

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

utility for capacity, energy and renewable energy credits generated from a research array as directed by the commission.

Sec. 4. Study of infrastructure related to offshore wind energy generation. The Public Utilities Commission, in consultation with the Governor's Energy Office and the Office of the Public Advocate and with input from the public and interested stakeholders, by February 1, 2022, shall submit one or more reports to the Joint Standing Committee on Energy, Utilities and Technology. The report or reports must include information regarding options for the technology, location and creation of transmission infrastructure related to the development of offshore wind energy generation in the Gulf of Maine and transmission solutions proposed or built in other states and countries. The report or reports must include ways to protect species, habitats, the environment and traditional marine users from imprudent development while encouraging efficient transmission investment. The report or reports must recommend public and private transmission financing and ownership structures and include any necessary legislation to achieve the State's climate policy objectives. The committee may report out legislation to the Second Regular Session of the 130th Legislature based on the report or reports.

See title page for effective date.

CHAPTER 328

H.P. 261 - L.D. 363

An Act Regarding the Statute of Limitations for Injuries or Harm Resulting from Perfluoroalkyl and Polyfluoroalkyl Substances

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

Sec. 1. 14 MRSA §752-F is enacted to read:

§752-F. Perfluoroalkyl and polyfluoroalkyl substances

A cause of action arising out of any harm or injury caused by a perfluoroalkyl or polyfluoroalkyl substance accrues on the date the plaintiff discovers or reasonably should have discovered such harm or injury. For the purposes of this section, "perfluoroalkyl or polyfluoroalkyl substance" means any member of the class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom. This section does not affect application of notice requirements for filing under section 8107 or the limitation on actions against a government entity under section 8110.

Sec. 2. Application; retroactive application. This Act applies to all actions arising out of any harm

or injury caused by a perfluoroalkyl or polyfluoroalkyl substance and applies retroactively to those actions arising out of conduct occurring prior to the effective date of this Act.

See title page for effective date.

CHAPTER 329

S.P. 189 - L.D. 483

An Act To Clarify Funding for Civil Legal Services

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

Sec. 1. 4 MRSA §18-A, sub-§3-A, ¶C, as enacted by PL 2019, c. 509, §3, is amended to read:

C. A surcharge of \$127 must be imposed by a court on the fee for commencement of each debt collection action for small claims or money judgment closure action when the action is brought by a person who is a debt buyer, as defined by Title 32, section 11002, subsection 5-A, or a debt collector within the meaning of, as defined by Title 32, section 11002, subsection 6, and the. The surcharge must be deposited in the fund and is not a recoverable cost under Title 14, section 1502-B.

Sec. 2. 4 MRSA §18-B, sub-§7, as enacted by PL 1995, c. 560, Pt. I, §3, is amended to read:

7. **Fees Authority and fees.** When The Judicial Department is authorized to refer cases to the Court Alternative Dispute Resolution Service for mediation and, when a court refers parties to the Court Alternative Dispute Resolution Service for mediation, the court shall assess the parties a fee to be apportioned equally among the parties, unless the court otherwise directs. The fee must be deposited in the dedicated account created in subsection 8.

A party may file an in forma pauperis application for waiver of fee. If the court finds that the party does not have sufficient funds to pay the fee, it shall order the fee waived.

See title page for effective date.

CHAPTER 330

H.P. 593 - L.D. 788

An Act To Align the Preconviction and Post-conviction Discretionary Deductions for Time Served

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

Sec. 1. 12 MRSA §6004, last ¶, as amended by PL 2019, c. 113, Pt. C, §9, is further amended to read:

Any period of confinement must be served concurrently with any other period of confinement previously imposed and not fully discharged or imposed on the same date. Any period of confinement is subject to Title 17-A, section 2305, except that a statement is not required to be furnished and the day-for-day deduction must be determined by the facility, but is not subject to Title 17-A, section 2305, subsection 4 or 4-A; section 2307, subsections 2, 3 and 4; section 2308, subsection 2; section 2309, subsection 2; or section 2310, subsections 3, 6 and 7. If the court suspends the period of confinement in whole or in part, the court shall impose a period of administrative release not to exceed one year. The administrative release must be administered pursuant to Title 17-A, chapter 67, subchapter 2, and revocation of the administrative release is governed by the provisions of that subchapter.

