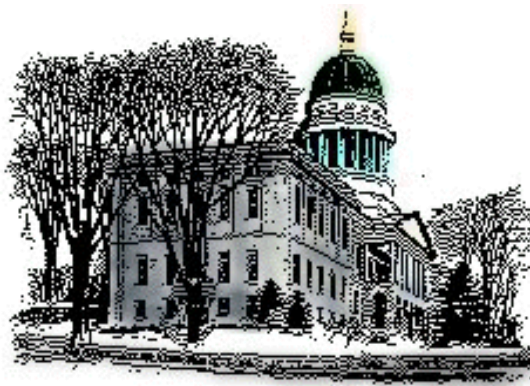


2008 NEW LAW UPDATE

**123rd Legislature
Second Regular Session & First Special Session**

**New and Amended Public Laws of Interest
to the Law Enforcement Community of Maine**



**Maine Criminal Justice Academy
Maine Chiefs of Police Association
Maine Office of the Attorney General**

August 31, 2008

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This publication and the Case Law Update (2008) constitute the training outline of the Maine Criminal Justice Academy for recertification training in law updates for the year 2008.

Editor’s Note

The editor reviewed the public laws passed by the 123rd Legislature in the 2008 Second Regular Session and the 2008 First Special Session prior to selecting statutes believed to be of general interest to Maine law enforcement officers. This is not a listing of all laws passed by the Legislature. In the interest of clarity and brevity, the selected public laws have been summarized. If a particular change is of interest to the reader, a statutory citation is given so that the reader can review the entire text of the new law, which should be done before any enforcement action is taken. Finally, there are many types of law enforcement officers in Maine and some statutes which may be of interest to only a particular specialized type of law enforcement have been left out to keep the length of this document manageable.

If the reader has questions, comments, etc., the editor can be contacted at:

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Motor Vehicle

Chapter 486 – L.D. 1948

An Act To Establish a Minimum Suspension for Negligent Operation When a Fatality Results from a Motor Vehicle Accident

Without a preliminary hearing, the Secretary of State shall suspend for at least 3 years, a person's license if the Secretary of State finds that a person recklessly or negligently operated a motor vehicle in a manner so as to cause the death of another person. The victim's family shall be notified of the proposed suspension and be allowed to present statements to be considered.

Effective June 30, 2008

Enacts 29-A M.R.S.A. § 2458 (2-A)

Chapter 525 – L.D. 2176

An Act Relating to Studded Tires

Pneumatic tires that feature embedded blocks, studs, flanges, cleats, spikes or other protuberances that are retractable may be used at any time of the year, except the protuberances may not be engaged or extended from the 1st day of May to the 1st day of October.

Effective June 30, 2008

Amends 29-A M.R.S.A. §1919 (1)

Chapter 531 – L.D. 856

An Act To Reduce Drunk Driving

The Secretary of State can now give shorter license suspensions for OUI if the person installs an ignition interlock device (hereinafter referred to as "IID" - it is a device which requires the operator to blow into it and won't allow the car to be started unless the BAC of the person is below a preset level). It is a Class E crime if a person who got his or her license back early on the condition that the person use the IID, operates a car without one or tampers with the IID. Mandatory jail and a fine of at least \$500.00. It is a civil violation to solicit another to blow into your IID, lend a car to someone who you know or should know should be using an IID, blow into someone else's IID or tamper with someone else's IID.

Effective September 1, 2008

Enacts 29-A M.R.S.A. §2508

Chapter 547 – L.D. 775

An Act To Create a Special License Plate to Support Breast Cancer Support Services

There will be a new specialty registration plate issued by the State. A portion of the proceeds from the plate will to be contributed to Breast Cancer Support Services

Effective June 30, 2008

Enacts 22 M.R.S.A. §1408

Chapter 582 – L.D. 2056

An Act to Conserve Gasoline and Preserve Clean Air

It is a traffic violation to allow a commercial motor vehicle to idle for more than five (5) minutes in a 60-minute period. It is also a traffic violation if one owns a location where a commercial vehicle loads or unloads, and one requests that the commercial vehicle continue running for more than 30 minutes. There are exemptions to the law including:

