

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST SPECIAL SESSION

August 26, 2019

SECOND REGULAR SESSION

January 8, 2020 to March 17, 2020

**THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION**

NON-EMERGENCY LAWS IS

NOVEMBER 25, 2019

**THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION**

NON-EMERGENCY LAWS IS

JUNE 16, 2020

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

**Augusta, Maine
2020**

**CHAPTER 602
H.P. 1392 - L.D. 1948**

**An Act To Prohibit, Except in
Emergency Situations, the
Performance without Consent
of Certain Examinations on
Unconscious or Anesthetized
Patients**

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

Sec. 1. 24 MRSA §2905-B is enacted to read:

**§2905-B. Informed consent for pelvic, rectal or
prostate examination on anesthetized or un-
conscious patient**

A health care practitioner may not perform a pelvic, rectal or prostate examination or supervise a pelvic, rectal or prostate examination performed by an individual practicing under the supervision of the health care practitioner on a patient without first obtaining the patient's specific informed consent, orally and in writing, to that pelvic, rectal or prostate examination, unless:

1. Unconscious patient; diagnostic purposes and medically necessary. In the case of an unconscious patient, the examination is required for diagnostic purposes and is medically necessary; or

2. Examination on unconscious alleged victim of sexual assault. The health care practitioner is authorized to perform the examination pursuant to section 2986, subsection 5.

See title page for effective date.

**CHAPTER 603
H.P. 1397 - L.D. 1953**

**An Act Regarding Driver's
License Suspensions for
Nondriving Violations**

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

Sec. 1. 14 MRSA §3141, sub-§7, as amended by PL 2017, c. 462, §1, is further amended to read:

7. Remedies. Failure to pay by the date fixed by the court's order or an amended order subjects the defendant to the contempt procedures provided in section 3142, ~~a restricted license under Title 29-A, section 2605-A~~ and all procedures for collections provided for in sections 3127-A, 3127-B, 3131, 3132, 3134, 3135 and 3136. An installment agreement under this section must be considered an agreement under section 3125 and a court order to pay under section 3126-A. In addition to other penalties provided by law, the court may

impose on the defendant reasonable costs for any failure to appear.

~~This subsection is repealed October 1, 2021.~~

Sec. 2. 14 MRSA §3141, sub-§8, as enacted by PL 2017, c. 462, §2, is repealed.

Sec. 3. 14 MRSA §3142, sub-§1, ¶C, as amended by PL 2017, c. 462, §3, is further amended to read:

C. The suspension of any license, certification, registration, permit, approval or other similar document evidencing the granting of authority to hunt, fish or trap or to engage in a profession, occupation, business or industry, not including a registration, permit, approval or similar document evidencing the granting of authority to engage in the business of banking pursuant to Title 9-B or, ~~except as provided in paragraph D,~~ a motor vehicle license or permit issued by the Secretary of State, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit, as provided in Title 29-A. Licenses and registration subject to suspension include, but are not limited to:

- (1) Licenses issued by the Commissioner of Marine Resources, as provided in Title 12, section 6409;
- (2) Licenses issued by the Commissioner of Inland Fisheries and Wildlife, as provided in Title 12, section 10902, subsection 3; and
- (3) Watercraft, snowmobile and all-terrain vehicle registrations, as provided in Title 12, section 10902, subsection 3.

~~This paragraph is repealed October 1, 2021;~~

Sec. 4. 14 MRSA §3142, sub-§1, ¶D, as enacted by PL 2017, c. 462, §4, is repealed.

Sec. 5. 14 MRSA §3142, sub-§1, ¶E, as enacted by PL 2017, c. 462, §5, is repealed.

Sec. 6. 14 MRSA §3146-A, as enacted by PL 2017, c. 462, §7, is repealed.

Sec. 7. 29-A MRSA §2605, sub-§1, as amended by PL 2017, c. 462, §8, is further amended to read:

1. Suspension by clerk. If a person fails to appear in court on the date and time specified in response to a Uniform Summons and Complaint, a summons, a condition of bail or order of court for any criminal violation of Title 23, section 1980; a civil violation under Title 28-A, section 2052; a civil violation under this Title; or any criminal provision of this Title or fails to pay a fine imposed for a criminal traffic offense, the clerk shall suspend the person's license or permit, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit. The court shall immediately notify that person of the suspension by regular

mail or personal service. Written notice is sufficient if sent to the person's last known address.

If a person who is not an individual fails to appear or pay a fine in a civil violation under this Title or a criminal traffic offense, the clerk shall suspend the registration of the motor vehicle involved in the offense or that person's right to operate that vehicle in the State.

~~This subsection is repealed October 1, 2021.~~

Sec. 8. 29-A MRSA §2605, sub-§1-A, as enacted by PL 2017, c. 462, §9, is repealed.

Sec. 9. 29-A MRSA §2605-A, as enacted by PL 2017, c. 462, §10, is repealed.

See title page for effective date.

CHAPTER 604

H.P. 1402 - L.D. 1958

An Act To Expand Tax Increment Financing To Include Adult Care Facilities and Services and Certain Child Care Facilities

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

Sec. 1. 30-A MRSA §5222, sub-§1-B is enacted to read:

1-B. Adult care facilities. "Adult care facilities" means facilities that are licensed by the Department of Health and Human Services and that offer programs for adults who need assistance or supervision and that are operated out of nonresidential commercial buildings. The programs offered at adult care facilities include the provision of:

A. Services that allow family members or caregivers to be active in the workforce;

B. Professional and compassionate services for adults in a community and program-based setting; and

C. Social and health services to adults who need supervised care in a safe place outside the home.

Sec. 2. 30-A MRSA §5222, sub-§2-A is enacted to read:

2-A. Child care facilities. "Child care facilities" means facilities that are licensed by the Department of Health and Human Services that provide care for at least 6 children who are less than 18 years of age by persons who are not family members, legal guardians or other custodians of the children and that are operated out of nonresidential commercial buildings. To meet this definition, a child care facility must have a director and a sufficient number of staff members whose sole function

is to provide necessary child care services. The services offered at child care facilities include the provision of services that allow the children's family members, legal guardians or other custodians the ability to be active in the workforce.

Sec. 3. 30-A MRSA §5225, sub-§1, ¶C, as amended by PL 2019, c. 148, §3 and c. 260, §1, is further amended to read:

C. Costs related to economic development, environmental improvements, fisheries and wildlife or marine resources projects, recreational trails, broadband service development, expansion or improvement, including connecting to broadband service outside the tax increment financing district, ~~or~~ employment training or the promotion of workforce development and retention within the municipality or plantation, including, but not limited to:

(1) Costs of funding economic development programs or events developed by the municipality or plantation or funding the marketing of the municipality or plantation as a business or arts location;

(2) Costs of funding environmental improvement projects developed by the municipality or plantation for commercial or arts district use or related to such activities;

(3) Funding to establish permanent economic development revolving loan funds, investment funds and grants;

(4) Costs of services and equipment to provide skills development and training, including scholarships to in-state educational institutions or to online learning entities when in-state options are not available, for jobs created or retained in the municipality or plantation. These costs must be designated as training funds in the development program;

(5) ~~Quality child care costs~~ Costs associated with quality child care facilities and adult care facilities, including finance costs and construction, staffing, training, certification and accreditation costs related to child care and adult care;

(6) Costs associated with new or existing recreational trails determined by the department to have significant potential to promote economic development, including, but not limited to, costs for multiple projects and project phases that may include planning, design, construction, maintenance, grooming and improvements with respect to new or existing recreational trails, which may include bridges that are part of the trail corridor, used all or in