

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 15, 2015

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

Augusta, Maine
2015

tained person is a minor, to inform a law enforcement officer or a parent or guardian of the minor of the detention and to surrender the minor to the person so informed.

Sec. 2. 17-A MRSA §363 is enacted to read:

§363. Organized retail theft

1. A person is guilty of organized retail theft if the person commits 2 or more thefts of retail merchandise under this chapter, either as a principal or an accomplice, pursuant to a scheme or course of conduct engaged in by 2 or more persons involving thefts from 2 or more retail stores for the purpose of selling the stolen merchandise or conducting fraudulent returns of the stolen merchandise. Violation of this section is a Class C crime.

See title page for effective date.

CHAPTER 86

S.P. 147 - L.D. 379

An Act To Create the Sex Offender Management and Risk Assessment Advisory Commission

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

Sec. 1. 5 MRSA §12004-I, sub-§4-C is enacted to read:

4-C.

Corrections	Sex Offender Management and Risk Assessment Advisory Commission	Not Authorized	34-A MRSA §11401
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Sec. 2. 5 MRSA §12004-I, sub-§74-G, as enacted by PL 2011, c. 663, §1, is repealed.

Sec. 3. 17-A MRSA c. 57, as amended, is repealed.

Sec. 4. 34-A MRSA c. 19 is enacted to read:

CHAPTER 19

SEX OFFENDER MANAGEMENT AND RISK ASSESSMENT ADVISORY COMMISSION

§11401. Establishment

The Sex Offender Management and Risk Assessment Advisory Commission, referred to in this chapter as "the commission," established by Title 5, section 12004-I, subsection 4-C, is created for the purpose of making recommendations pertaining to sex offender

management and risk assessment. For purposes of this chapter, "sex offender" has the same meaning as "offender" in section 11273, subsection 10. For purposes of this chapter, "registrant" has the same meaning as in section 11273, subsection 11.

§11402. Membership; terms; vacancies

1. Composition; qualifications. The commission is composed of 7 members, appointed by the Attorney General. The members may be qualified by reason of their expertise in sex offender matters, including but not limited to risk assessment methods, corrections, sex offender law and the prosecution or defense of sex offender crimes.

2. Terms. Members of the commission serve for a term of 2 years and may be reappointed. Members continue to serve until their replacements are designated.

3. Vacancy. In the event of the death or resignation of a member, the Attorney General shall appoint a member to complete the unexpired term.

§11403. Duties; powers

1. Consultation. The commission shall consult with experts in the field of sex offender matters, including but not limited to state or federal agencies, courts, correctional facilities, organizations whose affairs pertain to sex offender matters and other interested parties as the commission determines necessary.

2. Recommendations. The commission may study and make policy recommendations regarding sex offender risk assessment and management to agencies of the executive branch, the judicial branch and the Legislature or to any other entity the commission determines appropriate.

3. Review laws; legislation. The commission shall examine the sex offender registration and notification laws and any other state laws pertaining to sex offender risk assessment and management and may submit to the Legislature, at the start of each legislative session, such changes to those laws as the commission determines appropriate.

4. Funding. The commission may accept funds from the Federal Government, from a political subdivision of the State or from an individual, foundation or corporation and may expend these funds for purposes that are consistent with this section.

§11404. Organization; meetings

The Attorney General shall notify all members of the commission of the time and place of the first meeting of the commission. At that meeting, the commission shall elect a chair, vice-chair and secretary-treasurer and adopt provisions regarding the administration of the commission and its affairs. The commission may meet as frequently as the commission determines necessary.

§11405. Expenses

Members of the commission may not be compensated for expenses incurred or related to the activities of the commission.

Sec. 5. Transition. The Sex Offender Management and Risk Assessment Advisory Commission created pursuant to this Act is the successor to the Sex Offender Risk Assessment Advisory Commission established pursuant to the Maine Revised Statutes, Title 5, section 12004-I, former subsection 74-G and set out in Title 17-A, former chapter 57, and members of the Sex Offender Risk Assessment Advisory Commission on the effective date of this Act continue as members of the Sex Offender Management and Risk Assessment Advisory Commission until the expiration of their terms pursuant to Title 17-A, former section 1402.

See title page for effective date.

**CHAPTER 87
S.P. 173 - L.D. 444**

An Act To Allow a Motor Vehicle Excise Tax Credit for a Vehicle No Longer in Use

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

Sec. 1. 36 MRSA §1482, sub-§5, as amended by PL 2011, c. 240, §13, is further amended to read:

5. Credits. An owner or lessee who has paid the excise or property tax for a vehicle ~~the ownership or registration of which is transferred, or that is subsequently totally lost by fire, theft or accident or totally junked or abandoned, in the same registration year,~~ is entitled to a credit up to the maximum amount of the tax previously paid in that registration year for any one vehicle toward the tax for any number of vehicles, regardless of the number of transfers that may be required of the owner or lessee in that registration year. The credit is available only if the vehicle's ownership is transferred, the vehicle is totally lost by fire, theft or accident, the vehicle is totally junked or abandoned, the use of the vehicle is totally discontinued or, in the case of a leased vehicle, the registration is transferred.

- A. The credit must be given in any place in which the excise tax is payable.
- B. For each transfer made in the same registration year, the owner shall pay \$3 to the place in which the excise tax is payable.
- C. During the last 4 months of the registration year, the credit may not exceed 1/2 of the maximum amount of the tax previously paid in that registration year for any one vehicle.

D. If the credit available under this subsection exceeds the amount transferred to another vehicle, a municipality may choose, but is not required to refund the excess amount. If a municipality chooses to refund excess amounts it must do so in all instances where there is an excess amount.

E. For the purposes of this subsection, "owner" includes the surviving spouse of the owner.

G. For the purposes of this subsection, "totally discontinued" means that the owner has permanently discontinued all use of the vehicle except for selling, transferring ownership of, junking or abandoning that vehicle. The owner of the vehicle must provide a signed statement attesting that use of the vehicle from which the credit is being transferred is totally discontinued. If the owner who has totally discontinued use of a vehicle later seeks to register that vehicle, no excise tax credits may be applied with respect to the registration of that vehicle or any subsequent transfer of that vehicle's registration.

See title page for effective date.

**CHAPTER 88
S.P. 188 - L.D. 520**

An Act To Amend the Requirement for a Certificate of Title for Junk and Scrap Automobiles and Vehicles

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

Whereas, properly disposing of automobiles that have reached the end of their useful lives is in the best interest of Maine's environment and aesthetics; and

Whereas, the inconsistency between Maine and neighboring jurisdictions in the certificate of title requirements for automobiles destined for junk and scrap metal disposal has caused a loss of employment and income to Maine residents and income tax revenue to the State; and

Whereas, to reduce the loss of employment, income and revenue, it is imperative that this legislation take effect as soon as possible; 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,