

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**September 27, 2011**

**SECOND REGULAR SESSION**  
**January 4, 2012 to May 31, 2012**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**LAWS IS**  
**SEPTEMBER 28, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 30, 2012**

**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**  
**2012**

**CHAPTER 505**  
**H.P. 1249 - L.D. 1697**

**An Act Relating to the  
Calculation of Population for  
Purposes of the Maine Uniform  
Building and Energy Code and  
Public Safety Answering Point  
Assessments**

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

**Whereas**, beginning July 1, 2012, municipalities with more than 4,000 residents are required to enforce the Maine Uniform Building and Energy Code; and

**Whereas**, it is necessary to change the method of calculating the number of residents in a municipality for the purpose of enforcement before that date to avoid undue burdens and confusion; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 10 MRSA §9724, sub-§1-B** is enacted to read:

**1-B. Residents.** For the purposes of subsections 1 and 1-A, "residents" does not include persons held at a correctional facility, as defined in Title 34-A, section 1001, subsection 6, within the municipality.

**Sec. 2. 25 MRSA §1535, sub-§3** is enacted to read:

**3. Consideration of population.** If a fee established under this section for a political subdivision is based in whole or in part on population, the population of the political subdivision may not include persons held at a correctional facility, as defined in Title 34-A, section 1001, subsection 6, within the political subdivision.

**Sec. 3. 25 MRSA §2923-A**, as enacted by PL 2007, c. 622, §2, is amended to read:

**§2923-A. Requirements of municipalities**

Each municipality that does not have a public safety answering point shall contract with an entity that does have a public safety answering point, which may be the department, for receiving 9-1-1 calls and, as appropriate, directly dispatching emergency services or, through transfer routing or relay routing,

passing 9-1-1 calls to public or private safety agencies that dispatch emergency services. If a municipality without a public safety answering point does not enter into such an agreement, the department shall serve as the public safety answering point for that municipality and the municipality shall pay the department for the provision of those services. Fees received by the department pursuant to this section must be deposited in the Consolidated Emergency Communications Fund established in section 1534. If a fee assessed to a municipality for services provided pursuant to an agreement under this section or by the department is based in whole or in part on population, the population of the municipality may not include persons held at a correctional facility, as defined in Title 34-A, section 1001, subsection 6, within the municipality.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 16, 2012.

**CHAPTER 506**  
**H.P. 1225 - L.D. 1635**

**An Act Regarding Inmates on  
Public Works Projects**

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

**Whereas**, current law allows inmates in county jails to participate in public works-related projects and in the improvement of property owned by charitable organizations; and

**Whereas**, current law restricts the inmates to working in the county where the jail is located; and

**Whereas**, current practice is that inmates participate in public works-related projects wherever the projects are being conducted; and

**Whereas**, it is necessary for this legislation to take effect before the 90-day period after adjournment ends to clarify existing law and facilitate projects; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 30-A MRSA §1606, sub-§1**, as amended by PL 2001, c. 171, §9, is further amended to read:

**1. Participation in public works projects authorized.** The sheriff in charge of a county jail, or the sheriff of a county that shares a regional jail with other counties, may permit certain inmates of that jail to participate in public works-related projects or in the improvement of property owned by charitable organizations ~~if the public works project or the property of the charitable organization is in the county where the jail is located in that county or another county. A project or improvement must be supervised by the sheriff of the county in which the project or improvement is being conducted.~~ The sheriff may request payment from charitable organizations for the transportation of the prisoners and for the transportation and per diem compensation for any guards who accompany the prisoners. For the purposes of this section, "charitable organization" means any nonprofit organization organized or incorporated in this State or having a principal place of business in this State that is exempt from federal income taxation under the United States Internal Revenue Code of 1986, Section 501(a), because the nonprofit organization is described in the United States Internal Revenue Code of 1986, Section 501(c)(3).

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 16, 2012.

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## CHAPTER 507

### H.P. 1282 - L.D. 1737

#### An Act Regarding the Interception of Oral or Wire Communications of Residents of State Correctional Facilities and Jails

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

**Sec. 1. 15 MRSA §709, sub-§1-B** is enacted to read:

**1-B. Administration of juvenile criminal justice.** "Administration of juvenile criminal justice" has the same meaning as in section 3308, subsection 7, paragraph A, subparagraph (2).

**Sec. 2. 15 MRSA §709, sub-§4-A**, as amended by PL 1997, c. 361, §1, is further amended to read:

**4-A. Investigative officer.** "Investigative officer" means an employee of the Department of Correc-

tions designated by the Commissioner of Corrections as having the authority to conduct investigations of ~~offenses crimes or juvenile crimes~~ relating to the security or orderly management of a facility administered by the department ~~and engage in any other activity that is related to the administration of criminal justice or the administration of juvenile criminal justice.~~

**Sec. 3. 15 MRSA §709, sub-§4-B**, as enacted by PL 1997, c. 361, §2, is amended to read:

**4-B. Jail investigative officer.** "County jail Jail investigative officer" means an employee of a ~~county~~ jail designated by the ~~county~~ jail administrator as having the authority to conduct investigations of ~~offenses crimes~~ relating to the security or orderly management of the ~~county~~ jail ~~and engage in any other activity that is related to the administration of criminal justice.~~

**Sec. 4. 15 MRSA §712, sub-§2**, as amended by PL 2009, c. 93, §1, is further amended to read:

**2. Investigative officers.** It is not a violation of this chapter for an investigative officer, as defined in this chapter, or for an employee of the Department of Corrections acting at the direction of an investigative officer, to intercept, disclose or use that communication in the normal course of employment while engaged in any activity that is ~~a necessary incident related to the administration of criminal justice or the administration of juvenile criminal justice~~, if:

A. Either the sender or receiver of that communication is a person residing in an adult or juvenile correctional facility administered by the Department of Corrections; and

B. Notice of the possibility of interception is provided in a way sufficient to make the parties to the communication aware of the possibility of interception, which includes:

- (1) Providing the resident with a written notification statement;
- (2) Posting written notification next to every telephone at the facility that is subject to monitoring; and
- (3) Informing the recipient of a telephone call from the resident by playing a recorded warning before the recipient accepts the call.

This subsection does not authorize any interference with the attorney-client privilege.

**Sec. 5. 15 MRSA §712, sub-§3**, as enacted by PL 1997, c. 361, §4, is amended to read:

**3. Jail investigative officer.** It is not a violation of this chapter for a ~~county~~ jail investigative officer, as defined in this chapter, or for a ~~county~~ jail employee acting at the direction of a ~~county~~ jail investigative officer to intercept, disclose or use that communication in the normal course of employment while engaged in