

# 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**

C. Specifying a department, bureau or division in which the applicant will not accept employment in a classification;

~~D. Failure to respond in less than 3 months' time to a written inquiry of the director or some other appointing authority relative to availability for appointment, except as provided by section 7034, subsection 5, with respect to the annual update of registers of eligibility. In this case, the register may be closed in the event that the person does not respond expeditiously, but the person's name shall not be removed from the register except in accordance with this paragraph; or~~

~~E. Failure to be appointed to a position following certification regardless of the number of certifications an applicant has received.~~

See title page for effective date.

**CHAPTER 443**

**S.P. 593 - L.D. 1531**

**An Act To Protect Victims of Human Trafficking**

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

**Sec. 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~~ section 201, 202, 203, 204, 207, 208, 209, 210, 210-A, 211, 253, 301, 302, 303, 506-A, 511, 556, 802, 805 ~~or~~ 806, 852 or 853.

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

H. Destroying, transferring or tampering with the plaintiff's passport or other immigration document in the defendant's possession.

**Sec. 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; ~~and~~

**Sec. 6. 5 MRSA §4655, sub-§1, ¶G** is enacted to read:

G. Prohibiting the defendant from destroying, transferring or tampering with the plaintiff's passport or other immigration document in the defendant's possession.

**Sec. 7. 5 MRSA §4659, sub-§1,** as amended by PL 1993, c. 469, §2, is further amended to read:

**1. Crime committed.** Violation of a temporary, emergency, interim or final protective order, an order of a tribal court of the Passamaquoddy Tribe or the Penobscot Nation or a court-approved consent agreement, when the defendant has prior actual notice of the order or agreement, is a Class D crime, except when the only provision that is violated concerns relief authorized under section 4655, subsection 1, paragraphs D to F G. Violation of these paragraphs must be treated as contempt and punished in accordance with law.

**Sec. 8. 17-A MRSA §1201, sub-§1, ¶A-1,** as amended by PL 2013, c. 194, §11, is further amended to read:

A-1. The conviction is for a Class D or Class E crime other than:

- (1) A Class D or Class E crime relative to which, based upon both the written agreement of the parties and a court finding, the facts and circumstances of the underlying criminal episode giving rise to the conviction generated probable cause to believe the defendant had committed a Class A, Class B or Class C crime in the course of that criminal episode and, as agreed upon in writing by the parties and found by the court, the defendant has no prior conviction for murder or for a Class A, Class B or Class C crime and has not been placed on probation pursuant to this subparagraph on any prior occasion;
- (2) A Class D crime that the State pleads and proves was committed against a family or household member or a dating partner under chapter 9 or 13 or section 554, 555 or 758. As used in this subparagraph, "family or

household member" has the same meaning as in Title 19-A, section 4002, subsection 4; "dating partner" has the same meaning as in Title 19-A, section 4002, subsection 3-A;

(2-A) A Class D crime under Title 5, section 4659, subsection 1, Title 15, section 321, subsection 6 or Title 19-A, section 4011, subsection 1;

(3) A Class D or Class E crime in chapter 11 or 12;

(4) A Class D crime under section 210-A;

(4-A) A Class E crime under section 552;

(5) A Class D or Class E crime under section 556, section 853, section 854, excluding subsection 1, paragraph A, subparagraph (1), or section 855;

(6) A Class D crime in chapter 45 relating to a schedule W drug;

(7) A Class D or Class E crime under Title 29-A, section 2411, subsection 1-A, paragraph B;

(8) A Class D crime under Title 17, section 1031; or

(10) A Class E crime under Title 15, section 1092, subsection 1, paragraph A, if the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) and the underlying crime involved domestic violence.

**Sec. 9. 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. 10. 19-A MRSA §4002, sub-§1, ¶G** is enacted to read:

G. Engaging in aggravated sex trafficking or sex trafficking as described in Title 17-A, section 852 or 853, respectively.

**Sec. 11. 19-A MRSA §4005, sub-§1**, as amended by PL 2015, c. 339, §2, is further amended to read:

**1. Filing.** An adult who has been abused by a family or household member or a dating partner may seek relief by filing a complaint alleging that abuse.

When a minor child in the care or custody of a family or household member or a dating partner has been abused by a family or household member or a dating partner, a person responsible for the child, as defined in Title 22, section 4002, subsection 9, or a representative of the department may seek relief by filing a petition alleging that abuse.

