

# 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**

G. Any quantity of pills, capsules, tablets, units, compounds, mixtures or substances that, in the aggregate, contains 800 milligrams or more of oxycodone or 100 milligrams or more of hydromorphone; or

H. Fourteen grams or more of or 30 or more pills, capsules, tablets or units containing 3, 4 - methylenedioxymethamphetamine, MDMA, or any other drug listed in section 1102, subsection 1, paragraph O or P.

**Sec. 4. 17-A MRSA §1105-A, sub-§1, ¶D**, as enacted by PL 2001, c. 383, §119 and affected by §156, is amended to read:

D. At the time of the offense, the person trafficks in cocaine in a quantity of 112 grams or more ~~or cocaine in the form of cocaine base in a quantity of 32 grams or more~~. Violation of this paragraph is a Class A crime;

**Sec. 5. 17-A MRSA §1105-C, sub-§1, ¶D**, as enacted by PL 2001, c. 383, §119 and affected by §156, is amended to read:

D. At the time of the offense, the person furnishes cocaine in a quantity of 112 grams or more ~~or cocaine in the form of cocaine base in a quantity of 32 grams or more~~. Violation of this paragraph is a Class B crime;

**Sec. 6. 17-A MRSA §1106, sub-§3**, as amended by PL 2015, c. 496, §§3 to 5, is further amended to read:

3. Proof that the person intentionally or knowingly possesses a scheduled drug that is in fact of a quantity, state or concentration as provided in this subsection, gives rise to a permissible inference under the Maine Rules of Evidence, Rule 303 that the person is unlawfully furnishing that scheduled drug:

- A. More than 2 1/2 ounces of marijuana;
- B. More than 2 grams of cocaine ~~or 2 grams or more of cocaine in the form of cocaine base~~;
- C-1. Two grams or more of heroin;
- C-2. Two grams or more of fentanyl powder;
- D. Lysergic acid diethylamide in any of the following quantities or concentrations:
  - (1) Not less than 25 squares, stamps, tablets or units of any compound, mixture or substance containing a detectable quantity of lysergic acid diethylamide; or
  - (2) Any quantity of any compound, mixture or substance that, in the aggregate, contains not less than 1,250 micrograms of lysergic acid diethylamide;
- E. More than 200 milligrams of methamphetamine;

F. Any quantity of pills, capsules, tablets, vials, ampules, syringes or units containing any narcotic drug other than heroin that, in the aggregate, contains more than 200 milligrams of the narcotic drug;

G. Any quantity of pills, capsules, tablets, units, compounds, mixtures or substances that, in the aggregate, contains more than 200 milligrams of oxycodone or more than 200 milligrams of hydromorphone; or

H. Fifteen or more pills, capsules, tablets or units containing 3, 4 - methylenedioxymethamphetamine, MDMA, or any other drug listed in section 1102, subsection 1, paragraph O.

See title page for effective date.

**CHAPTER 397**

**H.P. 1266 - L.D. 1703**

**An Act To Amend the Bail Code**

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

**Sec. 1. 15 MRSA §1023, sub-§5**, as amended by PL 2009, c. 23, §1, is further amended to read:

**5. Fees.** A bail commissioner is entitled to receive a fee not to exceed \$60 for the charges pursuant to which the defendant is presently in custody, unless the defendant lacks the present financial ability to pay the fee. A defendant presently in custody who is qualified to be released upon personal recognizance or upon execution of an unsecured appearance bond, whether or not accompanied by one or more conditions of bail that have been set by a judicial officer, but who in fact lacks the present financial ability to pay a bail commissioner fee, must nonetheless be released upon personal recognizance or upon execution of an unsecured appearance bond. A bail commissioner may not refuse to examine a person to determine the person's eligibility for bail, set bail, prepare the personal recognizance or bond or take acknowledgement of the person in custody because the person in custody lacks the present financial ability to pay a bail commissioner fee. The bail commissioner shall submit such forms as the Judicial Department directs to verify the amount of fees received under this subsection. The sheriff of the county in which the defendant is detained may create a fund for the distribution by the sheriff or the sheriff's designee for the payment in whole or in part of the \$60 bail commissioner fee for those defendants who do not have the financial ability to pay that fee.

A bail commissioner fee under this subsection is not a financial condition of release for the purposes of section 1026, subsection 3, paragraph B-1.

**Sec. 2. 15 MRSA §1026, sub-§3, ¶A**, as amended by PL 2017, c. 407, Pt. A, §51, is further amended by amending subparagraph (9-A) to read:

(9-A) Submit to:

(a) A random search for possession or use prohibited by a condition imposed under subparagraph (8) ~~or (9); or~~

(a-1) A random search for possession or use prohibited by a condition imposed under subparagraph (9) if the defendant is a participant in a specialty court docket under Title 4, chapter 8, 8-A or 8-B, or any other specialty docket established by the Judicial Department, or by agreement of the parties as part of a deferred disposition under Title 17-A, section 1902; or

(b) A search upon articulable suspicion for possession or use prohibited by a condition imposed under subparagraph (8) or (9);

**Sec. 3. 15 MRSA §1026, sub-§3, ¶A**, as amended by PL 2017, c. 407, Pt. A, §51, is further amended by repealing subparagraph (14).

