

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTY-SECOND LEGISLATURE**

**SECOND REGULAR SESSION**  
**JANUARY 7, 2026 to APRIL 29, 2026**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NONEMERGENCY LAWS IS**  
**JULY 29, 2026**

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

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**Augusta, Maine**  
**2026**

C. Use an agent or employee of an immigration authority as an interpreter for local law enforcement agency matters regarding a person in the law enforcement agency's custody; or

D. Transfer a person to an immigration authority unless authorized by a court order or criminal warrant.

With the exception of willful or wanton misconduct, a law enforcement agency that acts in good faith compliance with this section in releasing a person subject to a hold request is immune from civil or criminal liability as a result of making the release.

**2. Permitted activities.** Notwithstanding the provisions of subsection 1, if an activity does not violate a policy of the law enforcement agency or a state or local law or policy of the jurisdiction in which the agency is operating, a law enforcement agency may:

A. Investigate, take enforcement action against or detain a person upon reasonable suspicion of or arrest a person for a violation of 8 United States Code, Section 1326 that may be subject to the enhancement specified under 8 United States Code, Section 1326(b)(2) and that is detected during an unrelated law enforcement activity. A transfer to an immigration authority under this paragraph is permitted only if authorized by a court order or criminal warrant;

B. Respond to a request from an immigration authority for information about a specific person's criminal history, including a previous criminal arrest or conviction or similar public criminal history record information accessed under Title 16, chapter 7, when otherwise permitted by state law;

C. Conduct enforcement or investigative duties associated with a joint law enforcement task force, including the execution of a warrant or sharing of confidential information with a federal law enforcement agency or another law enforcement agency, for the purpose of a task force investigation, if:

(1) The primary purpose of the joint law enforcement task force is not immigration enforcement;

(2) The enforcement or investigative duties are primarily related to a violation of state or federal law, including but not limited to terrorism, drug trafficking or human trafficking; and

(3) Participation in the task force by the law enforcement agency does not violate any state or local law or policy to which the agency is subject;

D. Make an inquiry into information necessary to certify an individual identified as a potential crime or trafficking victim for a visa pursuant to 8 United

States Code, Section 1101(a)(15)(T) or 1101(a)(15)(U) or to comply with 18 United States Code, Section 922(d)(5); or

E. Give an immigration authority access to interview an individual in the custody of the agency, as long as the immigration authority's interview request is supported by a valid court order.

#### **§4764. Duties of custodial law enforcement agencies**

A law enforcement agency shall, for an inmate in the agency's custody:

**1. Written consent for voluntary interview.** In advance of an interview between the inmate and an immigration authority regarding a civil immigration violation, provide the inmate with a written consent form that explains the purpose of the interview, that the interview is voluntary and that the inmate may decline the interview or be interviewed only with the inmate's attorney present. The consent form must be written in the primary language of the inmate and read to the inmate by a person who is not an immigration authority. This paragraph does not establish a right of counsel that otherwise does not exist in law; and

**2. Notice of hold request.** Upon receiving a hold request, provide a copy of the request to the inmate and inform the inmate that the law enforcement agency is prohibited under section 4763 from detaining an inmate based solely on the hold request.

#### **§4765. Records**

A law enforcement agency shall make reasonable efforts to retain for a period of 4 years a copy of a hold request and any other request along with any accompanying information or documentation provided by an immigration authority and information on the inmate subject to the hold request.

See title page for effective date.

## **CHAPTER 518**

**H.P. 1332 - L.D. 1985**

### **An Act to Implement the Recommendations of the Maine Abandoned and Discontinued Roads Commission**

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

**Sec. 1. 14 MRSA §159-E is enacted to read:**

#### **§159-E. Limited liability for repairs and maintenance of public easement**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Public easement" has the same meaning as in Title 23, section 3021, subsection 2 and as described in Title 23, section 3022.

