

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

Initiative: Allocates funds for technology-related costs associated with establishing one half-time Regulatory Health Compliance position to manage the anticipated increase in workload associated with the regulation of pharmacists' authority to dispense HIV prevention drugs.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$2,729	\$3,347
OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,729	\$3,347

Licensing and Enforcement 0352

Initiative: Allocates funds for one half-time Regulatory Health Compliance position to manage the anticipated increase in workload associated with the regulation of pharmacists' authority to dispense HIV prevention drugs.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT	0.500	0.500
Personal Services	\$35,328	\$49,424
All Other	\$5,782	\$2,904
OTHER SPECIAL REVENUE FUNDS TOTAL	\$41,110	\$52,328

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF DEPARTMENT TOTALS

	2021-22	2022-23
OTHER SPECIAL REVENUE FUNDS	\$43,839	\$55,675
DEPARTMENT TOTAL - ALL FUNDS	\$43,839	\$55,675

See title page for effective date.

**CHAPTER 266
H.P. 848 - L.D. 1170**

**An Act Regarding
Unauthorized Possession of a
Firearm in a Correctional
Facility or Jail**

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

Sec. 1. 17-A MRSA §1059 is enacted to read:

§1059. Unauthorized possession of a firearm in a correctional facility or jail

1. A person is guilty of unauthorized possession of a firearm in a correctional facility or jail if that person

in fact possesses a firearm in a correctional facility or jail or on the premises of the correctional facility or jail.

2. This section does not apply to:

A. A law enforcement officer, a corrections officer or a corrections supervisor engaged in the performance of the law enforcement officer's, corrections officer's or corrections supervisor's public duty;

B. An employee of a courier or security service in the course and scope of employment for the courier or security service, as approved by the chief administrative officer of the correctional facility or the jail administrator; or

C. A person who has stored a firearm out of sight in a locked motor vehicle that is on the premises of a correctional facility or jail.

3. It is not a defense to a prosecution under this section that the person holds a valid permit to carry a concealed handgun issued under Title 25, chapter 252.

4. Unauthorized possession of a firearm in a correctional facility or jail is a Class D crime.

5. For the purposes of this section, "chief administrative officer" and "correctional facility" have the same meanings as in Title 34-A, section 1001, subsections 1 and 6, respectively, and "jail" means a county or regional jail.

See title page for effective date.

**CHAPTER 267
H.P. 849 - L.D. 1171**

**An Act To Curtail No-knock
Warrants**

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

Sec. 1. 15 MRSA §57 is enacted to read:

§57. Restriction on no-knock warrants; requirements for no-knock warrants

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Law enforcement officer" or "officer" has the same meaning as in Title 25, section 2801-A, subsection 5.

B. "No-knock warrant" means a warrant that authorizes execution of the warrant without the law enforcement officer first announcing the authority for the execution of the warrant and the purpose for which the warrant was issued. Any warrant is a no-knock warrant if it is executed without waiting at least 20 seconds after the announcement of authority and purpose before making entry.

2. Restriction on no-knock warrants. Notwithstanding any provision of law to the contrary, a state, county or local law enforcement officer may not execute a no-knock warrant except as provided in subsection 3 or 4.

3. Exceptions. The restrictions in subsection 2 do not apply if the warrant clearly states that providing notice prior to execution of the warrant would create an imminent risk of death or bodily harm to a law enforcement officer, an individual in the location named in the warrant or an individual in the surrounding areas outside of the location named in the warrant. Imminent risk of death or bodily harm under this subsection must be verified by the issuing authority by reviewing the information contained within the affidavit.

4. Exigent circumstances. Subsections 2 and 3 do not preclude entry by a law enforcement officer in accordance with a recognized exception to the warrant requirement, including, but not limited to, exigent circumstances.

5. Requirements. The following requirements apply to a law enforcement officer executing a no-knock warrant that is authorized under the exception provisions in subsection 3.

A. An officer on the entry team shall wear an official uniform that clearly identifies the officer as a law enforcement officer and, if the officer's law enforcement agency provides body-worn cameras to law enforcement officers, a body-worn camera worn in accordance with the policies of the officer's law enforcement agency. An officer shall follow the policy of the officer's law enforcement agency regarding the usage of body-worn cameras. This subsection does not require a law enforcement agency that provides body-worn cameras to mandate recording the execution of a no-knock warrant.

B. In cases in which an imminent risk of death or bodily harm exists, only officers trained in the use of stun grenade, stun, distraction or other similar devices may use such a device during the execution of the warrant.

See title page for effective date.

**CHAPTER 268
H.P. 889 - L.D. 1214**

**An Act To Require Vehicle
Safety within the Funeral
Industry**

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

Sec. 1. 32 MRSA §1501, as amended by PL 2017, c. 210, Pt. C, §1, is further amended by adding a new 6th paragraph to read:

The board shall adopt rules governing the safety of drivers of vehicles owned, leased or otherwise used by a practitioner of funeral service or a funeral establishment for the transport of human remains. Rules adopted under this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Rulemaking. In developing rules under the Maine Revised Statutes, Title 32, section 1501 governing the safety of drivers of vehicles owned, leased or otherwise used by a practitioner of funeral service or a funeral establishment for the transport of human remains, the State Board of Funeral Service, referred to in this section as "the board," shall collaborate with stakeholders, including a practitioner of funeral service licensed under Title 32, section 1501, a member of the public who is not also a member of the board, a representative of the Department of Transportation with expertise in cargo transportation, a representative of the State Police, a representative of the insurance industry and other parties as necessary.

No later than December 1, 2021, the board shall submit a report to the Joint Standing Committee on Innovation, Development, Economic Advancement and Business on the progress of the stakeholders' work in developing the rules. The board shall submit a provisionally adopted rule to the Legislature for review no later than January 1, 2023.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**PROFESSIONAL AND FINANCIAL
REGULATION, DEPARTMENT OF
Licensing and Enforcement 0352**

Initiative: Allocates one-time funds for the costs associated with contracting for professional services to provide project management and facilitation while collaborating with stakeholders to develop rules governing the safety of drivers of vehicles used by a practitioner of funeral service or funeral establishment for the transport of human remains.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$20,500	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$20,500	\$0

See title page for effective date.