An adult who has been a victim of conduct defined as stalking in Title 17-A, section 210-A or described as sexual assault in Title 17-A, chapter 11 or described as unauthorized dissemination of certain private images in Title 17-A, section 511-A or described as aggravated sex trafficking or sex trafficking in Title 17-A, section 852 or 853, respectively, whether or not the conduct was perpetrated by a family or household member or dating partner, may seek relief by filing a complaint alleging that conduct without regard to whether criminal prosecution has occurred. When a minor has been a victim of such conduct, the minor's parent, other person responsible for the child or a representative of the department may seek relief by filing a petition alleging that conduct.

When an adult who is 60 years of age or older or a dependent adult, as defined in Title 22, section 3472, subsection 6, or an incapacitated adult, as defined in Title 22, section 3472, subsection 10, has been the victim of abuse as defined in section 4002, subsection 1 or Title 22, section 3472, subsection 1 by an extended family member or an unpaid care provider, the adult victim, the adult victim's legal guardian or a representative of the department may seek relief by filing a complaint alleging the abusive conduct. For the purposes of this subsection, "extended family member" includes, but is not limited to: a person who is related to the victim by blood, marriage or adoption, whether or not the person resides or has ever resided with the victim. "Unpaid care provider" includes, but is not limited to, a caretaker who voluntarily provides full, intermittent or occasional personal care to the adult victim in the victim's home similar to the way a family member would provide personal care.

**Sec. 12. 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. 13. 19-A MRSA §4006, sub-§5, ¶G** is enacted to read:

G. Destroying, transferring or tampering with the plaintiff's passport or other immigration document in the defendant's possession.

**Sec. 14. 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. 15. 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. 16. 19-A MRSA §4007, sub-§1, ¶O** is enacted to read:

O. With regard to conduct described as aggravated sex trafficking or sex trafficking as described in Title 17-A, section 852 or 853, respectively, entering any other orders determined necessary or appropriate in the discretion of the court, including, but not limited to, requiring the defendant to pay economic damages related to the return or restoration of the plaintiff's passport or other immigration document and any debts of the plaintiff arising from the trafficking relationship.

**Sec. 17. 19-A MRSA §4011, sub-§2**, as amended by PL 2011, c. 178, §1, is further amended to read:

**2. Exception.** When the only provision that is violated concerns relief authorized under section 4007, subsection 1, paragraph F or F-1 or section 4007, subsection 1, paragraphs H to ~~N~~ Q, the violation must be treated as contempt and punished in accordance with law.

See title page for effective date.

**CHAPTER 444  
H.P. 1043 - L.D. 1518**

**An Act To Ensure Children in the Care of Caretaker Relatives and Other Surrogates Can Access Health Care**

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

**Sec. 1. 22 MRSA §1501, sub-§§1-A and 4** are enacted to read:

**1-A. Health care.** "Health care" means any care, treatment, service or procedure to maintain, diagnose or otherwise affect an individual's physical or mental condition.

**4. Surrogate.** "Surrogate" means:

A. An adult who is not a parent or legal guardian but who is related to a minor by blood, marriage or adoption and with whom the minor resides and from whom the minor receives the ongoing care and support expected of a parent. "Surrogate" does not include a person to whom a parent has delegated parental authority to consent to the minor's medical treatment through a power of attorney or other written instrument; or

B. If an adult relative described in paragraph A does not exist, an adult to whom a parent or legal guardian has not delegated parental authority through a power of attorney or other written instrument with whom the minor resides and from whom the minor receives the ongoing care and support expected of a parent.

**Sec. 2. 22 MRSA §1503-A** is enacted to read:

**§1503-A. Authority for consent by a surrogate**

**1. Consent by a surrogate; notice of need for health care.** A surrogate may give consent for health care for a minor except that a surrogate may not withhold or withdraw life-sustaining treatment or deny surgery, procedures or other interventions that are life-saving and medically necessary. The existence of a surrogate does not affect the ability of a minor to give consent as otherwise provided by law. Before the surrogate may give consent, the surrogate must make a reasonable good faith attempt to inform the minor's parents or legal guardian of the minor's need for health care and the parents' right to make those decisions. If parental notification is not required by other provisions of law, the surrogate is not required to inform or attempt to inform the minor's parents or legal guardian.

**2. Notice of health care received.** Unless parental notification is not required by other provisions of