- for vehicles stuck in traffic;
- vehicles directed to continue to run by a law enforcement officer;
- when necessary to operate a heater, defroster or air conditioner solely to prevent a safety or health emergency and not as part of a rest period;
- a public safety or military vehicle while being used in the course of business;
- if the reason for idling is for diagnosis and maintenance of the engine;
- if the primary propulsion is necessary to power work-related mechanical or electrical operations including mixing, dumping or refrigeration;
- armored vehicles with a guard inside;
- an occupied commercial motor vehicle with a sleeper berth for the purpose of air conditioning or heat during a rest period;
- an occupied commercial motor vehicle for the purpose of air conditioning or heat while waiting to load or unload;
- a passenger bus for 15 minutes in any 60 minute period for the comfort of the passengers onboard;
- 15 minutes in a 60 minute period when the temperature falls below 32 degrees Fahrenheit;
- All private passenger vehicles;
- All vehicles when necessary to provide heat and the temperature falls below 0 degrees Fahrenheit;
- A motor vehicle which must idle due to mechanical difficulties and the problems are fixed within 30 days of the violation.

Effective July 18, 2008

Enacts 38 M.R.S.A. §585-K

Chapter 591 – L.D. 2012

An Act To Protect Children in Vehicles from Second Hand Smoke

It is illegal to smoke in a car where a passenger under 16 years of age is present. Warnings must be given until August 31, 2009. It is a \$50.00 traffic violation beginning September 1, 2009. It is not a moving violation and the contents of the car may not be searched solely because of a violation of this section (put this under the “goes without saying” category, but it was included anyway).

Effective September 1, 2008

Enacts 22 M.R.S.A. §1549

Chapter 648 – L.D. 2309

An Act To Enhance the Security of State Credentials

The Secretary of State may not issue a license or ID card to anyone unless the person has valid documentary evidence of a legal presence in the United States.

Effective July 18, 2008

Enacts 29-A M.R.S.A. §1301(2-A) & 1410(8)

Chapter 659 – L.D. 2304

An Act To Require That a Person Be a Maine Resident in Order To Be Issued a Maine Driver’s License

The Secretary of State may not issue a license or ID card to anyone unless the person has valid documentary evidence of a having his or her residence or domicile in Maine.

Effective April 18, 2008

Enacts 29-A M.R.S.A. §1301(11) & 1410(1)

Chapter 703 – L.D. 2075

An Act To Amend Motor Vehicle Laws

The State will issue a new specialty registration plate entitled “We Support Our Troops”. A portion of the proceeds from the plate will to be contributed to the Maine National Guard Foundation Fund.

Effective July 18, 2008

Enacts 29-A M.R.S.A. §456-D

The State will issue a new specialty registration plate entitled “Agriculture Education”. A portion of the proceeds from the plate will to be contributed to the Maine Agriculture in the Classroom Council.

Effective July 18, 2008

Enacts 29-A M.R.S.A. §456-F

Criminal and Other Related Statutes

Chapter 474 – L.D. 372

An Act To Strengthen the Crime of Gross Sexual Assault as it Pertains to Persons Who Furnish Drugs to Victims

Gross sexual assault now includes engaging in a sexual act with another person whose power to appraise or control his or her acts has been substantially impaired by drugs or intoxicants furnished by the actor (previous law only covered drugs or intoxicants administered or employed by the actor).

Effective June 30, 2008

Amends 17-A M.R.S.A. §253 (2)(A)

The defense that the drugs or intoxicants used to facilitate the sexual assault were voluntarily consumed by the victim is no longer available if the victim is only 14 or 15 years of age.

Effective June 30, 2008

Amends 17-A M.R.S.A. §253 (3)

Chapter 475 – L.D. 1240
An Act To Implement the Recommendations
of the Criminal Law Advisory Commission

A law enforcement officer may now make a warrantless arrest of a person who has violated administrative release when requested by an attorney for the State.

