LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

SECOND SPECIAL SESSION
September 29, 2021

SECOND REGULAR SESSION
January 5, 2022 to May 9, 2022

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2022

make contributions to a candidate in support of the candidacy of one person aggregating no more than the amount that an individual may contribute to that candidate under subsection 1, except that the committee may not make any monetary contributions to a candidate using funds that derive, in whole or in part, from a business entity. Nothing in this paragraph prohibits a separate segregated fund committee that receives nonmonetary contributions from a business entity under section 1056-D, subsection 2, paragraph A from making monetary contributions to a candidate within the limits described in this paragraph.

Sec. 2. 21-A MRSA §1056-C, sub-§2, as enacted by PL 2021, c. 274, §11 and affected by §13, is amended to read:

2. Contributions by party committees, ballot question committees and political action committees. Except as provided in paragraph A, a party committee under section 1013-A, subsection 3, a ballot question committee, a political action committee and any other committee may not make contributions to a leadership political action committee.

A. A party committee under section 1013-A, subsection 3, a ballot question committee, a leadership political action committee, a separate segregated fund committee, a caucus political action committee and any other political action committee may make contributions to a leadership political action committee aggregating no more in a calendar year than the amount that the committee may contribute to a legislative candidate in any election under section 1015, subsection 2, paragraph A, except that the committee may not make any monetary contributions to a leadership political action committee using funds that derive, in whole or in part, from a business entity. Nothing in this paragraph prohibits a separate segregated fund committee that receives nonmonetary contributions from a business entity under section 1056-D, subsection 2, paragraph A from making monetary contributions to a candidate within the limits described in this paragraph.

Sec. 3. 21-A MRSA §1056-D, sub-§1, as enacted by PL 2021, c. 274, §12 and affected by §13, is amended to read:

1. Contributions by individuals. An individual may not make contributions to a separate segregated fund committee aggregating more than $5,000 in a calendar year. Beginning December 1, 2023, contribution limits under this subsection are adjusted every 2 years based on the Consumer Price Index as reported by the United States Department of Labor, Bureau of Labor Statistics and rounded to the nearest amount divisible by $25. The commission shall post the current contribution limit and the amount of the next adjustment and the date that it will become effective on its publicly accessible website and include this information with any publication to be used as a guide for candidates.

Sec. 4. 21-A MRSA §1056-D, sub-§2, ¶A, as enacted by PL 2021, c. 274, §12 and affected by §13, is amended to read:

A. The corporation, membership organization, cooperative or labor or other organization that established the separate segregated fund committee, referred to in this paragraph as "the parent entity," may contribute the paid staff time of its employees and independent contractors to establish the committee and to provide fundraising and administrative services directly to the committee. The parent entity may also provide the separate segregated fund committee with the use of offices, telephones, computers and similar equipment ~~when that use does not result in additional cost to the parent entity~~.

Sec. 5. Effective date. This Act takes effect January 1, 2023.

Effective January 1, 2023.

CHAPTER 608

H.P. 1410 - L.D. 1903

An Act To Update Criminal and Related Statutes and Respond to Decisions of the Law Court

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

PART A

Sec. A-1. 5 MRSA §20071, sub-§1, as amended by PL 1999, c. 448, §1, is further amended to read:

1. Alcohol-related or other drug-related motor vehicle incident. "Alcohol-related or other drug-related motor vehicle incident" means a conviction or administrative action resulting in the suspension of a motor vehicle operator's license for a violation under former Title 29, section 1311-A; Title 29, section 1312, subsection 10-A; Title 29, section 1312-C; Title 29, section 1312-B; Title 29, section 1313-B; Title 29, section 2241, subsection 1, paragraph N; Title 29, section 2241-G, subsection 2, paragraph B, subparagraph (2); Title 29, section 2241-J; Title 29-A, section 1253; Title 29-A, section 2411; Title 29-A, section 2453; Title 29-A, section 2454, subsection 2; Title 29-A, section 2456; Title 29-A, section 2457; Title 29-A, section 2472, subsection 3, paragraph B and subsection 4; Title 29-A, section 2503; Title 29-A, sections 2521 ~~to~~ and 2523; or Title 29-A, section 2525 or the rules adopted

by the Department of the Secretary of State for the suspension of commercial drivers' licenses.

Sec. A-2. 25 MRSA §2005-A, sub-§3, as amended by PL 1995, c. 65, Pt. A, §77 and affected by §153 and Pt. C, §15, is further amended to read:

3. Suspension in effect during ~~pendancy~~ pendency. The suspension remains in effect until the entry of judgment if charges are filed of violating Title 17-A, section 1057 or of operating a motor vehicle, snowmobile, ATV~~,~~ or watercraft under the influence of intoxicating liquor or drugs, unless it is determined by the court in which the criminal charge or civil violation is pending, or by the Secretary of State if a hearing is held pursuant to Title 29-A, section 2521~~, 2522~~ or 2523, that the law enforcement officer did not have probable cause to require the permit holder to submit to chemical testing.

Sec. A-3. 29-A MRSA §2431, sub-§3, as amended by PL 1995, c. 368, Pt. AAA, §15, is further amended to read:

3. Failure as evidence. Failure of a person to submit to a chemical test is admissible in evidence on the issue of whether that person was under the influence of intoxicants.

If the law enforcement officer fails to give the required warnings, the failure of the person to submit to a chemical test is not admissible~~, except when a test was required under section 2522~~.

If a failure to submit to a chemical test is not admitted into evidence, the court may inform the jury that no test result is available.

If a test result is not available for a reason other than failing to submit to a chemical test, the unavailability and the reason ~~is~~ are admissible in evidence.

Sec. A-4. 29-A MRSA §2521, sub-§6-A is enacted to read:

6-A. Suspension for refusal when probable cause exists to believe death has occurred or will occur. Except when a longer period of suspension is otherwise provided by law, if, in addition to the probable cause set forth in subsection 1, there is also probable cause to believe that death occurred or will occur, the suspension is for a period of one year for a first refusal.

Sec. A-5. 29-A MRSA §2521, sub-§8, ¶A-1 is enacted to read:

A-1. For the purposes of subsection 6-A, there is probable cause to believe that death has occurred or will occur;

Sec. A-6. 29-A MRSA §2522, as amended by PL 2013, c. 459, §9, is repealed.

PART B

Sec. B-1. 15 MRSA §393, sub-§1, ¶A-1, as amended by PL 2015, c. 470, §1, is further amended by amending subparagraph (3) to read:

(3) A crime under the laws of ~~any other state~~ another jurisdiction that, in accordance with the laws of that jurisdiction, is punishable by a term of imprisonment exceeding one year. This subparagraph does not include a crime under the laws of another ~~state~~ jurisdiction that is classified by the laws of that ~~state~~ jurisdiction as a misdemeanor and is punishable by a term of imprisonment of 2 years or less;

Sec. B-2. 15 MRSA §393, sub-§1, ¶A-1, as amended by PL 2015, c. 470, §1, is further amended by amending subparagraph (4) to read:

(4) A crime under the laws of ~~any other state~~ another jurisdiction that, in accordance with the laws of that jurisdiction, does not come within subparagraph (3) but is elementally substantially similar to a crime in this State that is punishable by a term of imprisonment ~~for~~ of one year or more; or

Sec. B-3. 15 MRSA §393, sub-§1, ¶A-1, as amended by PL 2015, c. 470, §1, is further amended by amending subparagraph (5) to read:

(5) A crime under the laws of ~~the United States,~~ this State or ~~any other state or the Passamaquoddy Tribe or Penobscot Nation~~ another jurisdiction in a proceeding in which the prosecuting authority was required to plead and prove that the person committed the crime with the use of:

(a) A firearm against a person; or

(b) Any other dangerous weapon.

Sec. B-4. 15 MRSA §393, sub-§1, ¶C, as amended by PL 2015, c. 470, §1, is further amended to read:

C. Has been adjudicated in this State or under the laws of ~~the United States or any other state~~ another jurisdiction to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction:

(1) Under paragraph A-1, subparagraphs (1) to (4) and bodily injury to another person was threatened or resulted; or

(3) Under paragraph A-1, subparagraph (5).

Violation of this paragraph is a Class C crime;

Sec. B-5. 15 MRSA §393, sub-§1, ¶D, as amended by PL 2015, c. 470, §1, is further amended to read:

D. Is subject to an order of a court of ~~the United States or a state, territory, commonwealth or tribe~~

this State or another jurisdiction that restrains that person from harassing, stalking or threatening an intimate partner, as defined in 18 United States Code, Section 921(a), of that person or a child of the intimate partner of that person, or from engaging in other conduct that would place the intimate partner in reasonable fear of bodily injury to the intimate partner or the child, except that this paragraph applies only to a court order that was issued after a hearing for which that person received actual notice and at which that person had the opportunity to participate and that:

(1) Includes a finding that the person represents a credible threat to the physical safety of an intimate partner or a child; or

(2) By its terms, explicitly prohibits the use, attempted use or threatened use of physical force against an intimate partner or a child that would reasonably be expected to cause bodily injury.

Violation of this paragraph is a Class D crime;

Sec. B-6. 15 MRSA §393, sub-§1-A, as amended by PL 2015, c. 470, §2, is further amended to read:

1-A. Limited prohibition for nonviolent juvenile offenses. A person who has been adjudicated in this State or under the laws of ~~the United States or any other state~~ another jurisdiction to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction under subsection 1, paragraph A-1 or subsection 1-B, paragraph A but is not an adjudication under subsection 1, paragraph C or an adjudication under subsection 1-B, paragraph B in which bodily injury to another person was threatened or resulted may not own or have in that person's possession or control a firearm for a period of 3 years following completion of any disposition imposed or until that person reaches 18 years of age, whichever is later. Violation of this subsection by a person at least 18 years of age is a Class C crime.

