

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

**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**  
**2019**

under subsection 1 for a period of 10 days. The municipality is responsible for ensuring the proper care of the livestock while confined, including providing proper sustenance, shelter and necessary medical care. If ownership of the stray livestock is not claimed by any person, after 10 days, ownership of the livestock vests with the municipality or an animal shelter designated by the municipality, and the municipality or designated animal shelter may sell, adopt, give away or humanely euthanize the stray livestock. A municipality may reimburse a farm, holding facility or animal shelter for the care and housing of stray livestock pursuant to this section at the same rates as in section 3919-C. For purposes of this section, "municipality" includes a county under Title 30-A, section 7501 if the stray livestock has been found in the unorganized territory of that county.

For purposes of this section, "livestock" does not include feral swine or domesticated cervids.

**Sec. 7. 33 MRSA §1052** is repealed.

**Sec. 8. 33 MRSA §1053**, as amended by PL 1995, c. 227, §2, is further amended to read:

**§1053. Appraisal if value \$10 or more**

Every A finder of lost goods or stray beasts of the value of \$10 or more shall, within 2 months after finding and before using them the lost goods to their the disadvantage of the owner, procure a warrant from the town clerk or a notary public, directed to 2 persons appointed by said the clerk or notary, not interested except as inhabitants of the town, returnable at said the clerk's office within 7 days from its the date of the warrant, to appraise said the goods under oath.

**Sec. 9. 33 MRSA §1054**, as amended by PL 1995, c. 227, §3, is further amended to read:

**§1054. Restitution to appearing owner; money or goods**

If the owner of such lost money or goods appears within 6 months, and if the owner of such stray beasts appears within 2 months after said notice to the town clerk under section 1051 is made by the finder and gives reasonable evidence of ownership to the finder, the owner shall must have restitution of them or the value of the lost money or goods, paying all necessary charges and reasonable compensation to the finder for keeping, to be adjudged by the district court; if the owner and finder cannot agree.

**Sec. 10. 33 MRSA §1055** is repealed.

**Sec. 11. 33 MRSA §1057** is repealed.

**Sec. 12. 33 MRSA §1058** is amended to read:

**§1058. Failure to give notice; penalty**

If the finder of lost money or goods of the value of \$3 or more or if the person taking up such stray beast neglects to give notice to the town clerk and to

cause them the lost money or goods to be advertised as provided under section 1051, he the finder forfeits to the owner the full value thereof of the lost money or goods unless he the finder delivers or accounts therefor for the lost money or goods to the owner, in which case he shall the finder must forfeit not more than \$20, 1/2 to the town and 1/2 to the prosecutor.

**Sec. 13. 33 MRSA §§1059 and 1060** are repealed.

**Sec. 14. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 33, chapter 21, in the chapter headnote, the words "lost goods and stray beasts" are amended to read "lost goods" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

**CHAPTER 438**

**H.P. 996 - L.D. 1375**

**An Act To Prohibit Certain Sexual Acts and Sexual Contact by Law Enforcement Officers in Performance of Official Duties and To Amend the Law on Obstructing Criminal Prosecution**

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

**Sec. 1. 17-A MRSA §253, sub-§2, ¶L**, as amended by PL 2017, c. 300, §1, is further amended to read:

L. The actor is employed to provide care to a dependent person, who is not the actor's spouse or domestic partner and who is unable to perform self-care because of advanced age or physical or mental disease, disorder or defect. For the purposes of this paragraph, "domestic partners" means 2 unmarried adults who are domiciled together under a long-term arrangement that evidences a commitment to remain responsible indefinitely for each other's welfare. Violation of this paragraph is a Class C crime; or

**Sec. 2. 17-A MRSA §253, sub-§2, ¶M**, as enacted by PL 2017, c. 300, §2, is further amended to read:

M. The other person has not expressly or impliedly acquiesced to the sexual act. Violation of this paragraph is a Class C crime; or

**Sec. 3. 17-A MRSA §253, sub-§2, ¶N** is enacted to read:

N. The actor is a law enforcement officer acting in performance of official duties and the other person, not the actor's spouse, is under arrest, in custody or being interrogated or temporarily detained, including during a traffic stop or questioning pursuant to an investigation of a crime. For the purposes of this paragraph, "law enforcement officer" has the same meaning as in Title 25, section 2801-A, subsection 5. Violation of this paragraph is a Class B crime.

**Sec. 4. 17-A MRSA §754, sub-§1**, as amended by PL 2001, c. 383, §89 and affected by §156, is further amended to read:

1. A person is guilty of obstructing criminal prosecution if:

A. The person uses force, violence or intimidation, or the person promises, offers or gives any pecuniary benefit or anything of benefit to another, with the intent to induce the other:

- (1) To refrain from initiating a criminal prosecution or juvenile proceeding; or
- (2) To refrain from continuing with a criminal prosecution or juvenile proceeding that the other person has initiated; or

B. The person solicits, accepts or agrees to accept any pecuniary benefit or anything of benefit to another in consideration of doing any of the things specified in this subsection.

**Sec. 5. 25 MRSA §2806-A, sub-§5, ¶¶J and K**, as enacted by PL 2013, c. 147, §39, are amended to read:

J. Engaging in conduct that violates the standards established by the board and that when viewed in light of the nature and purpose of the person's conduct and circumstances known to the person, involves a gross deviation from the standard of conduct that a reasonable and prudent certificate holder would observe in the same or similar situation; ~~and~~

K. Engaging in a sexual act, as defined in Title 17-A, section 251, subsection 1, paragraph C, or in sexual contact, as defined in Title 17-A, section 251, subsection 1, paragraph D, with another person, not the person's spouse, if at the time of the sexual act or sexual contact:

- (1) The officer was engaged in an investigation or purported investigation involving an allegation of abuse, as defined in former Title 19, section 762, subsection 1 and in Title 19-A, section 4002, subsection 1;
- (2) The other person was the alleged victim of that abuse;

(3) The parties did not have a preexisting and ongoing sexual relationship that included engaging in any sexual act or sexual contact; and

(4) Less than 60 days had elapsed since the officer initially became involved in the investigation or purported investigation; and

**Sec. 6. 25 MRSA §2806-A, sub-§5, ¶L** is enacted to read:

L. Engaging in sexual contact, as defined in Title 17-A, section 251, subsection 1, paragraph D, with another person, not the person's spouse, if at the time of the sexual contact the applicant or certificate holder is acting in performance of official duties and the other person is under arrest, in custody or being interrogated or temporarily detained, including during a traffic stop or questioning pursuant to an investigation of a crime, except that it is not grounds for discipline that a certificate holder properly performs a search of a person for legitimate law enforcement purposes consistent with training standards approved by the board.

See title page for effective date.

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## CHAPTER 439

### H.P. 1007 - L.D. 1393

#### An Act To Change the Requirements for Recording Plans at the County Registries of Deeds

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

**Sec. 1. 33 MRSA §652**, as amended by PL 2003, c. 55, §2, is further amended to read:

#### §652. Recording plans

The county commissioners shall provide, at the expense of the several counties, suitable storage for plans with a minimum size of ~~12 by 18~~ 11 by 17 and a maximum of 24 by 36 inches in dimension, for the preservation of such plans.

~~No~~ A plan may not be accepted for recording unless all of the following criteria are met. The plan must:

**1. Materials.** ~~Be~~ For a plan dated before January 1, 2020, be drawn upon strong linen cloth or polyester film with archival photographic image or white 20-pound paper. For a plan dated on or after January 1, 2020, the plan must be submitted on white paper with a minimum weight of 20 pounds;