Effective June 30, 2008

Enacts 17-A M.R.S.A. §15 (1)(A)(15)

Victim's addresses and information that could be used to gain the victim's address must be kept confidential. The information may be disclosed to:

- A state agency if necessary to carry out the statutory duties of that agency;
- A criminal justice agency if necessary for a criminal justice purpose;
- A victim's service agency where there is a written agreement to provide victim's advocacy services; or
- A person or agency upon the request of the victim.

A bail commissioner must not disclose the address, even for the purposes of a no contact condition unless it is clear to the commissioner that the arrestee already knows the address. The prosecutor can refuse to provide discovery materials with the victim's address if the prosecutor has a good faith belief that disclosure would compromise the safety of the victim.

Effective June 30, 2008

Repeals and Replaces 17-A M.R.S.A. §1176

Chapter 476 – L.D. 1241
An Act To Provide Uniform Treatment of Prior
Convictions in the Maine Criminal Code

Laws throughout the criminal code which provide for an upgraded level of crime to be charged if a person has prior convictions, have been rewritten to include out-of-state prior convictions. Some of the types of offenses which have been rewritten to include the out-of-state convictions are:

Aggravated Attempted Murder *Amends 17-A M.R.S.A. §152-A (1)(C)*

Factors Aiding in Predicting High-Risk Sex Offenders
Amends 17-A M.R.S.A. §257 (1)(D)

Factors Aiding in Predicting High-Risk Sex Offenders
Amends 17-A M.R.S.A. §257 (1)(D)

Sexual Exploitation of a Minor *Amends 17-A M.R.S.A. §282 (1)(B) & (E)*

Dissemination of Sexually Explicit Material *Amends 17-A M.R.S.A. §283 (1)(B) & (D)*

Possession of Sexually Explicit Material *Amends 17-A M.R.S.A. §284 (1)(B) & (D)*

Theft *Amends 17-A M.R.S.A. §353 (1)(B)*

Theft by Deception *Amends 17-A M.R.S.A. §354 (1)(B)*

Insurance Deception	<i>Amends 17-A M.R.S.A. §354-A (1)(B)</i>
Theft of lost, mislaid or mistakenly delivered property	<i>Amends 17-A M.R.S.A. §356-A (1)(B)</i>
Theft of Services	<i>Amends 17-A M.R.S.A. §357 (1)(B) & (2)(B)</i>
Theft by misapplication of property	<i>Amends 17-A M.R.S.A. §358 (1)(B)</i>
Receiving stolen property	<i>Amends 17-A M.R.S.A. §359 (1)(B)</i>
Unauthorized use of property	<i>Amends 17-A M.R.S.A. §360</i>
Burglary	<i>Amends 17-A M.R.S.A. §401 (1)(B)</i>
Aggravated criminal trespass	<i>Amends 17-A M.R.S.A. §402-A (1)(B)</i>
Harassment	<i>Amends 17-A M.R.S.A. §506-A (1)(B)</i>
Unlawful transfer of a handgun to a minor	<i>Amends 17-A M.R.S.A. §554-B (5)(B)</i>
Incest	<i>Amends 17-A M.R.S.A. §556 (1)(B)</i>
Forgery	<i>Amends 17-A M.R.S.A. §703 (1)(A-1) & (B-1)</i>
Negotiating a worthless instrument	<i>Amends 17-A M.R.S.A. §708 (1)(B)</i>
Engaging in prostitution	<i>Amends 17-A M.R.S.A. §853-A (1)(B)</i>
Engaging a prostitute	<i>Amends 17-A M.R.S.A. §853-B (1)(B)</i>
Indecent conduct	<i>Amends 17-A M.R.S.A. §854 (1)(A)(D) & (E)</i>
Home repair fraud	<i>Amends 17-A M.R.S.A. §908</i>
Aggravated trafficking of scheduled drugs	<i>Amends 17-A M.R.S.A. §1105-A</i>
Aggravated trafficking or furnishing of counterfeit drugs	<i>Amends 17-A M.R.S.A. §1105-B</i>
Aggravated furnishing of scheduled drugs	<i>Amends 17-A M.R.S.A. §1105-C</i>
Aggravated cultivating of marijuana	<i>Amends 17-A M.R.S.A. §1105-D</i>
Unlawful possession of scheduled drugs	<i>Amends 17-A M.R.S.A. §1107-A</i>
Sale and use of drug paraphernalia	<i>Amends 17-A M.R.S.A. §1111-A</i>

