

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

SECOND SPECIAL SESSION
September 29, 2021

SECOND REGULAR SESSION
January 5, 2022 to May 9, 2022

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 29, 2021

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 8, 2022

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2022

may assert its right to this amount in a separate action or intervene in an action brought by or on behalf of the victim.

§16531. Refund of excess award

A claimant shall refund to the administrator any amount of restitution received that when combined with the restitution assistance under this subchapter exceeds the restitution award in the final order.

§16532. Return of recovered money to fund

The administrator shall return to the fund any money recovered by the administrator under this subchapter.

§16533. Suspension of payment

If payment of restitution assistance under this subchapter would result in a fund balance below \$250,000, the administrator may suspend payment of claims or prorate payment of claims at the administrator's discretion until such time as the administrator determines a sufficient balance has been restored to the fund.

§16534. Rulemaking

The administrator may adopt rules pursuant to the Maine Administrative Procedure Act to carry out the purposes of this subchapter. Rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 32 MRSA §16601, sub-§6, as enacted by PL 2005, c. 65, Pt. A, §2, is amended to read:

6. Nonlapsing operating fund. ~~There~~ Except as provided in section 16522, subsection 2, there is established an operating fund to be used to carry out the purposes of this chapter and any other statutory duties of the administrator. The operating fund consists of all annual renewal license fees for agents and investment adviser representatives received pursuant to this chapter. Any balance in the operating fund does not lapse, but must be carried forward to be used for the same purposes.

Sec. 3. Transfers from available fiscal year 2022-23 Office of Securities Other Special Revenue Funds balances to Securities Restitution Assistance Fund. The State Controller shall transfer \$350,000 from the available balance in the Department of Professional and Financial Regulation, Office of Securities Other Special Revenue Funds account to the Securities Restitution Assistance Fund established in the Maine Revised Statutes, Title 32, section 16522.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

**PROFESSIONAL AND FINANCIAL
REGULATION, DEPARTMENT OF**

Securities Restitution Assistance Fund N328

Initiative: Provides an allocation to the Securities Restitution Assistance Fund.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$0	\$882,000
OTHER SPECIAL REVENUE	\$0	\$882,000
FUNDS TOTAL		

See title page for effective date.

CHAPTER 577

H.P. 1398 - L.D. 1888

**An Act To Amend Laws
Affecting Sex Offenders and
Petitions for the Determination
of Parental Rights and
Responsibilities**

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

Sec. 1. 19-A MRSA §1653, sub-§6-C is enacted to read:

6-C. Forensic risk assessment. Upon motion from either party or upon the court's own motion, the court may order a parent to complete a forensic risk assessment performed by a licensed clinical social worker, psychologist or psychiatrist qualified to conduct psychosexual evaluations.

A. In determining whether to order a forensic risk assessment, the court may consider:

(1) The existence of any court findings, including but not limited to a criminal conviction, that the parent has committed a child-related sexual offense as defined in subsection 6-A, paragraph A or dissemination of sexually explicit material or possession of sexually explicit material as described in Title 17-A, chapter 12;

(2) The existence of substantiated findings of abuse or neglect under Title 22, section 4004, subsection 2, paragraph C-1, or an equivalent finding from another state, against the parent involving a child-related sexual offense as defined in subsection 6-A, paragraph A or dissemination of sexually explicit material or possession of sexually explicit material as described in Title 17-A, chapter 12;

(3) Whether a guardian ad litem appointed to the case recommends the assessment; and

(4) Any other factor the court considers relevant.

B. The court may order that the person performing the forensic risk assessment may interview the parent who is the subject of the order and any other parent of the child and have access to court documents, records of any interview with the child and other relevant documents.

C. The court shall order that the parent ordered to complete the forensic risk assessment is responsible for any fees associated with the assessment unless another parent agrees to pay part or all of the fees.

D. If the parent ordered to complete the forensic risk assessment has completed an assessment in the past year, the court may order the parent to release that assessment to the court, the guardian ad litem or another party and may order the parent to complete a new assessment only if the court determines a new assessment is necessary.

See title page for effective date.

CHAPTER 578

H.P. 1400 - L.D. 1890

An Act To Equalize Sales Tax Treatment of Certain Vehicles

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

Sec. 1. 36 MRSA §1752, sub-§11, ¶B, as amended by PL 2021, c. 181, Pt. B, §§2 and 3, is further amended by amending subparagraph (3-A) to read:

(3-A) The sale, to a person primarily engaged in the business of renting automobiles, of ~~pickup~~ trucks or vans with a gross vehicle weight of less than 26,000 pounds, integral parts of such vehicles or accessories for such vehicles, for rental or for use in such a vehicle rented for a period of less than one year;

Sec. 2. 36 MRSA §1752, sub-§14, ¶A, as amended by PL 2019, c. 401, Pt. B, §5, is further amended by amending subparagraph (4) to read:

(4) In the case of the lease or rental for a period of less than one year of an automobile or of a ~~pickup~~ truck or van with a gross vehicle weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles, the value is the total rental charged to the lessee and includes, but is not limited to, maintenance and service contracts, drop-off or pick-up fees, airport surcharges, mileage fees and any separately itemized charges on the rental agreement to recover the owner's estimated costs of the charges imposed by government authority for title fees, inspection fees, local excise tax and agent fees

on all vehicles in its rental fleet registered in the State. All fees must be disclosed when an estimated quote is provided to the lessee; and

Sec. 3. 36 MRSA §1752, sub-§17-B, as amended by PL 2013, c. 156, §2, is further amended to read:

17-B. Taxable service. "Taxable service" means the rental of living quarters in a hotel, rooming house or tourist or trailer camp; the transmission and distribution of electricity; the rental or lease of an automobile, a camper trailer, or a motor home, as defined in Title 29-A, section 101, subsection 40; the rental or lease of a ~~pickup~~ truck or van with a gross vehicle weight of less than 26,000 pounds from a person primarily engaged in the business of renting automobiles; the sale of an extended service contract on an automobile or truck that entitles the purchaser to specific benefits in the service of the automobile or truck for a specific duration; and the sale of prepaid calling service.

Sec. 4. 36 MRSA §1811, sub-§1, ¶D, as amended by PL 2019, c. 607, Pt. B, §5, is further amended by amending subparagraph (4), division (b) to read:

(b) A ~~pickup~~ truck or van with a gross vehicle weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles; or

See title page for effective date.

CHAPTER 579

S.P. 666 - L.D. 1896

An Act To Allow Certain Bulk Sale Customers To Opt Out of Paper Delivery Tickets

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

Sec. 1. 10 MRSA §2624, sub-§4, as enacted by PL 1973, c. 91, §10, is amended to read:

4. Identity. The identity in the most descriptive terms commercially practicable, including any quality representation made in connection with the sale; and

Sec. 2. 10 MRSA §2624, as amended by PL 2001, c. 491, §2, is further amended by enacting at the end a new paragraph to read:

Notwithstanding any other provision of this section, a vendor using a bulk sale delivery system equipped with the capability of issuing an electronic receipt, ticket or other recorded representation for a bulk sale may give a purchaser the option to receive any information required under this section through electronic means, such as a cellular telephone, a computer or e-mail, in lieu of or in addition to a paper delivery ticket.