Sec. 2. 12 MRSA §8004, last ¶, as amended by PL 2019, c. 113, Pt. C, §16, is further amended to read:

Any period of confinement must be served concurrently with any other period of confinement previously imposed and not fully discharged or imposed on the same date. Any period of confinement is subject to Title 17-A, section 2305, except that a statement is not required to be furnished and the day-for-day deduction must be determined by the facility, but is not subject to Title 17-A, section 2305, subsection 4 or 4-A; section 2307, subsections 2, 3 and 4; section 2308, subsection 2; section 2309, subsection 2; or section 2310, subsections 3, 6 and 7. If the court suspends the period of confinement in whole or in part, the court shall impose a period of administrative release not to exceed one year. The administrative release must be administered pursuant to Title 17-A, chapter 67, subchapter 2, and revocation of the administrative release is governed by the provisions of that subchapter.

Sec. 3. 12 MRSA §10608, last ¶, as amended by PL 2019, c. 113, Pt. C, §19, is further amended to read:

Any period of confinement must be served concurrently with any other period of confinement previously imposed and not fully discharged or imposed on the same date. Any period of confinement is subject to Title 17-A, section 2305, except that a statement is not required to be furnished and the day-for-day deduction must be determined by the facility, but is not subject to Title 17-A, section 2305, subsection 4 or 4-A; section 2307, subsections 2, 3 and 4; section 2308, subsection 2; section 2309, subsection 2; or section 2310, subsections 3, 6 and 7. If the court suspends the period of confinement in whole or in part, the court shall impose a period of administrative release not to exceed one year. The administrative release must be administered pursu-

ant to Title 17-A, chapter 67, subchapter 2, and revocation of the administrative release is governed by the provisions of that subchapter.

Sec. 4. 15 MRSA §3314, sub-§1, ¶H, as amended by PL 2019, c. 113, Pt. C, §48, is further amended to read:

H. The court may order the juvenile to serve a period of confinement that may not exceed 30 days, with or without an underlying suspended disposition of commitment to a Department of Corrections juvenile correctional facility, which confinement must be served concurrently with any other period of confinement previously imposed and not fully discharged or imposed on the same date but may be served intermittently as the court may order and must be ordered served in a facility approved or operated by the Department of Corrections exclusively for juveniles. The court may order such a disposition to be served as a part of and with a period of probation that is subject to such provisions of Title 17-A, section 1807 as the court may order and that must be administered pursuant to Title 34-A, chapter 5, subchapter 4. Revocation of probation is governed by the procedure contained in subsection 2. Any disposition under this paragraph is subject to Title 17-A, section 2305 except that a statement is not required to be furnished and the day-for-day deduction must be determined by the facility, but is not subject to Title 17-A, section 2305, subsection 4 or 4-A; section 2307, subsections 2, 3 and 4; section 2308, subsection 2; section 2309, subsection 2; or section 2310, subsections 3, 6 and 7. For purposes of calculating the commencement of the period of confinement, credit is accorded only for the portion of the first day for which the juvenile is actually confined; the juvenile may not be released until the juvenile has served the full term of hours or days imposed by the court. When a juvenile is committed for a period of confinement, the court shall determine whether reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from the juvenile's home or that reasonable efforts are not necessary because of the existence of an aggravating factor as defined in Title 22, section 4002, subsection 1-B and whether continuation in the juvenile's home would be contrary to the welfare of the juvenile. This determination does not affect whether the court orders a period of confinement.