B. "Repairs and maintenance" includes, but is not limited to, snowplowing, snow removal, sanding and ice control; grading and adding gravel and surface material; installing reclaimed asphalt or grinding existing pavement for reuse; installing, cleaning and replacing culverts; creating and maintaining ditches, drains and other storm water management infrastructure; creating and maintaining sight distances on curves and at intersections; and cutting brush, trees and vegetation in the right-of-way.

**2. Limitation of liability; repairs and maintenance of public easement.** Except as otherwise provided in this section, an owner, lessee or occupant of property abutting a public easement or a portion of a public easement, including, but not limited to, a road association formed under Title 23, Part 3, chapter 305, subchapter 2 and a member of that road association, or an agent of such persons, is not liable for personal injury, property damage or death caused by:

A. Repairs and maintenance conducted on that public easement by the owner, lessee or occupant, or the agent of such persons, if the repairs and maintenance were conducted in order for the owner, lessee or occupant to access the owner's, lessee's or occupant's property over the public easement from a public way; or

B. Public access or public use of the public easement.

**3. Exception; dangerous conditions.** The limitations in subsection 2 do not limit any liability that may otherwise exist for a willful or malicious creation of, or failure to guard or warn against, a dangerous condition on a public easement that is reasonably known to an owner, lessee or occupant of property abutting the public easement.

**4. Duty not created.** This section does not create a duty of care for an owner, lessee or occupant of property abutting a public easement to keep, or grounds for liability for injury to a person or property for failure to keep, a public easement safe for public access or public use for persons entering the public easement for such purposes.

**5. Landowner liability for environmental damage by others.** In accordance with this section, an owner, lessee or occupant of property abutting a public easement, including, but not limited to, a road association formed under Title 23, Part 3, chapter 305, subchapter 2 and a member of that road association, or an agent of such persons, that conducts repairs and maintenance on the public easement or suffers the public access or use of the public easement:

A. In accordance with Title 12, section 685-C, subsection 11 and Title 38, section 347-A, subsection 7, is not subject to criminal sanctions or civil penalties or forfeitures for a violation of laws or rules enforced by the Maine Land Use Planning Commission or the Department of Environmental Protection, as applicable, if the owner, lessee or occupant provides substantial credible evidence to the Maine Land Use Planning Commission or the Department of Environmental Protection, as applicable, that the violation was committed by a person other than the owner, lessee or occupant or a contractor, employee or agent of the owner, lessee or occupant; and

B. Notwithstanding Title 12, section 685-C, subsection 11 and Title 38, section 347-A, subsection 7, if the owner, lessee or occupant provides the substantial credible evidence described in paragraph A, the owner, lessee or occupant may not be held responsible for remediating or abating the environmental damage caused by the violation or for the costs of such remediation or abatement.

**6. Legal costs; attorney's fees.** If an owner, lessee or occupant of property abutting a public easement or a portion of a public easement, including, but not limited to, a road association formed under Title 23, Part 3, chapter 305, subchapter 2 and a member of that road association, or an agent of such persons, that conducts repairs and maintenance on the public easement or suffers the public access or use of the public easement is found not liable for personal injury, property damage or death pursuant to this section, the court shall award the owner, lessee or occupant any direct legal costs, including reasonable attorney's fees.

**Sec. 2. 23 MRSA §3105-A**, as amended by PL 2023, c. 642, §2, is further amended to read:

#### **§3105-A. Use of town equipment**

The legislative body of any town or village corporation at a legal town or village corporation meeting may authorize the municipal officers of the town or assessors of the village corporation to use the town's or village corporation's highway equipment on ~~private ways~~ public easements within such town or village corporation to plow, maintain or repair those ~~private ways~~ public easements to the extent directed by the legislative body and whenever such municipal officers or assessors consider it advisable in the best interest of the town or village corporation for fire and police protection. As used in this section, "public easement" has the same meaning as in section 3021, subsection 2 and as described in section 3022.

