

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

licensed motorcycle rider education instructor that fails to comply with the requirements of subsection 3, paragraph E or qualification standards and requirements established by the Secretary of State under subsection 3, paragraph B, subparagraph (2) commits a traffic infraction.

Sec. 5. 29-A MRSA §1352, sub-§7, as amended by PL 2017, c. 229, §23, is further amended to read:

7. Suspension and revocation of license; hearings. The Secretary of State may suspend, revoke or refuse to issue or renew a motorcycle rider education school or instructor license, or deny a certificate of completion ~~or an instructor's license~~, for just cause or for noncompliance with statutory and regulatory requirements in accordance with the Maine Administrative Procedure Act. A person refused a license, or denied a certificate of completion, or whose license is suspended or revoked may request a hearing with the Secretary of State. A requested hearing must be conducted pursuant to chapter 23, subchapter 3, article 3.

Sec. 6. 29-A MRSA §1354, sub-§6, ¶A, as amended by PL 2011, c. 556, §16, is further amended to read:

A. The Secretary of State shall establish the Technical Review Panel that includes representatives from the Department of Education, the Department of Public Safety, law enforcement agencies, the insurance industry and the motor carrier industry and 2 instructors licensed in the curriculum and training being reviewed. The Technical Review Panel shall assist the Secretary of State in developing curriculum and instructor training and certification.

Sec. 7. 29-A MRSA §1354, sub-§7, as amended by PL 2011, c. 556, §19, is further amended to read:

7. Penalties. A person who conducts driver education, operates a driver education school or acts as an instructor without a license is guilty of a Class E crime. ~~The State may bring an action in Superior Court to enjoin any person from violating this chapter, regardless of whether proceedings have been or may be instituted in the District Court or whether criminal proceedings have been or may be instituted.~~

See title page for effective date.

CHAPTER 338 S.P. 608 - L.D. 1795

An Act To Clarify Requirements for Assisted Living Programs Regarding Fire Safety Inspections

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

Sec. 1. 22 MRSA §7856, sub-§3, as enacted by PL 2001, c. 596, Pt. A, §1 and affected by Pt. B, §25, is amended to read:

3. Requirements. All assisted living programs must be inspected using the chapter pertaining to ~~new apartment buildings~~ the applicable building type of the National Fire Protection Association Life Safety Code adopted by the Department of Public Safety, Office of the State Fire Marshal and must be protected throughout by a supervised, automatic sprinkler system approved by the Commissioner of Public Safety.

See title page for effective date.

CHAPTER 339 H.P. 1281 - L.D. 1800

An Act To Modernize the E-9-1-1 Laws To Include Text Messaging and Other Methods of Contacting E-9-1-1

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

Sec. 1. 25 MRSA §1533, as amended by PL 2013, c. 19, §4, is further amended to read:

§1533. Bureau of Consolidated Emergency Communications

The Bureau of Consolidated Emergency Communications, referred to in this chapter as "the bureau," is established within the department for the provision of emergency dispatch and ~~E-9-1-1~~ 9-1-1 call-taking services to municipal, county and state government entities.

As used in this section, "9-1-1 call" has the same meaning as in Title 25, section 2921, subsection 17.

1. Coordination with the Public Utilities Commission. In accordance with a designation made by the Public Utilities Commission, the department shall provide ~~E-9-1-1~~ 9-1-1 call-taking services.

2. Director; duties. The Commissioner of Public Safety shall hire a Director of the Bureau of Consolidated Emergency Communications, referred to in this chapter as "the director." The director shall estab-

lish and carry out policies and procedures. The director shall administer the bureau to safeguard the public safety by the provision of 24-hour per day ~~E-9-1-1~~ 9-1-1 call-taking and dispatching services to first responders.

Sec. 2. 25 MRSA §1535, as amended by PL 2013, c. 19, §5, is further amended by adding after the first paragraph a new paragraph to read:

As used in this section, "9-1-1 call" has the same meaning as in Title 25, section 2921, subsection 17.

