

# 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.**

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**Augusta, Maine**  
**2016**

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 4 ~~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.

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**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.

**PART B**

**Sec. B-1. 19-A MRSA §4002, sub-§1, ¶¶E and F,** as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, are amended to read:

E. Communicating to a person a threat to commit, or to cause to be committed, a crime of violence dangerous to human life against the person to whom the communication is made or another, and the natural and probable consequence of the threat, whether or not that consequence in fact occurs, is to place the person to whom the threat is communicated, or the person against whom the threat is made, in reasonable fear that the crime will be committed; ~~or~~

F. Repeatedly and without reasonable cause:

- (1) Following the plaintiff; or
- (2) Being at or in the vicinity of the plaintiff's home, school, business or place of employment; ~~or~~

**Sec. B-2. 19-A MRSA §4002, sub-§1, ¶G** is enacted to read:

G. Engaging in the unauthorized dissemination of certain private images as prohibited pursuant to Title 17-A, section 511-A.

**Sec. B-3. 19-A MRSA §4006, sub-§5, ¶¶E and F,** as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, are amended to read:

E. Taking, converting or damaging property in which the plaintiff may have a legal interest; ~~or~~

F. Having any direct or indirect contact with the plaintiff; ~~or~~

**Sec. B-4. 19-A MRSA §4006, sub-§5, ¶G** is enacted to read:

G. Engaging in the unauthorized dissemination of certain private images as prohibited pursuant to Title 17-A, section 511-A.

**Sec. B-5. 19-A MRSA §4007, sub-§1, ¶M,** as amended by PL 2005, c. 510, §11, is further amended to read:

M. Entering any other orders determined necessary or appropriate in the discretion of the court; ~~or~~

**Sec. B-6. 19-A MRSA §4007, sub-§1, ¶N,** as enacted by PL 2005, c. 510, §12, is amended to read:

N. Directing the care, custody or control of any animal owned, possessed, leased, kept or held by either party or a minor child residing in the household; ~~or~~

**Sec. B-7. 19-A MRSA §4007, sub-§1, ¶¶O and P** are enacted to read:

O. With respect to unauthorized dissemination of certain private images as described in Title 17-A, section 511-A, ordering the defendant to remove, destroy or return or to direct the removal, destruction or return of the private images, ordering the defendant to cease the dissemination of the private images and prohibiting the defendant from disseminating the private images; or

P. With respect to unauthorized dissemination of certain private images as described in Title 17-A, section 511-A, entering any orders determined necessary or appropriate in the discretion of the court, including but not limited to ordering the defendant to pay costs associated with removal, destruction or return of the private images.

**Sec. B-8. 19-A MRSA §4008-A** is enacted to read:

**§4008-A. Access to certain private images and written information**

Access to and dissemination of certain private images as described in Title 17-A, section 511-A 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.

**PART C**

**Sec. C-1. 5 MRSA §4651, sub-§2, ¶C,** as amended by PL 2001, c. 134, §1, is further amended to read:

C. A single act or course of conduct constituting a violation of section 4681; Title 17, section 2931; or Title 17-A, sections 201, 202, 203, 204, 207, 208, 209, 210, 210-A, 211, 253, 301, 302, 303, 506-A, 511, 511-A, 556, 802, 805 or 806.

**Sec. C-2. 5 MRSA §4654, sub-§4, ¶F,** as amended by PL 1995, c. 650, §6, is further amended to read:

F. Repeatedly and without reasonable cause:

- (1) Following the plaintiff; or
- (2) Being at or in the vicinity of the plaintiff's home, school, business or place of employment; ~~or~~

**Sec. C-3. 5 MRSA §4654, sub-§4, ¶G,** as enacted by PL 1995, c. 650, §7, is amended to read:

G. Having any direct or indirect contact with the plaintiff; ~~or~~

**Sec. C-4. 5 MRSA §4654, sub-§4, ¶H** is enacted to read:

H. Engaging in the unauthorized dissemination of certain private images as prohibited pursuant to Title 17-A, section 511-A.

**Sec. C-5. 5 MRSA §4655, sub-§1, ¶¶E and F**, as amended by PL 1993, c. 475, §2, are further amended to read:

E. Ordering the defendant to pay court costs or reasonable attorney's fees; ~~and~~

F. Entering any other orders determined necessary or appropriate in the discretion of the court;:

**Sec. C-6. 5 MRSA §4655, sub-§1, ¶¶G and H** are enacted to read:

G. With respect to unauthorized dissemination of certain private images as described in Title 17-A, section 511-A, ordering the defendant to remove, destroy or return or to direct the removal, destruction or return of the private images, ordering the defendant to cease the dissemination of the private images and prohibiting the defendant from disseminating the private images; or

H. With respect to unauthorized dissemination of certain private images as described in Title 17-A, section 511-A, entering any orders determined necessary or appropriate in the discretion of the court, including but not limited to ordering the defendant to pay costs associated with removal, destruction or return of the private images.

**Sec. C-7. 5 MRSA §4661** is enacted to read:

**§4661. Access to certain private images and written information**

Access to and dissemination of certain private images as described in Title 17-A, section 511-A 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.

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

Effective March 29, 2016.

**CHAPTER 411**

**S.P. 588 - L.D. 1526**

**An Act Regarding the  
Disclosure of Intelligence and  
Investigative Record  
Information**

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

**Sec. 1. 16 MRSA §806, sub-§3**, as enacted by PL 2013, c. 267, Pt. A, §3, is repealed.

**Sec. 2. 16 MRSA §806, sub-§4** is enacted to read:

**4. A counselor or advocate.** A sexual assault counselor, as defined in section 53-A, subsection 1, paragraph B, or an advocate, as defined in section 53-B, subsection 1, paragraph A. A person to whom intelligence and investigative record information is disclosed pursuant to this subsection:

A. May use the information only for planning for the safety of the victim of a sexual assault or domestic or family violence incident to which the information relates;

B. May not further disseminate the information;

C. Shall ensure that physical copies of the information are securely stored and remain confidential;

D. Shall destroy all physical copies of the information within 30 days after their receipt;

E. Shall permit criminal justice agencies providing such information to perform reasonable and appropriate audits to ensure that all physical copies of information obtained pursuant to this subsection are maintained in accordance with this subsection; and

F. Shall indemnify and hold harmless criminal justice agencies providing information pursuant to this subsection with respect to any litigation that may result from the provision of the information to the person.

See title page for effective date.

**CHAPTER 412**

**H.P. 1056 - L.D. 1549**

**An Act To Amend the Laws  
Governing Oversight of and  
Responsibility for the Kim  
Wallace Adaptive Equipment  
Loan Program Fund**

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

**Sec. 1. 10 MRSA §372, sub-§1**, as amended by PL 2005, c. 191, §1, is further amended to read:

**1. Creation of fund.** There is established the Kim Wallace Adaptive Equipment Loan Program Fund, which must be used to provide funding for loans to qualified borrowers within the State in order to acquire adaptive equipment designed to assist the borrower in becoming independent and for other purposes as allowed under section 376. The fund must be deposited with; ~~and maintained and administered~~ by the Finance Authority of Maine or other state agency and contain appropriations provided for that purpose, interest accrued on the fund balance, funds received by