All amendments effective June 30, 2008

Chapter 512 – L.D. 2051

An Act To Prohibit the Sale of Firearms Other than Handguns to Persons 16 or 17 Years of Age without Parental Consent

It is a violation of law for a person who is not the parent, foster parent or guardian of a child to sell a firearm to a child who is 16 or 17 years of age. An affirmative defense can be raised if the parent, foster parent or guardian approved the sale. The first offense is a civil violation with a fine of up to \$500.00. The second offense is a Class D crime.

Effective June 30, 2008

Amends 17-A M.R.S.A. §554-A

Chapter 518 – L.D. 2240

An Act Containing the Recommendations of the Criminal Law Advisory Commission

A law enforcement officer who has probable cause to believe a suspect has committed or is committing the offenses of domestic violence assault, domestic violence criminal threatening, domestic violence terrorizing, domestic violence stalking, or domestic violence reckless conduct may make a warrantless arrest for the offense.

Effective June 30, 2008

Enacts 17-A M.R.S.A. §15 (1)(A)(5-B)

A law enforcement officer who has probable cause to believe a sex offender has violated a condition of supervised release may arrest the sex offender without a warrant ***when requested by a probation officer.***

Effective June 30, 2008

Enacts 17-A M.R.S.A. §15 (1)(A)(16)

A law enforcement officer who has probable cause to believe that a person has violated a court imposed condition of a deferred disposition agreement may arrest the offender without a warrant ***when requested by the attorney for the State.***

Effective June 30, 2008

Enacts 17-A M.R.S.A. §15 (1)(A)(17)

Chapter 526 – L.D. 2197

An Act to Comprehensively Address Grand Jury Territorial Authority to Indict for Crimes

Normally, one must be indicted by the grand jury serving the county where the crime was committed. This statute allows for the Chief Justice to create judicial regions and each grand jury in a multi-county judicial region can indict for offenses committed anywhere in that region.

Effective June 30, 2008

Enacts 15 M.R.S.A. §1255-A

Chapter 670 – L.D. 1902

An Act To Bring Maine into Compliance with Federal Law Regarding Purchases of Firearms by Persons Found To Be a Danger to Themselves or Others

A person may not own or possess a firearm if the person has been:

- Committed involuntarily to a hospital pursuant to an order of the District Court under Title 34-B § 3864 because the person was found to present a likelihood of serious harm, as defined under Title 34-B § 3801 (A-C);
- Found criminally not responsible by reason of insanity; or
- Found not competent to stand trial in a criminal case.

Effective July 18, 2008

Enacts 15 M.R.S.A. §393 (1)(E)

Five years after discharge from the psychiatric hospital, if there have been no further involuntary commitments, the person may apply to the Commissioner of Public Safety for relief from the disability (so that he or she can possess a firearm).

Effective July 31, 2009

Enacts 15 M.R.S.A. §393 (4-A)

Maine must report to the National Instant Criminal Background Check System the findings of Maine courts that a person has been:

- Committed involuntarily to a hospital pursuant to an order of the District Court under Title 34-B § 3864 because the person was found to present a likelihood of serious harm, as defined under Title 34-B § 3801 (A-C);
- Found criminally not responsible by reason of insanity; or
- Found not competent to stand trial in a criminal case.

