

# 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.**

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**Augusta, Maine**  
**2015**

**JUDICIAL DEPARTMENT**

**Courts - Supreme, Superior and District 0063**

Initiative: Provides funds for an anticipated increase in the number of motions filed, including funds for judge and clerk services and one-time computer programming costs.

GENERAL FUND	2015-16	2016-17
Personal Services	\$7,290	\$7,290
All Other	\$14,706	\$3,706
<b>GENERAL FUND TOTAL</b>	<b>\$21,996</b>	<b>\$10,996</b>

See title page for effective date.

**CHAPTER 355**

**H.P. 154 - L.D. 222**

**An Act To Reduce Commercial Shellfish License Fees for Persons under 18 Years of Age**

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

**Sec. 1. 12 MRSA §6601, sub-§5-A**, as amended by PL 2009, c. 213, Pt. G, §14, is further amended to read:

**5-A. Exception.** The fee for a commercial shellfish license for applicants 70 years of age or older and applicants under 18 years of age is \$67.

**Sec. 2. Effective date.** This Act takes effect May 1, 2016.

Effective May 1, 2016.

**CHAPTER 356**

**H.P. 213 - L.D. 319**

**An Act To Strengthen the Economic Stability of Qualified Maine Citizens by Expanding Coverage of Reproductive Health Care and Family Services**

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

**Sec. 1. 22 MRSA §3173-G** is enacted to read:

**§3173-G. Medicaid coverage for reproductive health care and family planning services**

The department shall provide for the delivery of federally approved Medicaid services to a qualified adult or adolescent when the adult's or adolescent's individual income is equal to or below 209% of the nonfarm income official poverty line for reproductive health care and family planning services, including pregnancy prevention, testing and treatment for sexually transmitted infection or cancer and access to contraception, in accordance with the federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152.

**Sec. 2. Medicaid state plan amendment.**

The Department of Health and Human Services shall prepare and submit a Medicaid state plan amendment to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services that, effective October 1, 2015, provides Medicaid coverage for reproductive health care and family planning services for adults and adolescents who have individual incomes less than or equal to 209% of the nonfarm income official poverty line, as defined by the federal Department of Health and Human Services and updated annually in the Federal Register under authority of 42 United States Code, Section 9902(2), and who are not otherwise eligible for Medicaid.

**Sec. 3. Appropriations and allocations.**

The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

**Medical Care - Payments to Providers 0147**

Initiative: Provides funds for additional claims activity due to expanded eligibility for family planning services.

GENERAL FUND	2015-16	2016-17
All Other	\$158,778	\$479,325
<b>GENERAL FUND TOTAL</b>	<b>\$158,778</b>	<b>\$479,325</b>

FEDERAL EXPENDITURES FUND	2015-16	2016-17
All Other	\$1,429,001	\$4,313,926
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$1,429,001</b>	<b>\$4,313,926</b>

**Medical Care - Payments to Providers 0147**

Initiative: Deappropriates funds for savings achieved through a reduction in MaineCare costs for pregnancies.

GENERAL FUND	2015-16	2016-17
All Other	\$0	(\$1,900,844)
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>(\$1,900,844)</b>

FEDERAL EXPENDITURES FUND	2015-16	2016-17
All Other	\$0	(\$3,191,156)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>(\$3,191,156)</b>

**Office for Family Independence Z020**

Initiative: Provides funds for Automated Client Eligibility System technology updates to handle the changes to eligibility and services due to expanded eligibility for family planning services.

GENERAL FUND	2015-16	2016-17
All Other	\$44,800	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$44,800</b>	<b>\$0</b>

OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
All Other	\$44,800	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$44,800</b>	<b>\$0</b>

**Office of Family Independence - District 0453**

Initiative: Provides funds for 14 Eligibility Specialist positions and one Family Independence Supervisor position to handle the increased caseload for newly eligible individuals and services due to expanded eligibility for family planning services.

GENERAL FUND	2015-16	2016-17
POSITIONS - LEGISLATIVE COUNT	15.000	15.000
Personal Services	\$374,318	\$510,007
All Other	\$35,315	\$47,087
<b>GENERAL FUND TOTAL</b>	<b>\$409,633</b>	<b>\$557,094</b>

OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17

Personal Services	\$374,318	\$510,007
All Other	\$35,315	\$47,087

OTHER SPECIAL REVENUE FUNDS TOTAL	\$409,633	\$557,094
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**Office of MaineCare Services 0129**

Initiative: Provides funds for Maine Integrated Health Management Solution technology updates to handle the changes to eligibility and services due to expanded eligibility for family planning services.