Sec. 3. 25 MRSA §1535, sub-§2, as amended by PL 2013, c. 19, §5, is further amended to read:

2. Base funding level. In order to determine incremental costs under subsection 1, the bureau shall first establish a base funding level, consistent with the department's legislatively approved budget for public safety answering point services and dispatch services, required to provide public safety answering point services and dispatch services to State Government entities. The base funding level must be based on services provided by the department prior to the provision of emergency dispatch and ~~E-9-1-1~~ 9-1-1 call-taking services to municipal and county governments as a result of actions taken by the bureau under section 1533. The base funding level must be excluded by the bureau from its determination of incremental costs under subsection 1.

Sec. 4. 25 MRSA §2921, sub-§17 is enacted to read:

17. 9-1-1 call. "9-1-1 call" means any use of enhanced 9-1-1 services initiated by any means or medium, including, but not limited to, voice calls and text messaging.

Sec. 5. 25 MRSA §2926, sub-§2, ¶B, as amended by PL 2001, c. 439, Pt. EEEE, §3, is further amended to read:

B. Development of minimum public safety answering point requirements including 24-hour operation; emergency backup power; secured communication areas; separate administrative phone lines for nonemergency calls; call recording and playback equipment; TDD equipment, as defined in Title 35-A, section 8702, subsection 6; maximum call handling times; and minimum mandatory staff training requirements for ~~E-9-1-1~~ 9-1-1 call answering and dispatching;

Sec. 6. 25 MRSA §2929, sub-§2, ¶B, as amended by PL 2015, c. 153, §2, is further amended to read:

B. A public safety answering point may disclose confidential information to a criminal justice agency, as defined in Title 16, section 803, subsection 4, for the purposes of the administration of criminal justice, as defined in Title 16, section

803, subsection 2, and the administration of juvenile justice, as defined in Title 15, section 3308-A, subsection 1, paragraph A, related to ~~an E-9-1-1~~ a 9-1-1 call;

Sec. 7. 25 MRSA §2929, sub-§4, as amended by PL 2019, c. 84, §1, is further amended to read:

4. Audio recordings of 9-1-1 calls; confidential. Audio recordings of ~~emergency 9-1-1 calls made to the E-9-1-1 system~~ emergency 9-1-1 calls are confidential and may not be disclosed except as provided in this subsection. Except as provided in subsection 2, information contained in the audio recordings is public information and must be disclosed in transcript form in accordance with subsection 3. Subject to all the requirements of subsection 2, the bureau or a public safety answering point may disclose audio recordings of ~~emergency 9-1-1 calls made to the E-9-1-1 system~~ emergency 9-1-1 calls in the following circumstances:

A. To persons within the E-9-1-1 system to the extent necessary to implement and manage the E-9-1-1 system;

B. To a criminal justice agency, as defined in Title 16, section 803, subsection 4, for the purposes of the administration of criminal justice, as defined in Title 16, section 803, subsection 2, and the administration of juvenile justice, as defined in Title 15, section 3308-A, subsection 1, paragraph A, related to ~~an E-9-1-1~~ a 9-1-1 call;

B-1. Directly to the clerk's office of a court presiding over a protection from abuse or protection from harassment action if a party in the action made one or more ~~E-9-1-1~~ 9-1-1 calls relevant to the action and that party, or that party's attorney, contacts the custodian of the audio recordings of the call or calls and requests that the recordings be forwarded to that clerk's office for use in a hearing on the complaint for protection from abuse or complaint for protection from harassment. At its discretion, the court presiding over the action may permit the parties to the action, and their attorneys if the parties are represented, to access the recordings and, on a finding of good cause, may permit copies of the recordings to be provided to the parties and their attorneys if the parties are represented. In making a request for recordings pursuant to this paragraph, the party making the request, or that party's attorney, shall provide to the custodian of the audio recordings the names of the parties to the protection from abuse or protection from harassment action, the name of the court presiding over the action and the docket number of the action. The request must be made in writing, including, but not limited to, by electronic mail, and must be made so as to provide a reasonable amount of time for the custodian to search for, retrieve and send the recordings to the clerk's office of the presiding court. The recordings must be

sent in a format used by the custodian of the recordings and the courts;

C. To designees of the bureau director for the purpose of system maintenance and quality control;

C-1. To a person accused of a crime or that person's agent or attorney for trial and sentencing purposes if authorized by:

- (1) The responsible prosecutorial office or prosecutor; or
- (2) A rule or order of a court of competent jurisdiction.

