

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

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

Augusta, Maine
2021

**CHAPTER 201
S.P. 322 - L.D. 1027**

**An Act To Amend the Laws
Governing Local Bridges**

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

Sec. 1. 23 MRSA §563, sub-§1, as enacted by PL 2001, c. 314, §2, is amended to read:

1. Municipal-maintained structures. For a structure for which a municipality has maintenance responsibility, the department shall advise the municipality of its inspection findings, ~~and noted deficiencies and recommendations regarding posting or closure.~~ The municipality has sole responsibility and authority to determine whether a structure must be posted or closed, except that the department may close the structure in cases of emergency or when the department reasonably determines closure is necessary to protect the traveling public from imminent hazard. If the department becomes aware of deficiencies in a structure that could impact posting or closure decisions, the department shall promptly notify the municipality. The department shall notify the municipality when a structure requires a posting or closure, and the municipality shall post or close the structure. The department may post or close a structure to protect the traveling public from an imminent hazard. The municipality is responsible for all costs and expenses related to the posting and closure, including any needed notifications, procedures, signing and barricades.

Sec. 2. 23 MRSA §566, sub-§1, as enacted by PL 2001, c. 314, §2, is amended to read:

1. Changes to structures. If a structure is improved in a manner that ~~affects whether it is defined as changes a culvert or a minor span or to a bridge,~~ the responsibilities set forth in this subchapter regarding the structure do not change unless the department determines that there exists a reasonable engineering basis for the improvement and the department approves the design plans and specifications of the improvement prior to the construction. The department may approve improvements to a structure only if the improvements are made in accordance with department standards and sealed by a professional engineer licensed under Title 32, chapter 19. After construction, the department shall inspect the structure and, if the structure is found to conform with the approved design, the department shall accept responsibility for the structure. If the inspection reveals the structure was not improved in accordance with the department-approved design, the municipality shall make any necessary corrections to the structure required by the department before the department accepts responsibility for the structure.

Sec. 3. 23 MRSA §566, sub-§2, as enacted by PL 2001, c. 314, §2, is amended to read:

2. New structures. If a municipality constructs a new bridge on a town way, the department shall assume the responsibilities set forth in ~~the this~~ subchapter only if the department determines that there is a reasonable engineering basis for the bridge, as opposed to a minor span, and if the department approves the design and construction of the bridge prior to the construction of the bridge. The department may approve the design and construction of a bridge only if the bridge is designed in accordance with department standards and sealed by a professional engineer licensed under Title 32, chapter 19. After construction, the department shall inspect the bridge. If the inspection reveals the bridge was not constructed in accordance with the department-approved design, the municipality shall make any necessary corrections to the bridge required by the department before the department accepts responsibility for the bridge.

See title page for effective date.

**CHAPTER 202
H.P. 794 - L.D. 1065**

**An Act To Clarify the
Qualifications and Oversight of
Sheriffs**

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

Sec. 1. 30-A MRSA §371-B, sub-§3, ¶D, as amended by PL 2011, c. 342, §33, is further amended to read:

D. The candidate submits written certification from the Maine Criminal Justice Academy that the candidate ~~has~~:

- (1) ~~Met~~ Is currently certified as a law enforcement officer and has met the basic law enforcement training standards under Title 25, section 2804-C; or
- (2) ~~Met the basic corrections training standards under Title 25, section 2804-D; and~~
- (3) Was previously certified as a law enforcement officer and agrees to meet the basic law enforcement training standards under Title 25, section 2804-C within one year of taking of office; and

Sec. 2. 30-A MRSA §371-B, sub-§3-A is enacted to read:

3-A. Ongoing training. A person appointed to the office of sheriff shall continually meet the in-service law enforcement training standards under Title 25, section 2804-E and any other statutory requirements of preservice, basic or in-service law enforcement training required for certification or continued certification as a law enforcement officer.