**1. Repairs and maintenance of public easements.** The municipal officers of a town or the assessors of a village corporation, on their own initiative or upon written petition pursuant to Title 30-A, section 2521 of the owners, lessees or occupants of property

used as year-round primary residences that are located along or only accessible over one or more public easements, may request the legislative body of the town or village corporation to vote to provide a minimum level of year-round repairs and maintenance for the public easement or easements. The minimum level of year-round repairs and maintenance for a public easement or easements that may be provided by a town or village corporation under this subsection:

A. May be provided up to the driveway of the last year-round primary residence that is located along or only accessible over the public easement and that is furthest from the nearest public way;

B. Must be lower than the standard for maintenance of highways, town ways and streets under section 3651;

C. May include annual grading, repair, maintenance, snowplowing and replacement of drains and culverts as required to keep the public easement reasonably passable for residential access as determined by the town or village corporation; and

D. If approved by a vote of the legislative body of the town or village corporation, must continue to be provided until the legislative body votes to discontinue providing year-round repairs and maintenance.

**2. Required signage.** A town or village corporation that votes to provide a minimum level of year-round repairs and maintenance of a public easement pursuant to subsection 1 shall, at each intersection of such public easement with a public way or private road, install and maintain a sign reasonably visible to drivers at the entrance to the public easement that reads: "Minimum Maintenance Road - Travel at Your Own Risk." The sign required under this subsection must conform to the requirements of the most recent Manual on Uniform Traffic Control Devices for Streets and Highways published by the United States Department of Transportation, Federal Highway Administration, including, but not limited to, the requirement that the sign be a minimum 24-inch-by-24-inch diamond shape with black lettering at least 3 inches high on a yellow retroreflective background.

**3. Liability.** A town or village corporation that votes to provide a minimum level of year-round repairs and maintenance of a public easement pursuant to subsection 1 is immune from liability relating to that repairs and maintenance under the Maine Tort Claims Act and under Title 23, chapter 313.

**Sec. 3. 29-A MRSA §2395, sub-§4,** as amended by PL 2017, c. 25, §1, is further amended to read:

**4. Designation by counties and municipalities.** County commissioners and municipal officers may designate public ways, other than those in subsection 3, and

public easements, regardless of whether the county or municipality maintains or repairs the public easement, and impose restrictions within their respective jurisdictions similar to those made by the Department of Transportation under subsection 3. Any vehicle delivering home heating fuel or organic animal bedding material and operating in accordance with a permit issued by the Department of Transportation pursuant to this section may travel over any county or town way or public easement without a specific municipal or county permit. A municipality may impose additional restrictions for a vehicle delivering home heating fuel or organic animal bedding material to operate on public ways and public easements within that municipality but may not require a permit to operate according to those restrictions. As used in this subsection, "public easement" has the same meaning as in Title 23, section 3021, subsection 2 and as described in Title 23, section 3022.

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

#### **ATTORNEY GENERAL, DEPARTMENT OF THE**

##### **Road Commission Fund Z353**

Initiative: Provides ongoing appropriations of \$6,500 to the Road Commission Fund program to provide expense reimbursement for members and to support the work of the Maine Abandoned and Discontinued Roads Commission.

| GENERAL FUND       | 2025-26 | 2026-27 |
|--------------------|---------|---------|
| All Other          | \$6,500 | \$6,500 |
| GENERAL FUND TOTAL | \$6,500 | \$6,500 |

See title page for effective date.

## **CHAPTER 519**

### **H.P. 10 - L.D. 46**

#### **An Act to Establish a Grant Program to Increase Postsecondary Educational Opportunities for Students with Intellectual or Developmental Disabilities or Autism Spectrum Disorder**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this legislation establishes the Inclusive Higher Education Grant Program to support programs at institutions of higher education designed to increase postsecondary educational opportunities for students with intellectual or developmental disabilities or autism spectrum disorder; and