As used in this paragraph, "agent" means a licensed professional investigator or an expert witness, or a parent, foster parent or guardian if the accused person has not attained 18 years of age; and

D. In accordance with an order issued on a finding of good cause by a court of competent jurisdiction.

Sec. 8. 25 MRSA §2929, sub-§6, as amended by PL 2007, c. 209, §6, is further amended to read:

6. Penalty for disseminating information. Knowingly disclosing confidential information in violation of subsection 2 or knowingly disclosing audio recordings of ~~emergency calls to the E-9-1-1 system~~ 9-1-1 calls in violation of subsection 4 is a Class E crime.

Sec. 9. 25 MRSA §2931, sub-§1, ¶¶A and B, as amended by PL 2003, c. 452, Pt. N, §7 and affected by Pt. X, §2, are further amended to read:

A. Makes repeated ~~telephone 9-1-1 calls to a public safety answering point by dialing 9-1-1~~ to make nonemergency reports or inquiries;

B. Causes ~~telephone 9-1-1 calls to be made to a public safety answering point~~ using an alarm or other alerting device that automatically ~~dials contacts~~ 9-1-1 and transmits a prerecorded signal or message; or

Sec. 10. 25 MRSA §2934, sub-§1, as amended by PL 2017, c. 48, §1, is further amended to read:

1. Requirements. The bureau may by rule establish requirements for locating ~~emergency 9-1-1~~ calls, and initiating emergency responses to such calls, made from within multiline telephone systems, including network-based or premises-based systems and voice over Internet protocol systems, whether owned or leased by a public or private entity, such as private branch exchanges or Centrex systems. Rules adopted pursuant to this section:

A. May not require any local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenues;

B. Apply only to multiline telephone systems installed, introduced, established or replaced after the effective date of the rules;

C. Must provide for appropriate standards, exemptions and waivers that balance the benefits of improved methods of locating ~~emergency 9-1-1~~ calls, and initiating emergency responses to such calls, made from within multiline telephone systems and the cost of achieving those improvements. The rules must allow, in appropriate circumstances, for methods that do not utilize automatic location identification and automatic number identification standards used in processing ~~enhanced~~ 9-1-1 calls; and

D. May establish appropriate technical, procedural or any other standards relating to multiline telephone systems, telecommunications carrier interconnectivity, databases, dialing instructions, signaling or other matters necessary or appropriate to carry out the purposes of this section.

Sec. 11. 32 MRSA §85-A, sub-§1, ¶B, as enacted by PL 2005, c. 303, §3, is amended to read:

B. "Emergency Medical Dispatch Priority Reference System" means a system approved by the bureau and the board that includes:

- (1) A protocol for emergency medical dispatcher response to ~~9-1-1~~ calls;
- (2) A continuous quality improvement program that measures compliance with the protocol through ongoing random case review of each emergency medical dispatcher; and
- (3) A training curriculum and testing process consistent with the protocol.

Sec. 12. 32 MRSA §85-A, sub-§1, ¶C, as amended by PL 2007, c. 42, §1, is further amended to read:

C. "Emergency medical dispatch services" means any of the following services provided in the context of ~~an emergency a 9-1-1 call made to the E-9-1-1 system:~~

- (1) Reception, evaluation or processing of calls;
- (2) Provision of dispatch life support;
- (3) Management of requests for emergency medical assistance; and
- (4) Evaluation or improvement of the emergency medical dispatch process, including identifying the nature of an emergency request, prioritizing the urgency of a request,

dispatching necessary resources, providing medical aid and safety instructions to the caller and coordinating the responding resources as needed.

