

# 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**

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,~~

~~paragraph B~~ and rates of compensation for assigned counsel and contract counsel under subsection ~~2~~ 3, paragraph F are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A; and

**Sec. 6. 4 MRSA §1805, sub-§9-A** is enacted to read:

**9-A. Audits; recoupment.** Conduct audits of financial requests and payments and recoup payments when necessary. The executive director may exercise the subpoena power of the commission granted under section 1804, subsection 3, paragraph O;

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective July 15, 2021.

**CHAPTER 482**

**S.P. 566 - L.D. 1713**

**An Act To Revitalize Maine's Paper Industry through the Establishment of an Income Tax Credit for Paper Manufacturing**

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

**Sec. 1. 36 MRSA §191, sub-§2, ¶NNN** is enacted to read:

NNN. The disclosure to the joint standing committee of the Legislature having jurisdiction over taxation matters pursuant to section 5219-YY, subsection 4, paragraph C of the revenue loss, including the loss due to refundable credits, attributable to each taxpayer claiming the tax credit for paper manufacturing facility investment provided under that section, regardless of the number of persons eligible for the credit.

**Sec. 2. 36 MRSA §191, sub-§2, ¶OOO** is enacted to read:

OOO. The disclosure of information to the Department of Economic and Community Development necessary for the administration of the tax credit for paper manufacturing facility investment pursuant to section 5219-YY.

**Sec. 3. 36 MRSA §5219-YY** is enacted to read: **§5219-YY. Credit for paper manufacturing facility investment**

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

A. "Certified applicant" means a qualified applicant that has received a certificate of approval from the commissioner pursuant to this section.

B. "Commissioner" means the Commissioner of Economic and Community Development.

C. "Employee based at a paper manufacturing facility" means an employee who performs more than 50% of the employee's employee-related activities for the employer at a paper manufacturing facility.

D. "Full-time" means an average of at least 36 hours weekly during the period of measurement.

E. "Headquarters" has the same meaning as in section 5219-QQ, subsection 1, paragraph F.

F. "Paper manufacturing facility" means a facility in the State that is used primarily to manufacture paper products, including facilities used in support of such paper manufacturing.

G. "Qualified applicant" means an applicant that, at the time an application for a certificate of approval is submitted, satisfies the following criteria:

(1) The applicant owns a paper manufacturing facility located in a county in this State with an unemployment rate that is at least 20% higher than the state average unemployment rate, as determined in the most recent annual state and county unemployment rate report issued by the Department of Labor;

(2) The applicant directly employs at least 400 qualified employees, at least 75% of whom earn at least 115% of the most recent annual per capita personal income in the county in which the qualified employee is employed;

(3) The applicant intends to make a qualified investment in the State within 2 years following the date of the application;

(4) The applicant's paper manufacturing facility is not located within a low-income community. As used in this subparagraph, "low-income community" has the same meaning as in the Code, Section 45D(e)(1);

(5) The applicant has not received a qualified low-income community investment under section 5219-HH with respect to the paper manufacturing facility at which the qualified investment is made or intended to be made;

(6) The applicant's headquarters are or will be located in the State; and

(7) The applicant is not certified under the Pine Tree Development Zone program pursuant to Title 30-A, section 5250-O or the Maine Employment Tax Increment Financing Program established in chapter 917.