Sec. 5. 17-A MRSA §2102, sub-§1, ¶F, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

F. The right to participate at sentencing pursuant to section 2104; ~~and~~

Sec. 6. 17-A MRSA §2102, sub-§1, ¶F-1 is enacted to read:

F-1. The final disposition of the charges against the defendant, including the amount of deductions to time served that a defendant has accumulated as of the date of sentencing. On or before the date of sentencing, the attorney for the State shall obtain information about the deductions to time served from each correctional facility at which a defendant was detained prior to sentencing on the relevant charges; and

Sec. 7. 17-A MRSA §2305, sub-§4, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

4. Additional deduction when warranted for crime committed on or after August 1, 2004 and before October 1, 2021. An individual may receive a deduction of up to 2 days per calendar month in addition to the day-for-day deduction provided pursuant to subsection 1 if:

A. The individual commits a crime on or after August 1, 2004 and before October 1, 2021 and is sentenced to a term of imprisonment for that crime; and

B. The individual is entitled to a day-for-day deduction pursuant to subsection 1 and the individual's conduct during that period of detention is such that the additional deduction is determined to be warranted in the discretion of the chief administrative officer of the facility in which the individual has been detained.

Deductions under this subsection must be calculated as follows for partial calendar months:

Days of partial month	Maximum deduction available
1 to 15 days	up to 1
16 to 31 days	up to 2

Sec. 8. 17-A MRSA §2305, sub-§4-A is enacted to read:

4-A. Additional deduction when warranted for crime committed on or after October 1, 2021. An individual may receive a deduction of up to 4 days per calendar month in addition to the day-for-day deduction provided pursuant to subsection 1 if:

A. The individual commits a crime on or after October 1, 2021 and is sentenced to a term of imprisonment for that crime; and

B. The individual is entitled to a day-for-day deduction pursuant to subsection 1 and the individual's conduct during that period of detention is such that the additional deduction is determined to be warranted in the discretion of the chief administrative officer of the facility in which the individual has been detained.

Deductions under this subsection must be calculated as follows for partial calendar months:

<u>Days of partial month</u>	<u>Maximum deduction available</u>
<u>1 to 7 days</u>	<u>up to 1</u>
<u>8 to 15 days</u>	<u>up to 2</u>
<u>16 to 23 days</u>	<u>up to 3</u>
<u>24 to 31 days</u>	<u>up to 4</u>

Sec. 9. 17-A MRSA §2305, sub-§6, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

6. Transporter's duty to provide statement of time detained. The sheriff or the sheriff's designee shall furnish to the administrator of the facility to which the individual is being delivered and the attorney for the State, within 30 days of delivery, a statement showing the length of that detention. The administrator shall use the statement furnished to determine the day-for-day deduction to which the individual is entitled pursuant to subsections 1 ~~and 4~~ and 4-A, if any, unless, within 15 days of its receipt, the attorney for the State furnishes a revised statement to the administrator.

Sec. 10. 29-A MRSA §115, 3rd ¶, as amended by PL 2019, c. 113, Pt. C, §73, is further amended to read:

Any period of confinement must be served concurrently with any other period of confinement previously imposed and not fully discharged or imposed on the same date. Any period of confinement is subject to Title 17-A, section 2305, except that a statement is not required to be furnished and the day-for-day deduction must be determined by the facility, but is not subject to Title 17-A, section 2305, subsection 4 or 4-A; section 2307, subsections 2, 3 and 4; section 2308, subsection 2; section 2309, subsection 2; or section 2310, subsections 3, 6 and 7. If the court suspends the period of confinement in whole or in part, the court shall impose a period of administrative release not to exceed one year. The administrative release must be administered pursuant to Title 17-A, chapter 67, subchapter 2, and revocation of the administrative release is governed by the provisions of that subchapter.

See title page for effective date.

CHAPTER 331

H.P. 631 - L.D. 863

An Act To Have Maine Join the Interstate Psychology Interjurisdictional Compact

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

Sec. 1. 32 MRSA c. 56, sub-c. 4 is enacted to read:

SUBCHAPTER 4