Sec. 13. 32 MRSA §85-A, sub-§1, ¶G is enacted to read:

G. "9-1-1 call" has the same meaning as in Title 25, section 2921, subsection 17.

Sec. 14. 32 MRSA §85-A, sub-§2-A, as amended by PL 2011, c. 271, §11, is further amended to read:

2-A. Requirement to provide emergency medical dispatch services. A public safety answering point or other licensed emergency medical dispatch center must provide emergency medical dispatch services on all medical ~~E-9-1-1~~ 9-1-1 calls directly or by transferring the call to another licensed emergency medical dispatch center.

See title page for effective date.

CHAPTER 340

H.P. 1284 - L.D. 1803

An Act To Update the Laws Regarding Death and Marriage Records

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

Sec. 1. 19-A MRSA §650, first ¶, as enacted by PL 1997, c. 65, §2, is amended to read:

All municipal clerks, the State Registrar of Vital Statistics and courts of this State ~~shall~~ have a duty and ~~shall be~~ are legally required to construe the provisions of Maine's marriage laws in accordance with the following findings and purposes:

Sec. 2. 19-A MRSA §650, sub-§1, ¶A, as enacted by PL 1997, c. 65, §2, is amended to read:

A. The union of ~~one man and one woman~~ 2 people joined in ~~traditional~~ a monogamous marriage is of inestimable value to society; the State has a compelling interest to nurture and promote the unique institution of ~~traditional~~ monogamous marriage in the support of harmonious families and the physical and mental health of children; and ~~that~~ the State has the compelling interest in promoting the moral values inherent in ~~traditional~~ a monogamous marriage.

Sec. 3. 19-A MRSA §650, sub-§2, ¶¶A to C, as enacted by PL 1997, c. 65, §2, are amended to read:

A. To encourage ~~the traditional~~ a monogamous family unit as the basic building block of our society, the foundation of harmonious and enriching family life;

B. To nurture, sustain and protect ~~the traditional~~ a monogamous family unit in Maine society, its moral imperatives, its economic function and its unique contribution to the rearing of healthy children; and

C. To support and strengthen ~~traditional~~ monogamous Maine families against improper interference from out-of-state influences or edicts.

Sec. 4. 19-A MRSA §651, sub-§1, as amended by PL 2001, c. 574, §2, is further amended to read:

1. Place of recording. Residents of the State intending to be joined in marriage shall record notice of their intentions in the office of the clerk of the municipality in which at least one of them resides or with the State Registrar of Vital Statistics. If only one of the parties resides in the State, the parties shall record notice of their intentions in the office of the clerk of the municipality in which the resident party resides or with the State Registrar of Vital Statistics. If there is no clerk in the place of their residence, the notice must be filed with the clerk of an adjoining municipality or with the State Registrar of Vital Statistics. If both parties to a marriage reside outside the State, they must file intentions in any municipal office or with the State Registrar of Vital Statistics. Once the intentions are filed and the license is issued, the parties are free to marry anywhere within the State.

Sec. 5. 19-A MRSA §651, sub-§2, as repealed and replaced by PL 2013, c. 424, Pt. B, §5, is amended to read:

2. Application. The parties wishing to record notice of their intentions of marriage shall submit an application for recording notice of their intentions of marriage. The application may be issued to any 2 persons otherwise qualified under this chapter regardless of the sex of each person if the clerk or State Registrar of Vital Statistics is satisfied as to the identity of the applicants. The application must include a signed certification that the information recorded on the application is correct and that the applicant is free to marry according to the laws of this State. The applicant's signature must be acknowledged before an official authorized to take oaths. An application recording notice of intention to marry is not open for public inspection for 50 years from the date of the application except that:

A. The names of the parties for whom intentions to marry are filed and the intended date of marriage are public records and open for public inspection; and