

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

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.