

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

**CHAPTER 88
H.P. 317 - L.D. 408**

**Resolve, To Require the
Department of Health and
Human Services To Develop a
Plan for Neurobehavioral Beds**

Sec. 1. Department of Health and Human Services to develop a plan for neurobehavioral beds. Resolved: That the Department of Health and Human Services shall develop a plan to provide up to 16 new neurobehavioral beds in the State to serve individuals with brain injury and accompanying significant behavioral challenges who need short-term treatment for no longer than one year before transitioning to a long-term care environment. These individuals must be unable to be served appropriately in the community or in a nursing facility lacking specialized neurobehavioral services but must not need hospitalization. The department shall submit a report with the plan, together with any necessary legislation, to the Joint Standing Committee on Health and Human Services no later than January 30, 2020. The committee is authorized to report out a bill based on the report to the Second Regular Session of the 129th Legislature.

See title page for effective date.

**CHAPTER 89
H.P. 884 - L.D. 1223**

**Resolve, Directing the
Department of Transportation
To Incorporate Transportation
Demand Management
Strategies in Its Rules
Pertaining to Traffic
Movement Permits**

Sec. 1. Formation of stakeholder group. Resolved: That the Commissioner of Transportation shall form a stakeholder group to review Chapter 305 of the Department of Transportation's rules pertaining to the traffic movement permit process established in the Maine Revised Statutes, Title 23, section 704-A.

Sec. 2. Traffic movement permit recommendations. Resolved: That the stakeholder group under section 1 shall develop and evaluate recommendations for incorporation into the traffic movement permit process of the following:

1. Feasible transportation demand management strategies that must be considered when analyzing the widening of roadways;
2. A requirement that all applicants for a traffic movement permit analyze all modes of transportation

reasonably related to a project, including but not limited to modes such as vehicle, pedestrian, bicycle, transit and trail use; and

3. Standards to be used by applicants for a traffic movement permit to evaluate the impacts on each mode of transportation reasonably related to a project and strategies to mitigate those impacts, including thresholds for applying those standards to a project and allowing an entity proposing a project that does not meet the thresholds to opt in to using those standards.

Sec. 3. Rulemaking. Resolved: That the Commissioner of Transportation shall submit major substantive rules amending the traffic movement permit process under the Maine Revised Statutes, Title 23, section 704-A, based on the findings and recommendations of the stakeholder group under section 2, no later than February 1, 2020.

Sec. 4. Authorization to introduce a bill. Resolved: That the Commissioner of Transportation shall identify and recommend to the Joint Standing Committee on Transportation any provision in law that may need to be amended to achieve the recommendations of the stakeholder group under section 2. The joint standing committee may introduce a bill amending the provisions of law identified by the commissioner during the Second Regular Session of the 129th Legislature.

See title page for effective date.

**CHAPTER 90
H.P. 569 - L.D. 764**

**Resolve, To Create the
Criminal Records Review
Committee**

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

Whereas, the definition of appropriate access to criminal records is evolving as society changes its thinking with regard to sentencing, punishment, rehabilitation and fresh starts; and

Whereas, the treatment of convictions for conduct that is no longer criminal is subject to reevaluation; and

Whereas, the separation of powers concept enshrined in the Constitution of Maine limits the options available for reducing access to criminal records; and

Whereas, the Criminal Records Review Committee is established in this resolve to develop a pro-

posed policy on the appropriate access to criminal records; and

Whereas, the work of the committee must be initiated before the 90-day period expires in order that the work may be completed and a report submitted in time for submission to the next legislative session; 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

Sec. 1. Review committee established. Resolved: That the Criminal Records Review Committee, referred to in this resolve as "the review committee," is established.

