

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

in the cost of prescription drugs, analysis of manufacturer prices and price increases, the major components of prescription drug pricing along the supply chain and the impacts on insurance premiums and cost sharing and any other information the organization determines is relevant to providing greater consumer awareness of the factors contributing to the cost of prescription drugs in the State. The report may not disclose information attributable to any particular manufacturer, wholesale drug distributor or pharmacy benefits manager subject to this subchapter and may not make public any information that is confidential pursuant to section 8733. The organization shall submit the report required by this section to the joint standing committee of the Legislature having jurisdiction over health data reporting and prescription drug matters and the committee may report out legislation to the first regular or second regular session of the Legislature, depending on the year in which the report is submitted.

See title page for effective date.

**CHAPTER 306
H.P. 552 - L.D. 747**

**An Act Regarding Civil Mental
Health Evaluations of Former
Criminal Defendants**

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

Sec. 1. 15 MRSA §101-D, sub-§5, ¶A, as amended by PL 2013, c. 434, §1 and affected by §15, is further amended to read:

A. Commit the defendant to the custody of the Commissioner of Health and Human Services for placement in an appropriate program for observation, care and treatment of people with mental illness or persons with intellectual disabilities or autism. An appropriate program may be in an institution for the care and treatment of people with mental illness, an intermediate care facility for persons who have intellectual disabilities or autism, a crisis stabilization unit, a nursing home, a residential care facility, an assisted living facility, a hospice, a hospital, an intensive outpatient treatment program or any program specifically approved by the court. At the end of 30 days or sooner, and again in the event of recommitment, at the end of 60 days and 180 days, the State Forensic Service or other appropriate office of the Department of Health and Human Services shall forward a report to the Commissioner of Health and Human Services relative to the defendant's competence to stand trial and its reasons. The Commissioner of Health and Human Services shall without delay file the report with the court having jurisdiction of the case. The court shall hold a hearing on the question

of the defendant's competence to stand trial and receive all relevant testimony bearing on the question. If the State Forensic Service's report or the report of another appropriate office of the Department of Health and Human Services to the court states that the defendant is either now competent or not restorable, the court shall within 30 days hold a hearing. If the court determines that the defendant is not competent to stand trial, but there does exist a substantial probability that the defendant will be competent to stand trial in the foreseeable future, the court shall recommit the defendant to the custody of the Commissioner of Health and Human Services for placement in an appropriate program for observation, care and treatment of people with mental illness or persons with intellectual disabilities or autism. An appropriate program may be in an institution for the care and treatment of people with mental illness, an intermediate care facility for persons who have intellectual disabilities or autism, a crisis stabilization unit, a nursing home, a residential care facility, an assisted living facility, a hospice, a hospital, an intensive outpatient treatment program or any program specifically approved by the court. When a person who has been evaluated on behalf of the court by the State Forensic Service or other appropriate office of the Department of Health and Human Services is committed into the custody of the Commissioner of Health and Human Services under this paragraph, the court shall order that the State Forensic Service or other appropriate office of the Department of Health and Human Services share any information that it has collected or generated with respect to the person with the institution or residential program in which the person is placed. ~~If the defendant is charged with an offense under Title 17-A, chapter 9, 11 or 13 or Title 17-A, section 506-A, 802 or 803-A and the court determines that the defendant is not competent to stand trial and there does not exist a substantial probability that the defendant can be competent in the foreseeable future, the court shall dismiss all charges against the defendant and, unless the defendant is subject to an undischarged term of imprisonment, order the Commissioner of Health and Human Services to commence proceedings pursuant to Title 34-B, chapter 3, subchapter 4. If the defendant is charged with an offense other than an offense under Title 17-A, chapter 9, 11 or 13 or Title 17-A, section 506-A, 802 or 803-A and the court determines that the defendant is not competent to stand trial and there does not exist a substantial probability that the defendant can be competent in the foreseeable future, the court shall dismiss all charges against the defendant and, unless the defendant is subject to an undischarged term of imprisonment, notify the appropriate authorities who may institute civil commitment proceedings for the individual. If the~~

~~defendant is subject to an undischarged term of imprisonment, the court shall order the defendant into execution of that sentence and the correctional facility to which the defendant must be transported shall execute the court's order; or~~

Sec. 2. 15 MRSA §101-D, sub-§5-A is enacted to read:

5-A. Finding of nonrestorability. If the court determines that the defendant is not competent to stand trial and there does not exist a substantial probability that the defendant can be competent in the foreseeable future, the court shall dismiss all charges against the defendant and, unless the defendant is subject to an undischarged term of imprisonment, the court may notify the appropriate authorities who may institute civil commitment proceedings for the individual. If the defendant is subject to an undischarged term of imprisonment, the court shall order the defendant into execution of that sentence, and the correctional facility to which the defendant is transported shall execute the court's order.

See title page for effective date.

CHAPTER 307
H.P. 602 - L.D. 834

**An Act To Ensure the
Appropriate Allocation of
Victim Restitution**

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

Sec. 1. 17-A MRSA §2008, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

§2008. Deceased victims

An offender's obligation to pay restitution is not affected by the death of the victim to whom the restitution is due. The money collected as restitution must be forwarded to the estate of the victim. If an offender is an heir, beneficiary or recipient of the victim's estate, any restitution paid to the estate under this section may not benefit the offender but must be distributed to any other heir, beneficiary or recipient as if the distribution of the estate's assets did not include the offender or, if the victim's estate has no heir, beneficiary or recipient other than the offender, the restitution must be paid to the Victims' Compensation Fund under Title 5, chapter 316-A or the Victims' Property Compensation Fund under Title 5, chapter 316-C, determined by whether the restitution is for underlying injury or property damage.

See title page for effective date.

CHAPTER 308
H.P. 609 - L.D. 841

**An Act Regarding Deferred
Disposition**

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

Sec. 1. 17-A MRSA §1901, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

§1901. Eligibility for deferred disposition

A person who has pleaded guilty to a Class B crime under chapter 45 or a Class C, Class D or Class E crime and who consents to a deferred disposition in writing is eligible for a deferred disposition.

See title page for effective date.

CHAPTER 309
H.P. 623 - L.D. 855

**An Act Regarding the Issuance
of a Birth Certificate Following
a Gender Marker Change**

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

Sec. 1. 22 MRSA §2705, sub-§5, as amended by PL 1989, c. 818, §3, is further amended to read:

5. Amendment following adoption ~~or~~ legitimization or gender marker change. Amendment of a certificate following adoption ~~or~~ legitimization or gender marker change is governed by section 2765, ~~subsection~~ subsections 2-A and 2-B.

Sec. 2. 22 MRSA §2765, as amended by PL 2017, c. 402, Pt. C, §§47 and 48 and affected by PL 2019, c. 417, Pt. B, §14, is further amended by amending the section headnote to read:

§2765. New certificate of birth following adoption ~~or~~ legitimization or gender marker change

Sec. 3. 22 MRSA §2765, sub-§1, ¶B, as amended by PL 1993, c. 686, §6 and affected by §13, is further amended to read:

B. A request that a new certificate be established and such evidence as the department may require by rule proving that the person has been legitimated; and

Sec. 4. 22 MRSA §2765, sub-§1, ¶C is enacted to read:

C. An application for gender marker change.

Sec. 5. 22 MRSA §2765, sub-§2-A, as amended by PL 2009, c. 601, §20, is further amended to read: