

# 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**

Prior to 90 days after the adjournment of the First Regular Session of the 128th Legislature, any assessment by the Public Utilities Commission under Title 35-A, section 10111 must be in an amount necessary to capture all cost-effective energy efficiency that is achievable and reliable only for consumers who are not exempt under Title 35-A, section 10111, subsection 2-A or under this section.

For the purposes of this section, "large-volume consumer" means a consumer of a gas utility that uses 1,000,000 centum cubic feet or more of natural gas per year.

See title page for effective date.

**CHAPTER 426**

**H.P. 1097 - L.D. 1609**

**An Act To Designate the Maine  
Lobster as the State  
Crustacean**

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

**Sec. 1. 1 MRSA §229** is enacted to read:

**§229. State crustacean**

The Maine lobster (*Homarus americanus*) is the official state crustacean.

See title page for effective date.

**CHAPTER 427**

**S.P. 575 - L.D. 1477**

**An Act To Protect Victims of  
Sexual Assault**

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

**Sec. 1. 19-A MRSA §1658**, as enacted by PL 1997, c. 363, §1, is repealed and the following enacted in its place:

**§1658. Termination of parental rights and  
responsibilities in cases involving sexual  
assault**

This section applies to the termination of parental rights and responsibilities with respect to a specific child conceived as a result of an act of sexual assault by the parent of that child.

**1. Petitioner.** The petition for termination may be filed by the other parent or, if the other parent is a minor, the parent or guardian of the other parent.

**2. Petition.** The petitioner may file a petition with the District Court that requests the termination of the parental rights and responsibilities of the parent and alleges:

A. That the parent was convicted of a crime involving sexual assault, as defined in Title 17-A, section 253, 254 or 556, or a comparable crime in another jurisdiction, that resulted in the conception of the child; or

B. That the child was conceived as a result of an act of sexual assault, as defined in Title 17-A, section 253, 254 or 556, or a comparable crime in another jurisdiction.

**3. Termination.** Except as provided in subsection 4, if the petitioner proves the allegation in subsection 2, paragraph A by a preponderance of the evidence, the court shall terminate the parental rights and responsibilities of the parent. If the petitioner proves the allegation in subsection 2, paragraph B by clear and convincing evidence, the court may terminate the parental rights and responsibilities of the parent.

**4. Exception.** The court is not required to terminate the parental rights and responsibilities of a parent convicted of gross sexual assault under Title 17-A, section 253, subsection 1, paragraph B that resulted in the conception of the child if:

A. The parent or guardian of the other parent filed the petition;

B. The other parent informs the court that the sexual act was consensual; and

C. The other parent opposes the termination of the parental rights and responsibilities of the parent convicted of the gross sexual assault.

**Sec. 2. 22 MRSA §4055, sub-§1-B** is enacted to read:

**1-B. Conception by sexual assault as grounds for termination.** The court may order termination of parental rights if the court finds, based on clear and convincing evidence, that the child was conceived as a result of an act by the parent of sexual assault or a comparable crime in another jurisdiction. For purposes of this subsection, "sexual assault" has the same meaning as in Title 17-A, section 253, 254 or 556. A guilty plea or conviction for sexual assault is considered clear and convincing evidence for purposes of this subsection.

See title page for effective date.