read:

A. "Advocate" means an employee of or volunteer for a nongovernmental or Maine tribal program for victims of domestic or family violence who:

- (1) Has undergone at least 30 hours of training; and
- (2) As a primary function with the program gives advice to, counsels or assists victims, supervises employees or volunteers who perform that function or administers the program.

Sec. 4. 16 MRSA §53-B, sub-§1, ¶A-2 is enacted to read:

A-2. "Confidential criminal history record information" has the same meaning as in section 703, subsection 2.

Sec. 5. 16 MRSA §53-B, sub-§1, ¶A-3 is enacted to read:

A-3. "Criminal justice agency" has the same meaning as in section 703, subsection 4.

Sec. 6. 16 MRSA §53-B, sub-§1-A is enacted to read:

1-A. Confidential criminal history record information. A Maine criminal justice agency, whether directly or through any intermediary, may disseminate confidential criminal history record information to an advocate for the purpose of planning for the safety of a victim of domestic violence or a victim of sexual assault. An advocate who receives confidential criminal history record information pursuant to this subsection shall use it solely for the purpose authorized by this subsection and may not further disseminate the information.

Sec. 7. 19-A MRSA §4002, sub-§4, as amended by PL 2011, c. 640, Pt. C, §1, is further amended to read:

4. Family or household members. "Family or household members" means spouses or domestic partners or former spouses or former domestic partners,

individuals presently or formerly living together as spouses, natural parents of the same child, adult household members related by consanguinity or affinity or minor children of a household member when the defendant is an adult household member and, for the purposes of Title 15, section 1023, subsection 4, paragraph B-1 and Title 15, section 1094-B, this chapter and Title 17-A, sections 15, 207-A, 209-A, 210-B, 210-C, 211-A, 1201, 1202 and 1253 only, includes individuals presently or formerly living together and individuals who are or were sexual partners. Holding oneself out to be a spouse is not necessary to constitute "living as spouses." For purposes of this subsection, "domestic partners" means 2 unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.

Sec. 8. Uniform policy. No later than June 1, 2014, the State Board of Corrections shall establish a minimum, uniform policy for notifying defendants detained at a county jail or other correctional facility after being arrested for an offense under the Maine Revised Statutes, Title 15, section 1023, subsection 4, paragraph B-1 and prior to the setting of preconviction bail by a justice or judge that it is a crime to make direct or indirect contact with a victim who is a member of the defendant's family or household.

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

Effective March 16, 2014.

CHAPTER 479

H.P. 1211 - L.D. 1688

An Act To Streamline Enforcement of Child Support Orders Issued by the Penobscot Nation

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

Whereas, this legislation needs to take effect as soon as possible to provide the Penobscot Nation with the ability to enforce child support orders against delinquent parents; 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 preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 29-A MRS §2459-A is enacted to read:

§2459-A. Suspension of license for failure to meet family financial responsibility; Penobscot Nation

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Penobscot Nation" means the Penobscot Nation Tribal Court or the entity authorized by the governing body of the Penobscot Nation pursuant to Title 30, section 6209-B to exercise jurisdiction over child support enforcement matters.

B. "Support obligor" means an individual who owes a duty of support and over whom the Penobscot Nation has jurisdiction.

C. "Support order" means a judgment, decree or order, whether temporary, final or subject to modification, issued by the Penobscot Nation for the support and maintenance of a child or a child and the parent with whom the child is living that provides for monetary support, health care, arrearages or reimbursement and may include related costs and fees, interest and penalties, income withholding, attorney's fees and other relief.

2. Compliance with support orders. In addition to other qualifications and conditions established by this Title, the right of an individual subject to the jurisdiction of the Penobscot Nation to hold a motor vehicle operator's license or permit issued by the State is subject to the requirements of this section.

3. Certification of noncompliance. Upon receipt of a written certification from the Penobscot Nation that a support obligor who owns or operates a motor vehicle is not in compliance with a support order, the Secretary of State shall suspend the license and right to operate and obtain the license of the individual so certified. The Secretary of State may not reinstate an operator's license suspended for noncompliance with a support order until the Penobscot Nation issues a release that states the support obligor is in compliance with the support order or the Penobscot Nation orders reinstatement.

4. Notice of suspension. Upon suspending an individual's license, permit or privilege to operate under subsection 3, the Secretary of State shall notify the individual of the suspension. A notice of suspension must specify the reason and statutory grounds for the suspension and the effective date of the suspension and may include any other notices prescribed by the Secretary of State. The notice must inform the individual that in order to apply for reinstatement, the individual must obtain a release from the Penobscot Na-

tion. The notice must inform the individual that the individual may file a petition for judicial review of the notice of suspension in the Superior Court within 30 days of receipt of the notice. Notwithstanding any other provision of law, Title 5, section 9052, subsection 1 does not apply to a notice of suspension issued under this section.

5. Temporary license. Upon being presented with a conditional release issued by the Penobscot Nation and at the request of an individual whose operator's license, permit or privilege to operate has been suspended under this section, the Secretary of State may issue the individual a temporary license valid for a period not to exceed 120 days.

6. Rules. The Secretary of State shall adopt rules to implement and enforce the requirements of this section. Rules adopted pursuant to this subsection are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.

7. Agreement. The Secretary of State and the Penobscot Nation may enter into an agreement to carry out the requirements of this section.

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

Effective March 16, 2014.

CHAPTER 480

H.P. 1214 - L.D. 1691

An Act To Stop Unlicensed Loan Transactions

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

Sec. 1. 9-A MRS §5-118 is enacted to read:

§5-118. Unlicensed loan transactions

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Automated clearinghouse" means the nationwide electronic funds transfer system that provides for an interbank exchange of either checks or automated debit or credit entries.

B. "Financial account" means a checking, savings, share, stored value, prepaid, payroll card or other depository account.

C. "Lender" means a person engaged in the business of making loans of money and charging, contracting for or receiving on any such loan interest, a finance charge, a discount or consideration. For