Effective July 18, 2008

Enacts 25 M.R.S.A. §1541 (3)(C)

Chapter 684 – L.D. 461

An Act To Implement the Recommendations of the Human Trafficking Task Force

The definition of “restraint” for the purposes of the crime of kidnapping is expanded to include:

- Destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document or other actual or purported government identification document of the person; or
- Using any scheme, plan or pattern intended to cause the other person to believe that if the person does not perform certain labor or services, including prostitution, that the person or another person will suffer serious harm or restraint.

Effective January 1, 2009

Enacts 17-A M.R.S.A. §301(2)(D) & (E)

A new statute is enacted to provide a civil cause of action for victims human trafficking.

Effective January 1, 2009

Enacts 5 M.R.S.A. §4701

Chapter 685 – L.D. 1873

An Act To Amend the Laws Governing Stalking

In order to constitute stalking, conduct previously had to be directed at a particular person. Now, the conduct may not be “directed at or concerning” a specific person. The conduct used to have to cause fear to both the specific person and a reasonable person, now it only has to cause fear in the reasonable person. In addition to fearing death or bodily injury to the victim or a close relation, it now also constitutes stalking if the victim fears damage or destruction of property or harm or injury or death to the victim’s animal.

The definition of “course of conduct” has been modified and now includes “2 or more acts, including but not limited to, acts in which the actor, by any action, method, device or means, directly or indirectly follows, monitors, tracks, observes, surveils, threatens, harasses, or communicates to or about a person or interferes with a person’s property.” It also includes “threats implied by conduct and gaining unauthorized to personal, medical, financial or other identifying or confidential information”.

Effective July 18, 2008

Amends 17-A M.R.S.A. §210-A

Chapter 688 – L.D. 2079

An Act To Strengthen the Crime of Visual Sexual Aggression Against a Child

The words “in a private place” have been stricken from the portion of the visual sexual aggression statute that prohibits video surveillance (so that statute now covers public places as well). The requirement that it has to be done in an area where the victim would expect to be free from surveillance is still in it.

Effective July 18, 2008

Amends 17-A M.R.S.A. §256(1) (C) & (D)

Chapter 694 – L.D. 2001

An Act To Reduce Wild Blueberry Theft

Shippers and processors of wild blueberries have a responsibility to keep documentation proving the source of the blueberries and copies of blueberry transportation permits. It is now a criminal violation for the 3rd or subsequent offense of failing to maintain the proper documentation.

Effective April 24, 2008

Enacts 36 M.R.S.A. §4316 (3-A)

Communications

Chapter 504 – L.D. 2238

An Act Regarding Tort Liability in the Provision of E-9-1-1 Access-only Service

The statute limiting the tort liability of a telecommunications provider that develops and maintains the E-9-1-1 system is broadened to also cover the “establishment” of the system. The “E-9-1-1” system is defined as including all networks, databases, and call processing services necessary to provide enhanced 9-1-1 and enhanced 9-1-1 access-only services.

Effective June 30, 2008

Amends 25 M.R.S.A. §2930 (2)

Chapter 622 – L.D. 2279

An Act To Ensure Equitable Payment for 9-1-1 Services

The PUC can now have an adjudicatory hearing to set the fee that a PSAP charges another political subdivision for 9-1-1 services. Every municipality which does not have a PSAP must contract with a PSAP to obtain services or the Department of Public Safety will do it for the municipality (and bill the municipality accordingly).

Effective April 15, 2008

Enacts 25 M.R.S.A. §1535, 2923-A

Chapter 637 – L.D. 2265

An Act To Reduce the Amount Collected for the Purpose of the E-9-1-1 System

The E-9-1-1 surcharge has been reduced from \$0.50 per line, per month, to \$0.30 per line, per month.

Effective April 16, 2008

Amends 25 M.R.S.A. §2927 (1-B)

Fish and Wildlife

Chapter 492 – L.D. 2142

An Act To Amend the Law Governing Antlerless Deer Permits

A person with a super pack hunting license may enter the lottery for antlerless deer permits.

Effective March 12, 2008

Amends 12 M.R.S.A. § 11109-A (2)

At least 25% of antlerless deer permits in a wildlife management district shall be reserved for landowners who keep their lands open to the hunting public.

