

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

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FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
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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 258
H.P. 568 - L.D. 763**

**An Act To Allow State Vehicles
Assigned to Certain Maine
Emergency Management
Agency Employees To Be Used
for Commuting**

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

Sec. 1. 5 MRSA §7-B, first ¶, as amended by PL 2019, c. 578, §2, is further amended to read:

A state-owned or state-leased vehicle may not be used by any employee to commute between home and work, except for those vehicles authorized and assigned to employees of the Baxter State Park Authority and of the Department of Defense, Veterans and Emergency Management, Military Bureau as designated by the Commissioner of Defense, Veterans and Emergency Management, to the director or deputy director or duty officer of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management and to law enforcement officials within the following organizational units: Bureau of State Police; Maine Drug Enforcement Agency; Office of the State Fire Marshal; the division within the Department of Public Safety designated by the Commissioner of Public Safety to enforce the law relating to the manufacture, importation, storage, transportation and sale of all liquor and to administer those laws relating to licensing and collection of taxes on malt liquor and wine; Bureau of Motor Vehicles; Bureau of Marine Patrol; the forest protection unit within the Bureau of Forestry; Bureau of Warden Service; Bureau of Parks and Lands; and the Office of Chief Medical Examiner, the investigation division and the Medicaid fraud control unit within the Office of the Attorney General.

See title page for effective date.

**CHAPTER 259
H.P. 574 - L.D. 769**

**An Act To Increase the
Availability of Mental Health
Services for a Defendant Who
Has Been Found Incompetent
To Stand Trial**

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

Sec. 1. 34-A MRSA §3069-C is enacted to read:

§3069-C. Placement of defendants found incompetent to stand trial

1. Acceptance of placement. The commissioner may accept the placement of an adult defendant, referred to in this section as "the defendant," in a mental health unit of a correctional facility whom a court, after hearing, finds by clear and convincing evidence is incompetent to stand trial and whom the court commits to the custody of the Commissioner of Health and Human Services under Title 15, section 101-D, subsection 5 if, in addition to the findings required under Title 15, section 101-D, subsection 5, the court finds that:

A. The defendant is at risk of causing serious harm by engaging in interpersonal violence that is not primarily driven by symptoms of a major mental illness or other disability;

B. There is not sufficient security at a state mental health institute to address the likelihood of serious harm; and

C. There is no other less restrictive alternative to placement in a mental health unit of a correctional facility.

2. Treatment; transfer. The department shall provide services and treatment consistent with the requirements of Title 15, section 101-D, subsection 5 to a defendant accepted for treatment in a mental health unit of a correctional facility under subsection 1. The department may not transfer to another unit of a correctional facility a defendant accepted for treatment in a mental health unit of a correctional facility under subsection 1.

3. Termination of placement. Termination of placement is governed by this subsection.

A. The commissioner may terminate the placement of a defendant accepted pursuant to this section if the commissioner determines that the likelihood of serious harm posed by the defendant has decreased or the security at a state mental health institute has increased or for any other reason.

B. At any time after 90 days of placement in a mental health unit of a correctional facility, except not within 60 days of resolution of a prior petition under this paragraph, the defendant may petition the court for return to placement in a less restrictive setting on the grounds that the criteria for placement under subsection 1 no longer exist. If a petition is filed under this paragraph, the court shall hold a hearing and issue a decision maintaining or terminating the placement.

4. Disclosure of information. With respect to a defendant who has previously been hospitalized under Title 34-B, chapter 3, subchapter 4, the commissioner may make it a prerequisite to accepting placement of the defendant under this section that necessary information be disclosed to the department pursuant to Title 34-B, section 1207, subsection 1, paragraph B.

5. Application of other laws. All other applicable provisions of law governing defendants found incompetent to stand trial apply to defendants accepted for placement under this section.

6. Sunset. This section is repealed on July 1, 2024.

Sec. 2. Review; report. By January 1, 2024, the Department of Health and Human Services and the Department of Corrections, referred to in this section as "the departments," shall jointly submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters regarding the number, circumstances and outcomes of the placement of defendants found incompetent to stand trial and placed in the mental health unit of a correctional facility pursuant to the Maine Revised Statutes, Title 34-A, section 3069-C. The report must include the number of persons transferred to a mental health unit, the average length of stay, the numbers of persons transferred to other facilities, which must be separated by types of facilities, the impact on the mental health and criminal justice systems and any other data determined by the departments to be relevant. After receiving the report of the departments, the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters may submit legislation to address issues raised by the report and to repeal the sunset provision in Title 34-A, section 3069-C, subsection 5.

See title page for effective date.

CHAPTER 260
S.P. 109 - L.D. 801

An Act Regarding Sentencing Options for a Person Convicted of a Crime Committed While Serving a Term of Imprisonment

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

Sec. 1. 17-A MRSA §755, sub-§1-E, as amended by PL 2019, c. 113, Pt. C, §62, is further amended by amending the first blocked paragraph to read:

A sentence imposed for a violation of this section is subject to the requirements of section ~~1609~~ 1609-A.

Sec. 2. 17-A MRSA §1609, as enacted by PL 2019, c. 113, Pt. A, §2, is repealed.

Sec. 3. 17-A MRSA §1609-A is enacted to read:

§1609-A. Discretionary sentence

Notwithstanding section 1608, when an individual subject to an undischarged term of imprisonment is convicted of a crime committed while in execution of any term of imprisonment, is convicted of a crime committed during a stay of execution of any term of imprisonment, is convicted of a crime committed after failure to report after a stay of execution of any term of imprisonment or is convicted of failure to report as ordered after a stay of execution of any term of imprisonment, the court may order that the sentence is not concurrent with any undischarged term of imprisonment. If the court orders that the sentence is not concurrent, the court may order that any undischarged term of imprisonment be tolled and service of the nonconcurrent sentence commence immediately, and the court shall so order if any undischarged term of imprisonment is a split sentence. No portion of the nonconcurrent sentence may be suspended. Any nonconcurrent sentence that the convicted individual receives as a result of an order entered pursuant to this section must be nonconcurrent with all other sentences.

See title page for effective date.

CHAPTER 261
S.P. 305 - L.D. 953

An Act To Improve Affordable Housing Options and Services To Address Homelessness

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

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

1-C. Affordable housing. "Affordable housing" has the same meaning as in section 5246, subsection 1.

Sec. 2. 30-A MRSA §5225, sub-§1, ¶A, as amended by PL 2011, c. 101, §12, is further amended by amending subparagraph (7) to read:

(7) Organizational costs relating to the establishment of the district, including, but not limited to, the costs of conducting environmental impact and other studies and the costs of informing the public about the creation of development districts and the implementation of project plans; ~~and~~

Sec. 3. 30-A MRSA §5225, sub-§1, ¶A, as amended by PL 2011, c. 101, §12, is further amended by amending subparagraph (8) to read:

(8) In the case of transit-oriented development districts, ongoing costs of adding to an existing transit system or creating a new transit service and limited strictly to transit operator salaries, transit vehicle fuel and transit vehicle parts replacements; and