

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

ballot question committee for a violation of this chapter.

Sec. 4. 21-A MRSA §1057, sub-§1, ¶B, as enacted by PL 1985, c. 161, §6, is amended to read:

B. The identity ~~and address~~ of each candidate, campaign or committee;

Sec. 5. 21-A MRSA §1057, sub-§2, as amended by PL 2013, c. 334, §25, is further amended to read:

2. Receipts. The treasurer of a political action committee shall retain a vendor invoice or receipt stating the particular goods or services purchased for every expenditure in excess of \$50 to initiate or influence a campaign.

Sec. 6. 21-A MRSA §1060, sub-§7, as amended by PL 2011, c. 389, §48, is further amended to read:

7. Other expenditures. Operational expenses and other expenditures that are not made on behalf of a candidate, committee or campaign, except that an organization qualifying as a political action committee under section 1052, subsection 5, paragraph A, subparagraph (5) is required to report only those expenditures made for the purpose of influencing a ~~ballot question or the nomination or election of a candidate to political office~~ campaign.

See title page for effective date.

CHAPTER 409

H.P. 1067 - L.D. 1575

An Act To Make Technical Amendments to the Maine Juvenile Code

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

Sec. 1. 15 MRSA §3101, sub-§4, ¶D, as repealed and replaced by PL 1997, c. 645, §3, is amended to read:

D. The Juvenile Court shall consider the following factors in deciding whether to bind a juvenile over ~~to Superior Court~~ for prosecution as an adult:

(1) Seriousness of the crime: the nature and seriousness of the offense with greater weight being given to offenses against the person than against property; whether the offense was committed in an aggressive, violent, premeditated or intentional manner;

(2) Characteristics of the juvenile: the record and previous history of the juvenile; the age

of the juvenile; the juvenile's emotional attitude and pattern of living;

(3) Public safety: whether the protection of the community requires commitment of the juvenile for a period longer than the greatest commitment authorized; whether the protection of the community requires commitment of the juvenile to a facility that is more secure than any dispositional alternative under section 3314; and

(4) Dispositional alternatives: whether future criminal conduct by the juvenile will be deterred by the dispositional alternatives available; whether the dispositional alternatives would diminish the gravity of the offense.

Sec. 2. 15 MRSA §3101, sub-§4, ¶E, as amended by PL 1997, c. 645, §4, is further amended to read:

E. The Juvenile Court shall bind a juvenile over ~~to the Superior Court~~ for prosecution as an adult if it finds:

(1) That there is probable cause to believe that a juvenile crime has been committed that would constitute murder or a Class A, Class B or Class C crime if the juvenile involved were an adult and that the juvenile to be bound over committed it; and

(2) After a consideration of the seriousness of the crime, the characteristics of the juvenile, the public safety and the dispositional alternatives in paragraph D, that:

(a) If the State has the burden of proof, the State has established by a preponderance of the evidence that it is appropriate to prosecute the juvenile as if the juvenile were an adult; or

(b) If the juvenile has the burden of proof, the juvenile has failed to establish by a preponderance of the evidence that it is not appropriate to prosecute the juvenile as if the juvenile were an adult.

Sec. 3. 15 MRSA §3101, sub-§4, ¶E-2, as amended by PL 2013, c. 28, §2, is further amended to read:

E-2. If the Juvenile Court binds a juvenile over ~~to Superior Court~~ for prosecution as an adult and has directed the detention of the juvenile, if the juvenile attains 18 years of age and is being detained, the juvenile must be detained in an adult section of a jail.

Sec. 4. 15 MRSA §3101, sub-§4, ¶F, as amended by PL 1979, c. 681, §38, is further amended to read:

F. The Juvenile Court shall bind over a child by entering an order finding probable cause, waiving jurisdiction and certifying the case for proceedings before the grand jury. The Juvenile Court shall enter written findings supporting its order finding probable cause and waiving jurisdiction. Proceedings concerning a juvenile who has been bound over to the Superior Court shall for prosecution as an adult must be conducted in the same manner and with the same powers and duties as if the juvenile were an adult.

Sec. 5. 15 MRSA §3103, sub-§1, ¶E, as amended by PL 2003, c. 414, Pt. B, §29 and affected by c. 614, §9, is further amended to read:

E. Offenses involving hunting or the operation or attempted operation of a watercraft, ATV or snowmobile while under the influence of intoxicating liquor or drugs, as defined in Title 12, section 10701, subsection 1-A, and offenses involving failing to aid an injured person or to report a hunting accident as defined in Title 12, section 11223;

Sec. 6. 15 MRSA §3105-A, sub-§6, as enacted by PL 1987, c. 222, §2, is amended to read:

6. Lesser included juvenile crime; effect. The defense established by this section does not bar a conviction ~~an adjudication~~ of a juvenile crime included in the juvenile crime charged, notwithstanding that the period of limitation has expired for the included juvenile crime, if, as to the juvenile crime charged, the period of limitation has not expired or there is no such period, and there is evidence ~~which~~ that sustains an adjudication for the juvenile crime charged.

Sec. 7. 15 MRSA §3311-D, as enacted by PL 2011, c. 384, §4, is amended to read:

§3311-D. Limited review by appeal

A juvenile is precluded from seeking to attack the legality of a deferred disposition, including a final disposition, except that a juvenile who has been determined by a court to have inexcusably failed to comply with a court-imposed deferment requirement and thereafter has had imposed a dispositional alternative authorized for the juvenile crime may appeal to the ~~Superior~~ Supreme Judicial Court, but not as of right. The time for taking the appeal and the manner and any conditions for the taking of the appeal are as the Supreme Judicial Court provides by rule.

Sec. 8. 15 MRSA §3318-A, sub-§10, as enacted by PL 2011, c. 282, §4, is amended to read:

10. Competency to proceed after bind over. Notwithstanding a finding by the Juvenile Court that the juvenile is competent to proceed in a juvenile proceeding, if the juvenile is subsequently bound over for prosecution ~~in the Superior Court or a court with a unified criminal docket~~ as an adult pursuant to section

3101, subsection 4, the issue of the juvenile's competency may be revisited.

See title page for effective date.

CHAPTER 410

H.P. 1010 - L.D. 1487

**An Act To Amend the Laws on
Protection from Abuse,
Protection from Harassment
and Unauthorized
Dissemination of Certain
Private Images**

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

Whereas, Public Law 2015, chapter 339 enacted laws regarding the new crime of unauthorized dissemination of certain private images, to address activity known informally as revenge pornography, effective October 15, 2015; and

Whereas, Public Law 2015, chapter 339 included coordination with some but not all related sections of the laws on protection from abuse; and

Whereas, Public Law 2015, chapter 339 did not include provisions to seal in court records unauthorized private images and written information describing and directly pertaining to the images; and

Whereas, full coordination with the related sections of the protection from abuse laws and enactment of provisions to seal certain images and information in court records are immediately necessary for the effective implementation of Public Law 2015, chapter 339;

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:

PART A

Sec. A-1. 17-A MRSA §511-A, sub-§5 is enacted to read:

5. Access to and dissemination of certain private images as described in subsection 1 and any written information describing and directly pertaining to the images contained in court records are governed by rule or administrative order adopted by the Supreme Judicial Court.