Effective March 12, 2008

Amends 12 M.R.S.A. § 11152 (4)

Chapter 494 – L.D. 2006

An Act To Give Municipalities Control of Mussels Located in Intertidal Zones

Municipalities may specify areas of the intertidal zone in which the dragging of mussels may be limited to the degree necessary to support a municipal conservation program. Mussel permits issued by the Commissioner must be limited to the number the commissioner determines is necessary to achieve the conservation goals of the municipality.

Effective June 30, 2008

Amends 12 M.R.S.A. § 6671 (3)(A) & (12)

Chapter 509 – L.D. 1979

An Act Regarding the Use of Designated State-approved ATV Trails

Permission to for the public to ride an ATV on a landowner's property is presumed if the ATV is ridden on a State-approved trail which crosses the landowner's property. Landowners may limit the use of the trail crossing the property through agreements with the State or an ATV club to address environmental, public safety or management concerns.

Effective June 30, 2008

Amends 12 M.R.S.A. § 13157-A (1-A)

Chapter 532 – L.D. 2089

An Act To Allow Certain Assistance to Guides and Hunters

A licensed guide may employ a person who is not a guide to operate a motor vehicle other than an ATV or snowmobile to transport hunters for the sole purpose of delivering them to a predetermined location. The person employed may not engage in hunting, transport hunting equipment for that own person's use unless it is fastened in a case, accompany the hunters into fields or forests, or assist in hunting activities. It is a Class E crime if the driver violates this section. The guide who employed the driver gets a warning and if the guide gets three or more warnings in a five- year period, it is a civil offense. ***This section is automatically repealed on July 31, 2010.***

Effective June 30, 2008

Enacts 12 M.R.S.A. § 12861

Chapter 557 – L.D. 1980

An Act To Preserve the Cobscook Bay Scallop Fishery

This Act produced a number of new statutes and fines relating to scallops in Cobscook Bay. Please see the statutes referenced below if they interest you.

Effective June 30, 2008

Repeals and Replaces parts of 12 M.R.S.A. § 6701 et seq.

Chapter 607 – L.D. 2071

An Act To Amend Maine’s Scallop Laws

This Act produced a number of amendments to scallop license laws. Please see the statutes referenced below if they interest you.

Effective July 18, 2008

*Repeals and Replaces parts of 12 M.R.S.A. § 6702, 6706, 6726, 6729, 6701 et seq.
Enacts 12 M.R.S.A. § 6073-B, 6706, 6723*

Chapter 651 – L.D. 1982

An Act To Amend Certain Provisions of the Fish and Wildlife Laws

For the purposes of Title 12, a person is not a resident unless the person has been domiciled in the State for at least one year (previously was three months).

Effective April 18, 2008

Amends 12 M.R.S.A. § 10001 (53)

Juvenile Law

Chapter 536 – L.D. 1953

An Act To Amend the Laws Relating to the Department of Corrections

This law makes some substantive and housekeeping changes to juvenile law.

The major substantive change is that it now provides for accord and satisfaction (if the victim could sue the suspect civilly and victim tells the court an agreement has been reached and doesn't want the juvenile case to go forward, it is dropped). It does not apply to cases of refusing to submit to arrest, to any crime where the victim is a family or household member, to any juvenile who already had an accord and satisfaction, or to any juvenile with a prior juvenile adjudication (conviction).

Effective June 30, 2008

Enacts 15 M.R.S.A. § 891

Chapter 686 – L.D. 1897

An Act To Allow Blended Sentencing for Certain Juveniles

A juvenile who has been bound over for an adult crime, convicted, and sentenced to a term of imprisonment which starts before the juvenile has attained the age of 16 years, must be sentenced to a juvenile facility for an indeterminate period, not to extend beyond the age of 18 years and then can be placed in an adult facility for the remainder of the sentence.

