

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2010 to June 29, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 28, 2011**

**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**  
**2011**

tion kit and shall inform the alleged victim which law enforcement agency is storing the kit.

If the alleged victim reports the alleged offense to a law enforcement agency by the time the examination is complete, the investigating law enforcement agency shall ~~transport~~ retain custody of the forensic examination kit ~~directly to the Maine State Police Crime Laboratory.~~

If an examination is performed under subsection 5 and the alleged victim does not, within 60 days, regain a state of consciousness adequate to decide whether or not to report the alleged offense, the State may file a motion in the District Court relating to storing or processing the forensic examination kit. Upon finding good cause and after considering factors, including, but not limited to, the possible benefits to public safety in processing the kit and the likelihood of the alleged victim's regaining a state of consciousness adequate to decide whether or not to report the alleged offense in a reasonable time, the District Court may order either that the kit be stored for additional time or that the kit be transported to the Maine State Police Crime Laboratory for processing, or such other disposition that the court determines just. In the interests of justice or upon motion by the State, the District Court may conduct hearings required under this paragraph confidentially and in camera and may impound pleadings and other records related to them.

See title page for effective date.

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**CHAPTER 60**

**H.P. 145 - L.D. 168**

**An Act To Require a Medical Examiner To Determine whether an Autopsy Is Needed in the Case of the Death of a Prisoner in a Correctional Facility**

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

**Sec. 1. 22 MRSA §3025, sub-§1, ¶D,** as repealed and replaced by PL 1985, c. 611, §6, is amended to read:

D. Death when the person is in custody pursuant to an arrest, confined in a state correctional facility, county ~~institution~~ jail, other correctional facility or local lockup, unless clearly certifiable by an attending physician as due to specific natural causes or is in transport between any of these places while in the custody of a law enforcement officer or county or state corrections official;

**Sec. 2. 30-A MRSA §1562-A** is enacted to read:

**§1562-A. Death of a prisoner**

When a prisoner in county or state custody dies, an examination and inquest must be held, and the commissioner or the chief administrative officer of the facility shall cause a medical examiner to be immediately notified for that purpose pursuant to Title 22, section 3025. For purposes of this section, "county or state custody" means custody pursuant to an arrest, confinement in a state correctional facility, county jail, other correctional facility or local lockup or when the prisoner is in transport between any of these places while in the custody of a law enforcement officer or county or state corrections official. The medical examiner shall also review the case file and relevant medical records and determine whether an autopsy is needed. If the medical examiner determines that an autopsy is needed, an autopsy must be performed.

**Sec. 3. 30-A MRSA §1563,** as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

**§1563. Disposal of body of person who died in jail**

When a person dies in jail and if the medical examiner determines that an autopsy is not needed under section 1562-A, the jailer or sheriff shall deliver the body to the friends of the deceased, if requested. Otherwise, the jailer or sheriff shall dispose of it for anatomical purposes, as provided in Title 22, chapter 709, unless the deceased at any time requested to be buried, in which case the jailer or sheriff shall bury the body in the common burying ground and the burial expenses ~~shall~~ must be paid by the municipality in which the deceased had a residence, if any in the State, or, if not, by the State.

**Sec. 4. 34-A MRSA §3045,** as amended by PL 1991, c. 314, §49, is further amended to read:

**§3045. Death of client**

~~When the death of any client in any correctional or detention facility is not clearly the result of natural causes~~ county or state custody dies, an examination and inquest must be held as in other cases, and the commissioner or the chief administrative officer of the facility shall cause a medical examiner to be immediately notified for that purpose pursuant to Title 22, section 3025. For purposes of this section, "county or state custody" means custody pursuant to an arrest, confinement in a state correctional facility, county jail, other correctional facility or local lockup or when the prisoner is in transport between any of these places while in the custody of a law enforcement officer or county or state corrections official. The medical examiner shall also review the case file and relevant medical records and determine whether an autopsy is

needed. If the medical examiner determines that an autopsy is needed, an autopsy must be performed.

See title page for effective date.

**CHAPTER 61**

**H.P. 238 - L.D. 294**

**An Act To Allow Persons 70 Years of Age or Older Expanded Crossbow Privileges**

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

**Sec. 1. 12 MRSA §10952**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7 and c. 614, §9, is repealed and the following enacted in its place:

**§10952. Open seasons for hunting with bow and arrow and crossbow**

**1. Hunting with a bow and arrow.** A person may, except as otherwise provided in this Part, hunt any wild bird or wild animal with a hand-held bow and arrow during any open season on that bird or animal.

**2. Hunting with a crossbow; 70 years of age or older.** A person 70 years of age or older may hunt a wild bird or a wild animal with a crossbow during any open season on that wild bird or wild animal subject to the laws of this Part.

This subsection is repealed January 1, 2015.

**Sec. 2. 12 MRSA §10953, sub-§1**, as enacted by PL 2005, c. 419, §2 and affected by §12, is amended to read:

**1. Species and seasons.** Except as provided in this Part, a person may hunt bear with a crossbow during the open season on bear as provided in section 11251 and may hunt deer with a crossbow during the open firearm season on deer as provided in section 11401. This subsection does not authorize a person to hunt deer with a crossbow during an expanded archery season established under section 11403 or in an expanded archery zone or during the muzzle-loading-only deer hunting season established under section 11404, except as provided in subsection 1-A.

**Sec. 3. 12 MRSA §10953, sub-§1-A** is enacted to read:

**1-A. Hunting with a crossbow; 70 years of age or older.** A person 70 years of age or older may hunt deer with a crossbow during an expanded archery season established under section 11403 or in an expanded archery zone or during the muzzle-loading-only deer hunting season established under section 11404.

This subsection is repealed January 1, 2015.

**Sec. 4. 12 MRSA §11403, sub-§2**, as amended by PL 2007, c. 163, §2 and affected by §3, is further amended to read:

**2. Open archery season on deer.** The commissioner shall by rule establish a regular archery-only season beginning at least 30 days prior and extending to the beginning of the regular deer hunting season, as described in section 11401, subsection 1, paragraph A, for the purpose of hunting deer with bow and arrow only. During the regular archery-only season on deer, except as provided in section 10952, subsection 2 and section 10953, subsection 1-A, the following restrictions apply.

A. A person may not take a deer during a regular archery-only season unless that person uses a hand-held bow and broadhead arrow with the following specifications.

- (1) Bows must have a minimum draw weight of 35 pounds.
- (2) Arrowheads, including mechanical broadheads when open, must be at least 7/8 inch in width.

B. A person may not carry firearms of any kind while hunting any species of wildlife with bow and arrow during the regular archery-only season on deer, except that a person who holds a license that allows hunting with firearms may carry a handgun. This paragraph may not be construed to prohibit a person who holds a valid permit to carry a concealed firearm pursuant to Title 25, section 2003 from carrying a firearm.

C. Except as provided in section 11109-A, subsection 3, if a person takes a deer with bow and arrow during the regular archery-only season on deer, that person is precluded from further hunting for deer during that year.

D. Except as provided in this subsection, the provisions of this Part concerning deer are applicable to the taking of deer with bow and arrow, including the transportation, registration and possession of deer taken by this method.

A person who violates this subsection commits a Class E crime.

**Sec. 5. 12 MRSA §11603, sub-§1-A** is enacted to read:

**1-A. Hunting moose with a crossbow; 70 years of age or older.** Notwithstanding subsection 1, a person 70 years of age or older may hunt moose with a crossbow subject to the laws of this Part.

This subsection is repealed January 1, 2015.

See title page for effective date.