**Sec. 4. 15 MRSA §1026, sub-§3, ¶B-1** is enacted to read:

B-1. Notwithstanding paragraph A, subparagraphs (11), (12) and (18) and paragraph B, a judicial officer may not impose a financial condition on a defendant for whom the highest class of crime charged is a Class E crime, except that a financial condition may be imposed on a defendant charged with a Class E crime:

(1) That is a violation of Title 17-A, chapter 11;

(2) That was committed against a family or household member as defined in Title 19-A, section 4002, subsection 4 or a dating partner as defined in Title 19-A, section 4002, subsection 3-A;

(3) That is a violation of a condition of release committed while the defendant is released on bail for a charge that involves: a violation of Title 17-A, chapter 11; a crime against a family or household member as defined in Title 19-A, section 4002, subsection 4; or a crime against a dating partner as defined in Title 19-A, section 4002, subsection 3-A;

(4) That is a violation of a condition of release premised on an allegation of new criminal conduct;

(5) When the defendant has failed to appear on the underlying Class E charge; or

(6) By stipulation. A financial condition imposed under this subparagraph may not exceed \$5.

**Sec. 5. 15 MRSA §1026, sub-§4, ¶C**, as amended by PL 2017, c. 407, Pt. A, §52, is further amended to read:

C. The history and characteristics of the defendant, including, but not limited to:

(1) The defendant's character and physical and mental condition;

(2) The defendant's family ties in the State;

(3) The defendant's employment history in the State;

(4) The defendant's financial resources, including the ability of the defendant to afford a financial condition imposed by the judicial officer;

(5) The defendant's length of residence in the community and the defendant's community ties;

(6) The defendant's past conduct, ~~including any history of substance use disorder;~~

(7) The defendant's criminal history, if any;

(8) The defendant's record concerning appearances at court proceedings;

(9) Whether, at the time of the current offense or arrest, the defendant was on probation, parole or other release pending trial, sentencing, appeal or completion of a sentence for an offense in this jurisdiction or another;

(9-A) Any evidence that the defendant poses a danger to the safety of others in the community, including the results of a validated, evidence-based domestic violence risk assessment recommended by the Maine Commission on Domestic and Sexual Abuse, established in Title 5, section 12004-I, subsection 74-C, and approved by the Department of Public Safety;

(10) Any evidence that the defendant has obstructed or attempted to obstruct justice by threatening, injuring or intimidating a victim or a prospective witness, juror, attorney for the State, judge, justice or other officer of the court; ~~and~~

(11) Whether the defendant has previously violated conditions of release, probation or other court orders, including, but not limited to, violating protection from abuse orders pursuant to former Title 19, section 769 or Title 19-A, section 4011-;

(12) Whether the defendant is the person primarily responsible for the care of another person;

(13) Whether the defendant has a specific health care need, including a mental health care need, that is being met or would be better met outside of custody; and

(14) Whether being placed or remaining in custody would prevent the defendant from maintaining employment.

**Sec. 6. 15 MRSA §1026, sub-§5, ¶A**, as enacted by PL 1987, c. 758, §20, is amended to read:

A. Include a written statement that sets forth ~~all the conditions to which the release is subject in a manner sufficiently clear and specific to serve as a guide for the defendant's conduct; and~~

(1) All the conditions to which the release is subject in a manner sufficiently clear and specific to serve as a guide for the defendant's conduct; and

(2) If an agreement to forfeit money under subsection 3, paragraph A, subparagraph (11) or (12) is ordered, the reason the judicial officer has set the amount of money ordered to be forfeited under the agreement; and

See title page for effective date.

**CHAPTER 398  
H.P. 156 - L.D. 221**

**An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2021, June 30, 2022 and June 30, 2023**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, the 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas**, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**PART A**

**Sec. A-1. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Accident - Sickness - Health Insurance 0455**

Initiative: Establishes one Public Service Coordinator I position to support implementation of Public Law 2019, chapter 424, An Act To Expand Health Insurance Options for Town Academies, and Public Law 2019, chapter 446, An Act To Amend the Laws Concerning the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program, and provides funding for related All Other costs.

<b>ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND</b>	<b>2021-22</b>	<b>2022-23</b>
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$86,742	\$91,130
All Other	\$1,929	\$7,687

ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND TOTAL	\$88,671	\$98,817
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**Accident - Sickness - Health Insurance 0455**

Initiative: Reduces funding in the cost of goods sold account to correct for an erroneous baseline increase enacted in Public Law 2021, chapter 29.

<b>ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND</b>	<b>2021-22</b>	<b>2022-23</b>
All Other	(\$167,840,593)	(\$167,840,593)

ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND TOTAL	(\$167,840,593)	(\$167,840,593)
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**FIREFIGHTERS AND LAW ENFORCEMENT OFFICERS HEALTH INSURANCE PROGRAM FUND**

All Other	2021-22 (\$1,658,819)	2022-23 (\$1,658,819)
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