Sec. 2. Review committee membership. Resolved: That, notwithstanding Joint Rule 353, the review committee consists of 15 members appointed as follows:

1. Two members of the Senate appointed by the President of the Senate, including one member from each of the 2 parties holding the largest number of seats in the Legislature;

2. Three members of the House of Representatives appointed by the Speaker of the House of Representatives, including at least one member from each of the 2 parties holding the largest number of seats in the Legislature;

3. The Attorney General or the Attorney General's designee;

4. The Commissioner of Public Safety or the commissioner's designee;

5. The President of the Maine Prosecutors Association or the president's designee;

6. The President of the Maine Association of Criminal Defense Lawyers or the president's designee;

7. The President of the Maine Sheriffs' Association or the president's designee;

8. A representative of a civil rights organization whose primary mission includes the advancement of racial justice, appointed by the President of the Senate;

9. A representative of a nonprofit organization whose mission includes advocating for victims and survivors of domestic violence or sexual assault, appointed by the President of the Senate;

10. A representative of a civil liberties organization whose primary mission is the protection of civil liberties, appointed by the Speaker of the House of Representatives; and

11. A representative of a nonprofit organization whose primary mission is to advocate for victims and

survivors of sexual exploitation and sex trafficking, appointed by the Speaker of the House of Representatives.

The review committee shall invite the Chief Justice of the Supreme Judicial Court to designate a member of the judicial branch to serve as a member of the committee.

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the review committee.

Sec. 4. Appointments; convening of review committee. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the review committee. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the review committee to meet and conduct its business.

Sec. 5. Duties. Resolved: That the review committee shall:

1. Review activities in other states that address the expungement of, sealing of and otherwise limiting public access to criminal records;

2. Consider whether the following convictions should be subject to different treatment:

A. Convictions for conduct that has been decriminalized in this State over the last 10 years and conduct that is currently under consideration for decriminalization; and

B. Convictions for conduct that was committed by victims and survivors of sexual exploitation and sex trafficking;

3. Consider whether there is a time limit after which some or all criminal records should not be publicly available;

4. Invite comments and suggestions from interested parties, including but not limited to victim advocates and prison and correctional reform organizations;

5. Review existing information about the harms and benefits of making criminal records confidential;

6. Invite comments and suggestions concerning the procedures and processes to limit public accessibility of criminal records;

7. Consider who, if anyone, should continue to have access to criminal records that are not publicly available; and

8. Develop options to manage criminal records.

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the review committee, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.

Sec. 7. Report. Resolved: That, no later than December 4, 2019, the review committee shall submit to the Joint Standing Committee on Judiciary a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 129th Legislature.

Sec. 8. Outside funding. Resolved: That the review committee shall seek funding contributions to fully fund the costs of the study. All funding is subject to approval by the Legislative Council in accordance with its policies. If sufficient contributions to fund the study have not been received within 30 days after the effective date of this resolve, no meetings are authorized and no expenses of any kind may be incurred or reimbursed.

Sec. 9. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Study Commissions - Funding 0444

Initiative: Allocates funds for the one-time costs to the Legislature of the Criminal Records Review Committee.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$1,100	\$0
All Other	\$1,650	\$0
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,750	\$0

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

Effective June 20, 2019.

CHAPTER 91

H.P. 943 - L.D. 1300

Resolve, To Transfer the Guilford Butler School Property to the Town of South Thomaston

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

Whereas, officials of the Town of South Thomaston have expressed a desire that the property transaction described in this legislation be executed as soon as possible, as a determination on the disposition of the building on the property must soon be made; 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

Sec. 1. Definitions. Resolved: That, as used in this resolve, unless the context otherwise indicates, the following terms have the following meanings.

1. "Commissioner" means the Commissioner of Administrative and Financial Services.
2. "State property" means the real estate described in section 3 with the buildings and improvements, together with all appurtenant rights and easements, and all personal property located on that property, including vehicles, machinery, equipment and supplies.

Sec. 2. Authority to convey state property. Resolved: That, notwithstanding any other law, the State, by and through the commissioner, may:

1. Convey the interests of the State in the state property to the Town of South Thomaston;
2. Negotiate, draft, execute and deliver any documents necessary to settle any boundary line discrepancies;
3. Exercise, pursuant to the Maine Revised Statutes, Title 23, chapter 3, the power of eminent domain to quiet for all time any possible challenges to ownership of the state property;
4. Negotiate, draft, execute and deliver any easements or other rights that, in the commissioner's discretion, may contribute to the value of a proposed conveyance of the State's interests; and
5. Release any interests in the state property that, in the commissioner's discretion, do not contribute to the value of the remaining state property.