

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2016 to April 29, 2016

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 29, 2016

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

Augusta, Maine
2016

Sec. 3. Study. The Maine Public Employees Retirement System shall conduct a study on the feasibility of procuring and offering long-term disability insurance, including the means by which the Maine Public Employees Retirement System would procure and offer the insurance, the anticipated administrative burdens and expenses associated with offering the insurance and any other factors determined relevant by the Maine Public Employees Retirement System. The Maine Public Employees Retirement System shall report the results of its study under this section together with any recommendations and suggested legislation to the joint standing committee of the Legislature having jurisdiction over retirement matters no later than January 4, 2017. The joint standing committee may report out a bill based on the report to the First Regular Session of the 128th Legislature.

See title page for effective date.

CHAPTER 393

S.P. 568 - L.D. 1470

**An Act To Amend Maine's
Death Certificate Disclosure
Law**

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

Sec. 1. 22 MRSA §2706, sub-§5, as amended by PL 2011, c. 58, §1, is further amended to read:

5. Records disclosed. Certified or noncertified copies of vital records of a person must be made available at any reasonable time upon that person's request or the request of that person's spouse, registered domestic partner, descendant, parent or guardian, grandparent, sibling, stepparent, stepchild, aunt, uncle, niece, nephew, mother-in-law, father-in-law, personal representative or that person's duly designated attorney or agent or attorney for an agent designated by that person or by a court having jurisdiction over that person whether the request be made in person, by mail, by telephone or otherwise, if the state registrar is satisfied as to the identity of the requester and, if an attorney or agent, if the state registrar is satisfied as to the attorney's or agent's authority to act as that person's agent or attorney. If the agent or attorney has been appointed by a court of competent jurisdiction, or the attorney's or agent's appearance for the person is entered therein, the state registrar shall upon request so ascertain by telephone call to the register, clerk or recorder of the court, and this must be deemed sufficient justification to compel compliance with the request for the record. Certified or noncertified copies of the death certificate of a minor's parent must be made available at any reasonable time upon the request of that minor's living parent, as defined in Title 19-A,

section 1832, subsection 13, if the requester's parental rights with respect to that minor have not been terminated and the state registrar is satisfied as to the identity of the requester. The state registrar shall, as soon as possible, designate persons in the Office of Data, Research and Vital Statistics who may act in the state registrar's absence or, in case of the state registrar's disqualification, to carry out the intent of this subsection. A record of birth, death, fetal death, marriage, divorce or domestic partner registration may be disclosed as necessary for the department to carry out its responsibilities.

See title page for effective date.

CHAPTER 394

S.P. 386 - L.D. 1114

**An Act Regarding Sexual
Exploitation of Children**

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

Sec. 1. 17-A MRSA §282, sub-§1, as amended by PL 2007, c. 476, §§4 and 5, is further amended to read:

1. A person is guilty of sexual exploitation of a minor if:

A. Knowing or intending that the conduct will be photographed, the person intentionally or knowingly employs, solicits, entices, persuades; or uses ~~or compels~~ another person, not that person's spouse, who ~~is in fact a minor~~ has not in fact attained 16 years of age, to engage in sexually explicit conduct, except that it is not a violation of this paragraph if the other person is 14 or 15 years of age and the person is less than 5 years older than the other person. Violation of this paragraph is a Class B crime;

A-1. Knowing or intending that the conduct will be photographed, the person intentionally or knowingly compels or induces by any threat another person, not that person's spouse, who is in fact a minor, to engage in sexually explicit conduct. Violation of this paragraph is a Class B crime;

B. The person violates paragraph A or A-1 and, at the time of the offense, the person has one or more prior convictions under this section or for engaging in substantially similar conduct to that contained in this section in another jurisdiction. Violation of this paragraph is a Class A crime;

C. The person violates paragraph A or A-1 and the minor has not in fact attained 12 years of age. Violation of this paragraph is a Class A crime;