Effective July 18, 2008

Enacts 17-A M.R.S.A. § 1259

Animal Control

Chapter 702 – L.D. 2171

An Act To Amend the Animal Welfare Laws

The definition of a “breeding kennel” is expanded to include a location where more than 16 dogs or cats raised on the premises are sold to the public in a 12-month period.

Effective July 18, 2008

Amends 7 M.R.S.A. §3907 (8-A)

The definition of a “dangerous dog” is expanded to include a dog which bites a domesticated animal (formerly was just dogs that bit people). An exception has been added for a dog with no prior history of aggressiveness that bites or threatens to bite an individual who provoked it and was on the dog owner’s premises.

Effective July 18, 2008

Amends 7 M.R.S.A. §3907 (12-D)

A definition has been added for “humanely clean conditions.” To meet the definition, both indoor and outdoor enclosures must be cleaned on a periodic basis to remove excrement, dirt and trash to minimize health hazards to the animal.

Effective July 18, 2008

Enacts 7 M.R.S.A. §3907 (15-B)

The animal cruelty statute has been amended to include “confines an animal in a building, enclosure, car, boat, vehicle or vessel of any kind when extreme heat or cold will be harmful to its health.”

Effective July 18, 2008

Enacts 7 M.R.S.A. §4011 (2) (D)

A LEO, humane agent or ACO, may take all steps reasonably necessary to remove an animal from a motor vehicle if the animal’s safety, health or well being appears to be in immediate danger from heat, cold or a lack of ventilation and the conditions could be expected to cause extreme suffering or death.

The removing officer must leave a note in a conspicuous place that states the identity of the officer and where the animal may be found. The owner must pay all expenses of the medical care before the animal may be picked up.

There is immunity from criminal and civil liability for the officer who engages actions pursuant to this statute.

Effective July 18, 2008

Enacts 7 M.R.S.A. §4011 (2) (D)

Miscellaneous

Chapter 501 – L.D. 1881

An Act to Improve Transparency and Accountability in Government

The law that states that every person has the right to inspect and copy any public record within a reasonable time after making the request has been amended. It now states that an agency may ask clarifying questions about exactly what records are being requested, but that the request for records must be acknowledged within a reasonable period of time.

Effective June 30, 2008

Amends 1 M.R.S.A. §408 (1)

Chapter 510 – L.D. 2081

An Act To Prohibit the Retail Sale and Distribution of Novelty Lighters Prohibited

It is a civil violation to sell at retail, offer to sell at retail or distribute for retail sale or promotion any novelty lighter (a device used for lighting cigarettes, pipes or cigars which appears to be a toy). The fine is up to \$500.00.

Effective March 24, 2008

Enacts 25 M.R.S.A. §2467

Chapter 549 – L.D. 2124

An Act To Prevent the Theft of Certain Metals

Scrap metal processors must now maintain an “accurate and legible” record of each scrap metal purchase transaction which exceeds 100 lbs or \$50.00. Payment shall be made only in check and contain a record of the name of the payee, check number and the name of the financial institution on which the check is drawn. The only exception is if the purchases are pursuant to a written contract or bill of sale.

The log must contain name, address and gender of seller (verified by identification), the date of the transaction, a general description of the predominant types of scrap metal purchased, a general description of the configuration of the metal and whether it is insulated, the weight, quantity or volume, the money paid and a signed statement that the seller is the owner or otherwise authorized to sell the material. The records must be maintained for one year and made available to any law enforcement officer who requests to see them.

Certain items – scrap metal marked with initials of a utility, governmental entity, railroad or beer manufacturer, manhole covers, street lights, guard rails, street signs, water meter covers, beer kegs, traffic signals, unused or undamaged building materials, historical markers, grave markers and catalytic converters may not be purchased without the additional requirement of a signed statement from the seller stating that the items are not stolen to the best of the seller’s knowledge.

There may not be any purchases from minors without a written statement of consent from a parent.

Violations of these sections are civil violations with penalties of \$50 to \$1500.00.

Effective April 3, 2008

Enacts 30-A M.R.S.A. §3771 et seq.

