

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

polyfluoroalkyl substances that may reasonably be quantified by a laboratory certified under the Maine Revised Statutes, Title 22, section 567. A solid waste landfill that conducts testing of leachate pursuant to this section shall provide the department with the results of that testing.

2. On or before January 15, 2024, the department shall submit a report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters regarding the testing program implemented under this section, including a description of the results of such testing and any recommendations, including proposed legislation. After reviewing the report, the joint standing committee may report out legislation related to the report.

For purposes of this section, "perfluoroalkyl and polyfluoroalkyl substances" has the same meaning as in the Maine Revised Statutes, Title 32, section 1732, subsection 5-A.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF**

**Land Application Contaminant Monitoring Fund
N385**

Initiative: Provides allocations to test and monitor soil and groundwater for perfluoroalkyl and polyfluoroalkyl substances, or PFAS, and other contaminants. Funding may also be used for abating and mitigating identified contamination through the installation of filter treatment systems.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$1,800,000	\$3,600,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,800,000	\$3,600,000

See title page for effective date.

**CHAPTER 479
S.P. 538 - L.D. 1651**

An Act To Support Working Families through Outreach and Education about Tax Credits for Persons of Low Income

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

Sec. 1. 36 MRSA §5219-S, sub-§7 is enacted to read:

7. Federal individual taxpayer identification numbers. For tax years beginning on or after January 1, 2021, for an individual who files a federal income tax

return, notwithstanding Section 32(m) of the Code, for purposes of calculating the credit allowed pursuant to this section, the taxpayer identification number required by Section 32(c)(1)(E) and 32(c)(3)(D) of the Code means a federal individual taxpayer identification number issued to an individual by the Internal Revenue Service or a social security number issued to an individual by the Social Security Administration on or before the due date for filing the return for the taxable year.

Sec. 2. Report. The New Ventures Maine program within the University of Maine System shall submit by January 31st annually beginning in 2022 to the joint standing committee of the Legislature having jurisdiction over taxation matters a report describing its activities in the previous calendar year in providing tax assistance to low-income individuals and families, including the types of activities engaged in and the number of low-income individuals and families receiving tax assistance.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE

New Ventures Maine Z169

Initiative: Provides ongoing funds for a statewide collaboration of nonprofit and for-profit partners to provide free volunteer tax assistance, including the filing of state tax returns; outreach to low-income individuals and families about federal and state tax credits; financial education, connections to financial services and other resources; education for providers and volunteers; and statewide data collection.

GENERAL FUND	2021-22	2022-23
All Other	\$36,500	\$36,500
GENERAL FUND TOTAL	\$36,500	\$36,500

See title page for effective date.

**CHAPTER 480
H.P. 1254 - L.D. 1685**

An Act To Protect the Constitutional Rights of Indigent Defendants

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

Sec. 1. 15 MRSA §815 is enacted to read:

§815. Communication between prosecutor and unrepresented defendant

1. Requirements for communication. To ensure that all waivers of the right to counsel are made knowingly, voluntarily and intelligently, a prosecutor may

not communicate with an unrepresented defendant unless:

A. The defendant has been informed of the defendant's right to court-appointed counsel;

B. The court has provided to the defendant a statement of:

(1) The substance of the charges against the defendant;

(2) The defendant's right to retain counsel, to request the assignment of counsel and to be allowed a reasonable time and opportunity to consult counsel before entering a plea;

(3) The defendant's right to remain silent and that the defendant is not required to make a statement and that any statement made by the defendant may be used against the defendant;

(4) The maximum possible sentence and any applicable mandatory minimum sentence; and

(5) The defendant's right to trial by jury; and

C. The defendant has executed a written waiver of the right to counsel in each prosecution.

2. Exception. Notwithstanding subsection 1, a prosecutor may communicate with an unrepresented defendant who has not executed a written waiver of the right to counsel to offer the defendant an opportunity to participate in an established precharge diversion program the successful completion of which results in the prosecutor not prosecuting the charge or charges against the defendant.

See title page for effective date.

CHAPTER 481

H.P. 1256 - L.D. 1687

An Act To Improve the Provision of Indigent Legal Services

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 State's constitutional and statutory obligations include ensuring that each person facing a potential loss of liberty in a criminal or juvenile proceeding is provided with effective representation at every critical stage of the proceeding and also include providing counsel services to indigent parents in child protection proceedings and to individuals in hearings for involuntary commitment; and

Whereas, the Sixth Amendment Center identified significant challenges that the State faces in fulfilling its statutory and constitutional obligations; and

Whereas, it is important for the State to begin to address these significant challenges as soon as possible; 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:

Sec. 1. 4 MRSA §1804, sub-§3, ¶A, as enacted by PL 2009, c. 419, §2, is amended to read:

A. Develop and maintain a system that ~~uses~~ may employ attorneys, use appointed private attorneys, contracts and contract with individual attorneys or groups of attorneys ~~and~~. The commission shall consider other programs necessary to provide quality and efficient indigent legal services;

Sec. 2. 4 MRSA §1804, sub-§3, ¶M, as amended by PL 2019, c. 427, §3, is further amended to read:

M. Establish procedures for handling complaints about the performance of counsel providing indigent legal services; ~~and~~

Sec. 3. 4 MRSA §1804, sub-§3, ¶N, as enacted by PL 2019, c. 427, §4, is amended to read:

N. Develop a procedure for approving requests by counsel for authorization to file a petition as described in section 1802, subsection 4, paragraph D; ~~and~~

Sec. 4. 4 MRSA §1804, sub-§3, ¶O is enacted to read:

O. Establish a system to audit financial requests and payments that includes the authority to recoup payments when necessary. The commission may summon persons and subpoena witnesses and compel their attendance, require production of evidence, administer oaths and examine any person under oath as part of an audit. Any summons or subpoena may be served by registered mail with return receipt. Subpoenas issued under this paragraph may be enforced by the Superior Court.

Sec. 5. 4 MRSA §1804, sub-§4, ¶D, as amended by PL 2013, c. 368, Pt. RRR, §1 and affected by §4, is further amended to read:

D. Adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that rules adopted to establish ~~standards under subsection 2,~~