

# 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.**

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**Augusta, Maine**  
**2019**

|                      |       |       |
|----------------------|-------|-------|
| FEDERAL EXPENDITURES | \$500 | \$500 |
| FUND TOTAL           |       |       |

See title page for effective date.

**CHAPTER 435**

**H.P. 879 - L.D. 1219**

**An Act To Establish an Independent Panel To Review the Use of Deadly Force by Law Enforcement Officers**

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

Sec. 1. 5 MRSA §200-K is enacted to read:

**§200-K. Deadly Force Review Panel**

There is created, within the Office of the Attorney General, the Deadly Force Review Panel, referred to in this section as "the panel." The panel must, to the extent practicable, include members that reflect the diversity of Maine's racial, gender, indigenous and tribal demographics.

**1. Composition.** The panel is composed of 15 members as follows:

- A. The Commissioner of Public Safety, ex officio;
- B. The director of investigations for the Office of the Attorney General, ex officio;
- C. The Director of the Maine Criminal Justice Academy, ex officio;
- D. The Chief Medical Examiner, ex officio;
- E. An attorney who represents plaintiffs in actions under 42 United States Code, Section 1983 appointed by the Attorney General;
- F. A municipal police chief appointed by the Attorney General;
- G. A county sheriff appointed by the Attorney General;
- H. A mental health professional appointed by the Attorney General;
- I. A representative of a statewide collective bargaining organization for law enforcement employees appointed by the Attorney General;
- J. A representative of a statewide civil rights organization whose primary mission is related to racial justice appointed by the Attorney General;

K. An attorney who represents defendants in actions under 42 United States Code, Section 1983 appointed by the Attorney General;

L. A criminal prosecutor appointed by the Attorney General; and

M. Three citizens, each of whom is not and has never been a sworn law enforcement officer, appointed by the Attorney General.

**2. Designees; terms of office.** An ex officio member of the panel may appoint a designee to represent the ex officio member on the panel for one or more meetings. A designee, once appointed, qualifies as a full voting member of the panel and may hold office and enjoy all the other rights and privileges of full membership on the panel. The appointed members of the panel serve for a term of 3 years. Any vacancy on the panel must be filled in the same manner as the original appointment for the unexpired term.

**3. Meetings; officers.** The Attorney General shall call the first meeting before January 1, 2020. The panel shall organize initially and annually thereafter by electing a chair and a vice-chair from among its members. The vice-chair shall also serve as secretary. The panel shall meet at such time or times as may be reasonably necessary to carry out its duties, but it shall meet at least once in each calendar quarter at such place and time as the panel determines and it shall meet at the call of the chair.

**4. Powers and duties.** The panel shall examine deaths or serious injuries resulting from the use of deadly force by a law enforcement officer after the Attorney General has completed the investigation of the use of deadly force under section 200-A. The purpose of such examinations is to identify whether there was compliance with accepted and best practices under the particular circumstances and whether the practices were sufficient for the particular circumstances or whether the practices require adjustment or improvement. The panel shall recommend methods of improving standards, including changes to statutes, rules, training, policies and procedures designed to ensure incorporation of best practices that demonstrate increased public safety and officer safety.

**5. Access to information and records.** In any case subject to review by the panel, unless prohibited by federal law and notwithstanding any provision of law to the contrary, upon oral or written request of the panel, any person who possesses information or records that are necessary and relevant to a panel review shall as soon as practicable provide the panel with the information and records. Persons disclosing or providing information or records upon request of the panel are not criminally or civilly liable for disclosing or providing information or records in compliance with this subsection. The panel in its discretion may consult with content experts or other professionals and

discuss necessary information or records within the scope of such consultations.

**6. Confidentiality.** The proceedings of the panel are not public proceedings and the records of the panel are confidential and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. The Legislature may inspect and review records covered by this subsection under conditions that protect the information from further disclosure. The Office of the Attorney General shall disclose conclusions of the panel but may not disclose information, records or data that are otherwise classified as confidential.

**7. Incident examination and annual reports.** Within 30 days of the conclusion of the examination of the use of deadly force by a law enforcement officer under subsection 4, the panel shall submit a report on the panel's activities, conclusions and recommendations with regard to the incident to the joint standing committee of the Legislature having jurisdiction over judiciary matters. The panel shall submit a report by January 30, 2021, and annually thereafter, that summarizes the panel's meetings and the incidents of the use of deadly force by law enforcement officers that resulted in deaths or serious injuries that the panel examined in the preceding year.

**Sec. 2. 5 MRSA §12004-I, sub-§74-J** is enacted to read:

**74-J.**

|               |                   |                    |               |
|---------------|-------------------|--------------------|---------------|
| <u>Public</u> | <u>Deadly</u>     | <u>Not Author-</u> | <u>5 MRSA</u> |
| <u>Safety</u> | <u>Force Re-</u>  | <u>ized</u>        | <u>§200-K</u> |
|               | <u>view Panel</u> |                    |               |

See title page for effective date.

**CHAPTER 436**

**H.P. 880 - L.D. 1220**

**An Act To Remove Certain Restrictions Imposed on Retired State Employees Who Return to Work**

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

**Sec. 1. 5 MRSA §17859**, as amended by PL 2015, c. 321, §1, is further amended to read:

**§17859. Retiring and returning to work**

**1. Restoration to service.** Any state employee or teacher who has reached normal retirement age and who retires after September 1, 2011 may be restored to service for up to 5 years. The decision to hire a retired state employee or retired teacher under this section is

at the discretion of the appointing authority. The retired state employee or retired teacher must have had a bona fide termination of employment in accordance with state and federal laws and rules, may not return to employment after retirement with the same employer for at least 30 calendar days after the termination of employment and may not return to employment before the effective date of the person's retirement.

**1-A. Restoration to work as classroom-based employees or administrators.** ~~Effective August 1, 2014, a classroom based employee who has reached normal retirement age and who retires after September 1, 2014~~ Any retired state employee, retired teacher or retired school administrator may be restored to service as a classroom-based employee or school administrator in a school in the unorganized territory or with a school administrative unit as defined in Title 20-A, section 1, subsection 26:

~~A. In one-year contracts, which may be nonconsecutive. The maximum time that a classroom-based employee may be restored to service with an individual school administrative unit pursuant to this paragraph is 5 years;~~

~~B. Subject to the 5 year restriction specified in subsection 1 and the 75% compensation limitation for retired state employees and retired teachers specified in subsection 2, paragraph A; or~~

~~C. In any combination of paragraphs A and B, as long as the total time the classroom based employee is restored to service does not exceed 10 years with an individual school administrative unit.~~

The retired classroom-based employee must have had a bona fide termination of employment in accordance with state and federal laws and rules, may not return to employment after retirement with the same employer for at least 30 calendar days after the termination of employment and may not return to employment before the effective date of the person's retirement.

For purposes of this section, "classroom-based employee" means a teacher whose principal function is to introduce new learning to students in the classroom or to provide support in the classroom during the introduction of new learning to students.

~~**2. Compensation and benefits.** The compensation and benefits of the retired state employee or retired teacher who returns to service after retirement as set out in subsection 1 is governed by this subsection.~~

~~A. The compensation of the retired state employee or retired teacher who returns to service must be set at 75% of the compensation established for the position to be filled, at a step determined by the appointing authority. The compensation of the retired classroom based employee who returns to service as a classroom based employee pursuant~~