

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2002 to April 25, 2002**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 25, 2002**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2002**

Total	\$0	\$50,000
<b>Federal Expenditures Fund</b>	<b>2001-02</b>	<b>2002-03</b>
All Other	\$0	\$98,412
Total	\$0	\$98,412
<b>HUMAN SERVICES, DEPARTMENT OF</b>		
<b>DEPARTMENT TOTAL</b>	<b>2001-02</b>	<b>2002-03</b>
<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$50,000</b>
<b>FEDERAL EXPENDITURES</b>		
<b>FUND</b>	<b>0</b>	<b>98,412</b>
<b>DEPARTMENT TOTALS -</b>		
<b>ALL FUNDS</b>	<b>\$0</b>	<b>\$148,412</b>

**Sec. 10. Effective date.** This Act takes effect January 1, 2003.

Effective January 1, 2003.

## CHAPTER 684

H.P. 1448 - L.D. 1945

### An Act to Promote Organ Donation

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

**Sec. 1. 26 MRSA §843, sub-§4, ¶C,** as enacted by PL 1987, c. 661, is amended to read:

C. The placement of a child 16 years of age or less with the employee in connection with the adoption of the child by the employee; ~~or~~

**Sec. 2. 26 MRSA §843, sub-§4, ¶D,** as amended by PL 1997, c. 546, §1, is further amended to read:

D. A child, parent or spouse with a serious health condition; ~~or~~

**Sec. 3. 26 MRSA §843, sub-§4, ¶E** is enacted to read:

E. The donation of an organ of that employee for a human organ transplant.

**Sec. 4. Posting of notice.** Notwithstanding the Maine Revised Statutes, Title 26, section 42-B, the Department of Labor, Bureau of Labor Standards is not required to modify and redistribute the printed notice required by that section to reflect the changes in the laws resulting from this Act. The Bureau of Labor Standards shall modify the printed notice to reflect the changes contained in this Act when it becomes necessary to print additional notices due to an

insufficient supply of such notices or future changes in the laws.

See title page for effective date.

## CHAPTER 685

H.P. 1463 - L.D. 1960

### An Act to Promote Safety of Families through the Workplace

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

**Sec. 1. 26 MRSA §850, sub-§1,** as enacted by PL 1999, c. 435, §1, is amended to read:

**1. Required leave.** An employer must grant reasonable and necessary leave from work, with or without pay, for an employee to:

A. Prepare for and attend court proceedings;

B. Receive medical treatment or attend to medical treatment for a victim who is the employee's daughter, son, parent or spouse; or

C. Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.

The leave must be needed because the employee or the employee's daughter, son, parent or spouse is a victim of violence, assault, sexual assaults under Title 17-A, chapter 11, stalking or any act that would support an order for protection under Title 19-A, chapter 101. An employer may not sanction an employee or deprive an employee of pay or benefits for exercising a right granted by this section.

**Sec. 2. 26 MRSA §850, sub-§1-A** is enacted to read:

**1-A. Definitions.** For purposes of this subchapter, the terms "daughter," "son," "parent" and "spouse" have the same meanings as those terms have under federal regulations adopted pursuant to 29 United States Code, Section 2654, as in effect on January 1, 2002. An employer may require an employee to provide reasonable documentation of the family relationship, which may include a statement from the employee, a birth certificate, a court document or similar documents.

**Sec. 3. 26 MRSA §850, sub-§2, ¶A,** as enacted by PL 1999, c. 435, §1, is amended to read:

A. The employer would sustain undue hardship from the ~~victim's~~ employee's absence;

**Sec. 4. Posting of notice.** Notwithstanding the Maine Revised Statutes, Title 26, section 42-B, the Department of Labor, Bureau of Labor Standards is not required to modify and redistribute the printed notice required by that section to reflect the changes in the laws resulting from this Act. The Bureau of Labor Standards shall modify the printed notice to reflect the changes contained in this Act when it becomes necessary to print additional notices due to an insufficient supply of such notices or future changes in the laws.

See title page for effective date.

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## CHAPTER 686

H.P. 1658 - L.D. 2163

### An Act to Implement the Recommendations of the Commission to Study Domestic Violence

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

#### PART A

**Sec. A-1. 15 MRSA §1023, sub-§4,** as enacted by PL 1987, c. 758, §20, is repealed and the following enacted in its place:

**4. Limitations on authority.** A bail commissioner may not:

A. Set preconviction bail for a defendant confined in jail or held under arrest by virtue of any order issued by a court in which bail has not been authorized;

B. Change bail set by a court; or

C. In a case involving domestic violence, set preconviction bail for a defendant before making a good faith effort to obtain from the arresting officer, the district attorney, a jail employee or other law enforcement officer;

(1) A brief history of the alleged abuser;

(2) The relationship of the parties;

(3) The name, address, phone number and date of birth of the victim; and

(4) Existing conditions of protection from abuse orders, conditions of bail and conditions of probation.

#### PART B

**Sec. B-1. 25 MRSA §2803-B, sub-§§1, 2 and 3,** as enacted by PL 1993, c. 744, §5, are amended to read:

**1. Law enforcement policies.** All law enforcement agencies shall adopt written policies regarding procedures to deal with the following:

A. Use of force;

B. Barricaded persons and hostage situations;

C. Persons exhibiting deviant behavior;

D. Domestic violence, which must include, at a minimum, the following:

(1) A process to ensure that a victim receives notification of the defendant's release from jail;

(2) A risk assessment for the defendant that includes the defendant's previous history, the parties' relationship, the name of the victim and a process to relay this information to a bail commissioner before a bail determination is made; and

(3) A process for the safe retrieval of personal property belonging to the victim or the defendant that includes identification of a neutral location for retrieval, the presence of at least one law enforcement officer during the retrieval and at least 24 hours notice to each party prior to the retrieval;

E. Hate or bias crimes;

F. Police pursuits;

G. Citizen complaints of police misconduct; and

H. Criminal conduct engaged in by law enforcement officers.

The chief administrative officer of each agency shall certify to the board that attempts ~~are~~ were made to obtain public comment during the formulation of policies.

**2. Minimum policy standards.** The board shall establish minimum standards for each law enforcement policy no later than June 1, 1995, except that policies for expanded requirements for domestic violence under subsection 1, paragraph D, subparagraphs (1) to (3) may be established no later than January 1, 2003.

**3. Agency compliance.** The chief administrative officer of each law enforcement agency shall