Chapter 553 – L.D. 2182

An Act to Allow Civil Penalties for Damaging Utility Property or for Theft of Utility Services

There are now some specific statutes that allow utilities to civilly pursue a person involved with theft of utility services and the damage to utility equipment associated with the theft. It does not take away your ability to charge someone criminally, but you may get fewer reports if utilities decide that they would rather use these statutes.

Effective April 3, 2008

Enacts 35-A M.R.S.A. §2706 et seq.

Chapter 555 – L.D. 2267

An Act to Increase the Number of Concealed Firearms Permits Reciprocity Agreements that Maine May Enter into with Other Eligible States

Previously Maine could only enter into reciprocity agreements for concealed weapons permits with two other states. That limit has been removed.

Effective June 30, 2008

Amends 25 M.R.S.A. §2001-A (2)(F)

Chapter 577 – L.D. 2243

An Act To Increase the Number of Mandated Reporters of Abuse, Neglect or Exploitation

Sexual assault counselors and domestic violence advocates are added to the list of people who must report suspected abuse of children or incapacitated or dependent adults.

Effective July 18, 2008

Amends 22 M.R.S.A. § 3477 (1)(A)

Amends 22 M.R.S.A. § 4011-A (1)(A)

Chapter 586 – L.D. 2000

An Act To Authorize DHHS to Investigate Suspicious Deaths of Children

In addition to reporting suspected child abuse or neglect, mandatory reporters must now also report when a suspicious child death has occurred.

Effective July 18, 2008

Amends 22 M.R.S.A. § 4011-A

Chapter 601 – L.D. 1505

An Act To Adopt the Revised Uniform Anatomical Gift Act

If a law enforcement officer, firefighter, paramedic or other emergency responder finds a person who is dead or near death, the official must search the person to look for documentation that indicates whether the person is an organ donor. There's no criminal or civil liability for failing to perform this search, but the responder may be subject to administrative sanctions.

Effective July 18, 2008

Enacts 22 M.R.S.A. § 2952

Chapter 603 – L.D. 1923

An Act To Implement the Recommendations of the Right-To-Know Advisory Committee Creating the Public Access Ombudsman

The Attorney General's office has been directed to create the position of Public Access Ombudsman to assist with the compliance with Maine's Freedom of Access laws.

This law creating this position is repealed effective June 30, 2009.

Effective July 18, 2008

Enacts 5 M.R.S.A. §200-I

Chapter 609 – L.D. 1951

An Act To Create the Mental Health Homicide, Suicide and Aggravated Assault Review Board

A new board has been established to review homicides, suicides and aggravated assaults which involve a person with severe and persistent mental illness.

Effective July 18, 2008

Enacts 34-B M.R.S.A. §1931

Chapter 633 – L.D. 2187

An Act To Allow Limited Charitable Solicitation by Law Enforcement Associations

Law enforcement agencies or associations may solicit property from the general public for the benefit of a LEO or his/her immediate family suffering from a catastrophic illness. The fundraising must be done in a particular manner, utilize a public benefit corporation and contain a notice with required wording. Check the statute for all of the specific requirements before undertaking fundraising.

Effective July 18, 2008

Enacts 25 M.R.S.A. §3701 (8) & 3702-C

Chapter 634 – L.D. 2220

An Act To Aid Victims of Identity Theft in Securing a Police Report

Law enforcement agencies with jurisdiction over a person's actual residence or place of business are now required to take reports of suspected identity theft from that person. They still retain discretion over whether to investigate.

Effective July 18, 2008

Enacts 10 M.R.S.A. §1350-B

Chapter 654 – L.D. 2047

An Act To Shield Journalist's Confidential Sources

Subpoenas may not be issued to compel journalists to testify about the identity of their confidential sources or to obtain information which could be used to identify a confidential source unless there has been a court hearing where the journalist has had an opportunity to be heard and the judge concludes that the identify of the source is needed to serve the interests of justice (the specific interests are described in the statute).

Effective July 18, 2008

Enacts 16 M.R.S.A. §61