D. Being a parent, legal guardian or other person having care or custody of another person who ~~is in fact a minor~~ has not in fact attained 16 years of age, that person knowingly or intentionally permits that ~~minor person who has not in fact attained 16 years of age~~ to engage in sexually explicit conduct, knowing or intending that the conduct will be photographed. Violation of this paragraph is a Class B crime;

E. The person violates paragraph D and, at the time of the offense, the person has one or more prior convictions under this section or for engaging in substantially similar conduct to that contained in this section in another jurisdiction. Violation of this paragraph is a Class A crime; or

F. The person violates paragraph D and the minor has not in fact attained 12 years of age. Violation of this paragraph is a Class A crime.

Sec. 2. 17-A MRSA §282, sub-§2, ¶A, as enacted by PL 2003, c. 711, Pt. B, §12, is amended to read:

A. A court shall impose upon a person convicted under subsection 1, paragraph A, A-1 or D a sentencing alternative involving a term of imprisonment of at least 5 years.

Sec. 3. 17-A MRSA §283, sub-§1, ¶A, as enacted by PL 2003, c. 711, Pt. B, §12, is amended to read:

A. The person intentionally or knowingly disseminates or possesses with intent to disseminate any book, magazine, newspaper, print, negative, slide, motion picture, videotape, computer data file or other mechanically, electronically or chemically reproduced visual image or material that depicts any ~~minor person who has not in fact attained 16 years of age~~ who the person knows or has reason to know is a ~~minor person under 16 years of age~~ engaging in sexually explicit conduct, except that it is not a violation of this paragraph if the person depicted is 14 or 15 years of age and the person is less than 5 years older than the person depicted. Violation of this paragraph is a Class C crime;

Sec. 4. 17-A MRSA §284, sub-§1, ¶A, as amended by PL 2011, c. 50, §1, is further amended to read:

A. Intentionally or knowingly transports, exhibits, purchases, possesses or accesses with intent to view any book, magazine, newspaper, print, negative, slide, motion picture, computer data file, videotape or other mechanically, electronically or chemically reproduced visual image or material that the person knows or should know depicts another person engaging in sexually explicit conduct, and:

- (1) The other person has not in fact attained 16 years of age; or
- (2) The person knows or has reason to know that the other person has not attained 16 years of age.

It is not a violation of this paragraph if the person depicted is 14 or 15 years of age and the person is less than 5 years older than the person depicted.

Violation of this paragraph is a Class D crime;

Sec. 5. 17-A MRSA §511-A, sub-§1, ¶A, as enacted by PL 2015, c. 339, §1, is repealed.

See title page for effective date.

CHAPTER 395

H.P. 1005 - L.D. 1464

An Act To Revise the Educational Personnel Certification Statutes and To Direct the Department of Education To Review Department Rules Regarding Educational Personnel Certification

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

Sec. 1. 20-A MRSA §6103, first ¶, as amended by PL 1999, c. 791, §1, is further amended to read:

Beginning July 1, 2000, approval, certification, authorization and renewal under chapters 501 and 502 are subject to the provisions of this section. A person who has complied with the requirements of this section is not required to submit to a subsequent national criminal history record check unless that person has not been continuously employed in a position requiring approval, certification or authorization under chapters 501 and 502. A person who has not been continuously employed in such a position is subject to a subsequent national criminal history record check upon renewal. School vacations are not a break in employment. Fingerprinting of immediately affected applicants for certification, authorization or renewal, conducting of the needed state and national criminal history record checks by the State Bureau of Identification and forwarding of the results by the bureau to the department must begin on September 1, 1999.

Sec. 2. 20-A MRSA §6103, 2nd ¶, as amended by PL 1999, c. 791, §2, is repealed.

Sec. 3. 20-A MRSA §6103, sub-§3-A, as amended by PL 2015, c. 267, Pt. SSS, §1, is further amended to read: