

# 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.**

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**Augusta, Maine**  
**2021**

OTHER SPECIAL REVENUE	\$224,153	\$308,384
FUNDS TOTAL		
<b>PUBLIC UTILITIES COMMISSION</b>		
<b>DEPARTMENT TOTALS</b>	<b>2021-22</b>	<b>2022-23</b>
 OTHER SPECIAL REVENUE	 \$324,153	 \$308,384
FUNDS		
 <b>DEPARTMENT TOTAL - ALL FUNDS</b>	 <b>\$324,153</b>	 <b>\$308,384</b>

See title page for effective date.

**CHAPTER 299**

**S.P. 223 - L.D. 536**

**An Act To Amend the Maine  
Criminal Code**

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

**PART A**

**Sec. A-1. 17-A MRSA §2016, sub-§1**, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

**1. Work program; payment of restitution and fines.** A prisoner who has been ordered to pay restitution or fines may not be released pursuant to a work program administered by the Department of Corrections under Title 34-A, section 3035, or a sheriff under Title 30-A, section 1605, or participate in an industry program under Title 34-A, section 1403, subsection 9 or any other program administered by the Department of Corrections or a sheriff by which a prisoner is able to generate money, unless the prisoner consents to pay at least 25% of the prisoner's gross weekly wages or other money generated to the victim or the court until such time as full restitution has been made or the fine is paid in full. The chief administrative officer of the correctional facility where the prisoner is incarcerated shall collect and disburse to the victim or victims that portion of the prisoner's wages or other money generated agreed to as payment of restitution. The chief administrative officer of the correctional facility where the prisoner is incarcerated shall also collect and disburse to the court that portion of the prisoner's wages or other money generated agreed to as payment of fines after the restitution is paid in full. If the victim or victims ordered by the court to receive restitution cannot be located, the correctional facility shall ~~inform the court that ordered restitution. The court shall determine the distribution of these funds~~ forward the funds, as provided in section 2009, to the Treasurer of State to be handled as unclaimed property.

**Sec. A-2. 17-A MRSA §2016, sub-§2**, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

**2. Payment of restitution or fines from other sources.** A prisoner, other than one addressed by subsection 1, who receives money, from any source, shall pay 25% of that money to any victim or the court if the court has ordered that restitution or a fine be paid. The chief administrative officer of the correctional facility in which the prisoner is incarcerated shall collect and disburse to the victim or victims that portion of the prisoner's money ordered as restitution. The chief administrative officer of the correctional facility where the prisoner is incarcerated shall also collect and disburse to the court that portion of the prisoner's money ordered as fines after the restitution is paid in full. If the victim or victims ordered by the court to receive restitution cannot be located, the correctional facility shall ~~inform the court that ordered restitution. The court shall determine the distribution of these funds~~ forward the funds, as provided in section 2009, to the Treasurer of State to be handled as unclaimed property. Money received by the prisoner and directly deposited into a telephone call account established by the Department of Corrections for the sole purpose of paying for use of the department's client telephone system is not subject to this subsection, except that 25% of any money received by the prisoner and transferred from the telephone call account to the department's general client account at the time of the prisoner's discharge or transfer to supervised community confinement must be collected and disbursed as provided in this subsection.

**PART B**

**Sec. B-1. 17-A MRSA §301, sub-§1, ¶A**, as amended by PL 2001, c. 383, §26 and affected by §156, is further amended to read:

- A. The actor knowingly restrains another person with the intent to:
  - (1) Hold the other person for ransom or reward;
  - (2) Use the other person as a shield or hostage;
  - (3) Inflict bodily injury upon the other person ~~or subject the other person to conduct defined as criminal in chapter 11;~~
  - (3-A) Subject the other person to conduct defined as criminal in chapter 11;
  - (4) Terrorize the other person or a 3rd person;
  - (5) Facilitate the commission of another crime by any person or flight thereafter; or
  - (6) Interfere with the performance of any governmental or political function; or

**Sec. B-2. 34-A MRSA §11273, sub-§16, ¶C**, as enacted by PL 2011, c. 663, §3, is amended to read:

C. Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3) if the crime is committed prior to January 1, 2022;

**Sec. B-3. 34-A MRSA §11273, sub-§16, ¶C-1** is enacted to read:

C-1. Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3-A) if the crime is committed on or after January 1, 2022;

**Sec. B-4. 37-B MRSA §504, sub-§4, ¶H**, as enacted by PL 2015, c. 175, §1, is amended by amending subparagraph (3) to read:

(3) Been convicted of a Class A or Class B crime under:

- (a) Title 17-A, chapter 11;
- (b) Title 17-A, chapter 12; or
- (c) Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3) if the crime is committed prior to January 1, 2022; or
- (d) Title 17-A, section 301, subsection 1, paragraph A, subparagraph (3-A) if the crime is committed on or after January 1, 2022;

**PART C**

**Sec. C-1. 17-A MRSA §1111-B**, as amended by PL 2019, c. 292, §1, is further amended to read:

**§1111-B. Exemption from criminal liability for reporting a drug-related medical emergency or administering naloxone**

A person who in good faith seeks medical assistance for or administers naloxone hydrochloride to another person experiencing a drug-related overdose and who is experiencing a drug-related overdose and is in need of medical assistance may not be arrested or prosecuted for or subject to revocation of probation based on conduct that would otherwise constitute a violation of section 1107-A, 1108, 1111 or 1111-A or a violation of probation as authorized by chapter 49 if the grounds for arrest or prosecution are obtained as a result of the person's seeking medical assistance, administering naloxone hydrochloride or experiencing a drug-related overdose.

**PART D**

**Sec. D-1. 17-A MRSA §257**, as amended by PL 2007, c. 476, §3, is repealed.

See title page for effective date.

**CHAPTER 300  
H.P. 407 - L.D. 562**

**An Act To Enhance Tribal-State Collaboration in the Enforcement of Child Support**

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

**Sec. 1. 19-A MRSA §2201-A** is enacted to read:

**§2201-A. Notice to licensing boards and obligor; judicial review; Penobscot Nation**

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

A. "Board" means any bureau, board or commission listed in Title 10, section 8001 or 8001-A, any other licensor that is affiliated with or is a part of the Department of Professional and Financial Regulation and the Department of Inland Fisheries and Wildlife.

B. "Support obligor" or "obligor" means an individual who owes a duty of support and over whom the Penobscot Nation and the Penobscot Nation Tribal Court have jurisdiction.

C. "Support order" or "order of support" means a judgment, decree or order, whether temporary, final or subject to modification, issued by the Penobscot Nation Tribal Court for the support and maintenance of a child or a child and the parent with whom the child is living that provides for monetary support, health care, arrearages or reimbursement and may include related costs and fees, interest and penalties, income withholding, attorney's fees and other relief.

**2. Notice.** The Penobscot Nation may serve notice upon a support obligor who is not in compliance with an order of support that informs the obligor of the Penobscot Nation's intention to submit the obligor's name to the appropriate board as a licensee who is not in compliance with an order of support. The notice must inform the obligor that:

A. The obligor may request a court hearing in the Penobscot Nation Tribal Court to contest the issue of compliance;

B. A request for hearing must be made in writing and must be received by the Penobscot Nation Tribal Court within 20 days of service;

C. If the obligor requests a hearing within 20 days of service, the Penobscot Nation will stay the action to certify the obligor to a board for noncompliance with an order of support pending a hearing;