

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

2. Discharge of duty. A licensee subject to a duty to warn or provide protection under subsection 1 may discharge that duty if the licensee makes reasonable efforts to communicate the threat to a potential victim, notifies a law enforcement agency or seeks involuntary hospitalization of the client under Title 34-B, chapter 3, subchapter 4, article 3.

3. Immunity. No monetary liability and no cause of action may arise concerning client privacy or confidentiality against a person licensed under this chapter for information disclosed to 3rd parties in an effort to discharge a duty under subsection 2.

See title page for effective date.

CHAPTER 318
S.P. 53 - L.D. 166

**An Act To Protect
Schoolchildren by Providing
Additional Enforcement and
Prevention Options for
Unlawful Passing of a School
Bus**

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

Sec. 1. 29-A MRSA §2117, as enacted by PL 2009, c. 223, §1, is amended to read:

§2117. Use of traffic surveillance cameras restricted

The Except as provided in subsections 1 and 2, the State or a municipality may not use a traffic surveillance camera to prove or enforce a violation of this Title. For purposes of this section, "traffic surveillance camera" means a device that, in conjunction with a lighted traffic-control device or a lane direction control device, as described in section 2057, subsections 1 and 3, or a speed measurement device as described in section 2075, subsection 4, automatically produces one or more photographs, one or more microphotographs, a videotape or any other recorded image of a vehicle at the time the vehicle is operated in violation of state law.

~~This section does not apply to a photo-monitoring system, as defined by Title 23, section 1980, subsection 2-A, paragraph B, subparagraph 4, used by the Maine Turnpike Authority for toll enforcement purposes.~~

1. School buses. The State or a municipality may use a traffic surveillance camera mounted on a school bus in conjunction with a lighted traffic-control device to prove or enforce a violation of section 2308, subsection 2. A photograph, microphotograph, videotape or other recorded image or audio produced by a

traffic surveillance camera mounted on a school bus is confidential and may only be released to a law enforcement officer for the purpose of an investigation into a violation of the law or to a law enforcement officer, prosecutor, defendant or court for the purpose of a prosecution of a violation of the law.

The state or a municipality may not retain a photograph, microphotograph, videotape or other recorded image or audio produced by a traffic surveillance camera mounted on a school bus for more than 30 days from the date of production unless it is released in accordance with this subsection.

For the purposes of this subsection, "prosecutor" means a person who by virtue of public employment is vested by law with a duty to prosecute offenders for crimes, whether that duty extends to all crimes or is limited to specific crimes.

2. Toll enforcement. The Maine Turnpike Authority may use a photo-monitoring system, as defined by Title 23, section 1980, subsection 2-A, paragraph B, subparagraph (4), for toll enforcement purposes.

Sec. 2. 29-A MRSA §2301, sub-§§1-D and 5-C are enacted to read:

1-D. Extended stop arm. "Extended stop arm" means a stop arm that when activated extends 3 to 6 feet outward from the left side of a school bus.

5-C. Stop arm. "Stop arm" means a device mounted on the left side of a school bus that when activated displays a stop sign to traffic in front of and behind that school bus.

Sec. 3. 29-A MRSA §2302, sub-§1, ¶G, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

G. May be equipped with a system of stop arms or extended stop arms to be operated only with the red signal lights; and

Sec. 4. 29-A MRSA §2308, sub-§6, as amended by PL 2019, c. 113, Pt. C, §75, is further amended to read:

6. Penalty. A violation of this section subsection 2 is a Class E crime that is punishable by a \$250 minimum fine for the first offense and a mandatory 30-day suspension of a driver's license for a 2nd offense occurring within 3 years of the first offense.

Sec. 5. 29-A MRSA §2380, sub-§3-A, as enacted by PL 2005, c. 482, §6, is amended to read:

3-A. Maximum width; additional exceptions. In addition to the exceptions in subsection 3, the following are excluded from the measurement of vehicle width:

- A. Reflecting mirrors;
- B. Turn signal lamps; ~~and~~

C. Appurtenances on motor homes, truck campers and camp trailers, if such appurtenances extend no more than 6 inches from either side of the body of the vehicle; and

D. Extended stop arms as defined in section 2301, subsection 1-D.

See title page for effective date.

CHAPTER 319

H.P. 1138 - L.D. 1576

An Act To Improve the Department of Corrections' Response to Emergency Situations by Amending Provisions Related to Vehicles Operated by Certain Department Employees

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

Sec. 1. 29-A MRSA §2054, sub-§1, ¶B, as amended by PL 2017, c. 229, §32, is further amended to read:

B. "Authorized emergency vehicle" means any one of the following vehicles:

- (1) An ambulance;
- (2) A Baxter State Park Authority vehicle operated by a Baxter State Park ranger;
- (3) A Bureau of Marine Patrol vehicle operated by a coastal warden;
- (4) A Department of Agriculture, Conservation and Forestry vehicle operated by a forest ranger;
- (5) A Department of Agriculture, Conservation and Forestry vehicle used for forest fire control;
- (6) A Department of Corrections vehicle used for responding to the escape of or performing the high-security transfer of a prisoner, juvenile client or juvenile detainee or a Department of Corrections vehicle operated by a person who is certified by the Board of Trustees of the Maine Criminal Justice Academy as a law enforcement officer;
- (7) A Department of Inland Fisheries and Wildlife vehicle operated by a warden;
- (8) A Department of Public Safety vehicle operated by a police officer appointed pursuant to Title 25, section 2908, a state fire in-

vestigator or a Maine Drug Enforcement Agency officer;

- (9) An emergency medical service vehicle;
- (10) A fire department vehicle;
- (11) A hazardous material response vehicle, including a vehicle designed to respond to a weapon of mass destruction;
- (12) A railroad police vehicle;
- (13) A sheriff's department vehicle;
- (14) A State Police or municipal police department vehicle;
- (15) A vehicle operated by a chief of police, a sheriff or a deputy sheriff when authorized by the sheriff;
- (16) A vehicle operated by a municipal fire inspector, a municipal fire chief, an assistant or deputy chief or a town forest fire warden;
- (17) A vehicle operated by a qualified deputy sheriff or other qualified individual to perform court security-related functions and services as authorized by the State Court Administrator pursuant to Title 4, section 17, subsection 15;
- (18) A Federal Government vehicle operated by a federal law enforcement officer;
- (19) A vehicle operated by a municipal rescue chief, deputy chief or assistant chief;
- (20) An Office of the Attorney General vehicle operated by a detective appointed pursuant to Title 5, section 202;
- (21) A Department of the Secretary of State vehicle operated by a motor vehicle detective; and
- (22) A University of Maine System vehicle operated by a University of Maine System police officer.

Sec. 2. 29-A MRSA §2054, sub-§5, ¶C, as amended by PL 2001, c. 360, §7, is further amended to read:

C. Exceed the maximum speed limits as long as life or property is not endangered, except that a capital security ~~officers officer~~ and ~~employees of the~~ a person operating a Department of Corrections vehicle who is not certified as a law enforcement officer by the Board of Trustees of the Maine Criminal Justice Academy may not exercise this privilege;

See title page for effective date.