GENERAL FUND	2015-16	2016-17
All Other	\$23,731	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$23,731</b>	<b>\$0</b>

FEDERAL EXPENDITURES FUND	2015-16	2016-17
All Other	\$71,193	\$0
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$71,193</b>	<b>\$0</b>

HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)	2015-16	2016-17
<b>DEPARTMENT TOTALS</b>	<b>2015-16</b>	<b>2016-17</b>
GENERAL FUND	\$636,942	(\$864,425)
FEDERAL EXPENDITURES FUND	\$1,500,194	\$1,122,770
OTHER SPECIAL REVENUE FUNDS	\$454,433	\$557,094
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$2,591,569</b>	<b>\$815,439</b>

**Sec. 4. Contingent effective date.** That section of this Act that enacts the Maine Revised Statutes, Title 22, section 3173-G takes effect only if:

1. The Commissioner of Health and Human Services receives written approval of the state plan amendment submitted in accordance with section 2 from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services; and

2. The Commissioner of Health and Human Services notifies the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives

and the Revisor of Statutes that written approval of the state plan amendment has been received.

See title page for effective date, unless otherwise indicated.

**CHAPTER 357  
S.P. 160 - L.D. 431**

**An Act To Strengthen the  
Laws Prohibiting Stalking**

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

**Sec. 1. 17-A MRSA §210-A, sub-§1, ¶A**, as amended by PL 2007, c. 685, §1, is further amended to read:

A. The actor intentionally or knowingly engages in a course of conduct directed at or concerning a specific person that would cause a reasonable person:

- (1) To suffer serious inconvenience or emotional distress;
- (2) To fear bodily injury or to fear bodily injury to a close relation;
- (3) To fear death or to fear the death of a close relation;
- (4) To fear damage or destruction to or tampering with property; or
- (5) To fear injury to or the death of an animal owned by or in the possession and control of that specific person.

Violation of this paragraph is a Class D crime; or

**Sec. 2. 17-A MRSA §210-A, sub-§1, ¶C**, as amended by PL 2009, c. 336, §11, is further amended to read:

C. The actor violates paragraph A and has 2 one or more prior convictions in this State or another jurisdiction. Notwithstanding section 2, subsection 3-B, as used in this paragraph, "another jurisdiction" also includes any Indian tribe.

Violation of this paragraph is a Class C crime. In determining the sentence for a violation of this paragraph the court shall impose a sentence of imprisonment by using a 2-step process. In the first step the court shall determine a base term of imprisonment of one year. In the 2nd step the court shall determine and impose a term of imprisonment for the defendant the length of which is appropriate for the defendant after consideration of the factors required by section 1252, subsection 5-D and aggravating and mitigating factors, including, but not limited to, the character of the de-

fendant and the defendant's criminal history, the effect of the offense on the victim and the protection of the public interest.

For the purposes of this paragraph, "prior conviction" means a conviction for a violation of this section; Title 5, section 4659; Title 15, section 321; former Title 19, section 769; Title 19-A, section 4011; Title 22, section 4036; any other temporary, emergency, interim or final protective order; an order of a tribal court of the Passamaquoddy Tribe or the Penobscot Nation; any similar order issued by any court of the United States or of any other state, territory, commonwealth or tribe; or a court-approved consent agreement. Section 9-A governs the use of prior convictions when determining a sentence;

**Sec. 3. 17-A MRSA §210-A, sub-§1, ¶¶D and E** are enacted to read:

D. The actor violates paragraph A and the course of conduct is directed at or concerning 2 or more specific persons that are members of an identifiable group.

Violation of this paragraph is a Class C crime; or

E. The actor violates paragraph C and at least one prior conviction was for a violation of paragraph D.

Violation of this paragraph is a Class B crime. In determining the sentence for a violation of this paragraph the court shall impose a sentence of imprisonment by using a 2-step process. In the first step the court shall determine a base term of imprisonment of 2 years. In the 2nd step the court shall determine and impose a term of imprisonment for the defendant the length of which is appropriate for the defendant after consideration of the factors required by section 1252, subsection 5-D and aggravating and mitigating factors, including, but not limited to, the character of the defendant and the defendant's criminal history, the effect of the offense on the victim and the protection of the public interest.

See title page for effective date.

**CHAPTER 358  
H.P. 351 - L.D. 512**

**An Act To Implement Certain  
Recommendations of the  
Criminal Law Advisory  
Commission Relative to the  
Maine Criminal Code**

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