

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

**CHAPTER 393
H.P. 1093 - L.D. 1478**

**An Act To Require the Use of
Homelessness Crisis Protocols
by Law Enforcement Agencies**

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

Sec. 1. 17-A MRSA §18 is enacted to read:

§18. Homelessness crisis protocol

A person who lacks a home who commits a listed offense because the person lacks a home must be treated in accordance with the homelessness crisis protocol adopted by the responding law enforcement agency under subsection 2.

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

A. "Law enforcement agency" has the same meaning as in Title 25, section 3701, subsection 1.

B. "Listed offense" means:

(1) Criminal trespass in violation of section 402, subsection 1, paragraph C or F;

(2) Disorderly conduct in violation of section 501-A, subsection 1, paragraph A;

(3) Indecent conduct in violation of section 854 that is based on urinating in public;

(4) Possession of a scheduled drug in violation of chapter 45 that is based on using the scheduled drug; or

(5) Public drinking in violation of Title 17, section 2003-A, subsection 2.

2. Adoption of homelessness crisis protocol.

This subsection governs the adoption of homelessness crisis protocols by the Attorney General and law enforcement agencies. A homelessness crisis protocol must include access and referral to crisis services, mental health and substance use disorder professionals, emergency and transitional housing and case management services.

A. By January 1, 2022, the Attorney General shall adopt a model homelessness crisis protocol.

Rules adopted pursuant to this paragraph are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

B. By March 1, 2022, all law enforcement agencies shall adopt homelessness crisis protocols. The protocol of a law enforcement agency may, but is not required to, conform to the protocol adopted by the Attorney General.

3. Law enforcement response to a listed offense by a person who lacks a home. A law enforcement officer who responds to a call regarding or encounters a person who is committing or has committed a listed offense shall inquire whether the person has a home or lacks a home. If the person lacks a home, the law enforcement officer shall respond to the person using the homelessness crisis protocol adopted by the officer's law enforcement agency under subsection 2.

See title page for effective date.

**CHAPTER 394
H.P. 1174 - L.D. 1585**

**An Act To Increase Privacy
and Security by Regulating the
Use of Facial Surveillance
Systems by Departments,
Public Employees and Public
Officials**

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

Sec. 1. 25 MRSA Pt. 14 is enacted to read:

PART 14

SURVEILLANCE

CHAPTER 701

FACIAL SURVEILLANCE

§6001. Facial surveillance

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

A. "Another jurisdiction" has the same meaning as in Title 17-A, section 2, subsection 3-B.

B. "Bureau of Motor Vehicles" means the Department of the Secretary of State, Bureau of Motor Vehicles.

C. "Department" means a state, county or municipal government or a department, agency or subdivision thereof or any other entity identified in law as a public instrumentality, including, but not limited to, a law enforcement agency.

D. "Facial surveillance" means an automated or semi-automated process that assists in identifying or verifying an individual, or in capturing information about an individual, based on the physical characteristics of an individual's face.

E. "Facial surveillance system" means any computer software or application that performs facial surveillance.