Sec. B-7. 15 MRSA §393, sub-§1-B, ¶A, as amended by PL 2015, c. 470, §3, is further amended by amending subparagraph (2) to read:

(2) A crime under the laws of ~~the United States or any other state~~ another jurisdiction that in accordance with the laws of that jurisdiction is elementally substantially similar to a crime in subparagraph (1).

Sec. B-8. 15 MRSA §393, sub-§1-B, ¶B, as amended by PL 2015, c. 470, §3, is further amended to read:

B. Has been adjudicated in this State or under the laws of ~~the United States or any other state~~ another jurisdiction to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction under this subsection. Violation of this paragraph is a Class C crime.

Sec. B-9. 15 MRSA §393, sub-§7, ¶C, as enacted by PL 2001, c. 549, §4, is repealed.

Sec. B-10. 15 MRSA §393, sub-§7, ¶F is enacted to read:

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

PART C

Sec. C-1. 15 MRSA §1026, sub-§5, as amended by PL 2021, c. 397, §6, is further amended to read:

5. Contents of release order. In a release order issued under subsection 2-A or 3, the judicial officer shall:

A. Include a written statement that sets forth:

(1) All the conditions to which the ~~release~~ defendant 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

B. Advise the defendant ~~of~~ that:

(1) The ~~penalties if the defendant fails to appear as required~~ conditions of release take effect and are fully enforceable immediately as of the time the judicial officer sets the conditions, unless the release order expressly excludes a condition or conditions of release from immediate applicability; and

(2) ~~The penalties for and consequences of violating a condition of release, including the immediate issuance of a warrant for the defendant's arrest~~ Failure to appear or comply with a condition or conditions of release may subject the defendant to revocation of bail and additional criminal penalties.

Sec. C-2. 15 MRSA §1026, sub-§7, as enacted by PL 1995, c. 356, §5, is amended to read:

7. Applicability of conditions of release. A condition of release takes effect and is fully enforceable immediately as of the time the judicial officer sets the condition, unless the ~~bail~~ release order expressly excludes ~~it~~ a condition of release from immediate applicability~~.~~, if the defendant is advised by a judicial officer, a law enforcement officer or an employee of a county or regional jail or a correctional facility having custody of the defendant:

A. Of the condition; and

B. That failure to appear or comply with the condition may subject the defendant to revocation of bail and additional criminal penalties.

PART D

Sec. D-1. 17-A MRSA §1805, sub-§1, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

1. Determination of date probation begins; revocation; place of imprisonment. Unless prohibited pursuant to section 1802, subsection 1, paragraphs A to F, the court may impose a split sentence by sentencing an individual to a term of imprisonment not to exceed the maximum term authorized for the crime, an initial portion of which is to be served and the remainder of which is to be suspended, and accompany the suspension with a period of probation not to exceed the maximum period authorized for the crime. The period of probation commences on the date the individual is released from the unsuspended portion of the term of imprisonment, unless the court orders it to commence on an earlier date. If the period of probation commences on the date the person is released from the initial unsuspended portion of the term of imprisonment, that day is counted as the first full day of the period of probation.

A. If the period of probation commences upon release of the individual from an unsuspended portion of the term of imprisonment, the court may revoke probation for any criminal conduct committed during that unsuspended portion of the term of imprisonment.

B. If execution of the sentence is stayed, the court may revoke probation for criminal conduct committed during the period of stay or for failure to report as ordered.

C. The court may revoke probation if, during any unsuspended portion of the term of imprisonment, an individual sentenced as a repeat sexual assault offender, pursuant to section 1804, subsection 4, refuses to actively participate in a sex offender treatment program in accordance with the expectations and judgment of the treatment providers, when requested to do so by the Department of Corrections.

D. The court may revoke probation if, during an unsuspended portion of the term of imprisonment:

(1) The individual has contact with a victim with whom the individual has been ordered not to have contact as a condition of probation;

(2) In the case of an individual who has been committed to the Department of Corrections, the individual has contact with any victim with whom the individual has been prohibited to have contact by the Department of Corrections; or

(3) In the case of an individual who has been committed to a county or regional jail, the individual has contact with any victim with whom the individual has been prohibited to have contact by the county or regional jail.

E. As to both the suspended and unsuspended portions of the sentence, the place of imprisonment must be as follows.

(1) For a Class D or Class E crime, the court must specify a county jail as the place of imprisonment.

(2) For a Class A, Class B or Class C crime, the court must:

(a) Specify a county jail as the place of imprisonment for any portion of the sentence that is 9 months or less; and

(b) Commit the individual to the Department of Corrections for any portion of the sentence that is more than 9 months.

Sec. D-2. 17-A MRSA §1806, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

§1806. Wholly suspended term of imprisonment with probation

Unless prohibited pursuant to section 1802, subsection 1, paragraphs A to F, the court may sentence an individual to a term of imprisonment not to exceed the maximum term authorized for the crime, suspend the entire term of imprisonment and accompany the suspension with a period of probation not to exceed the maximum period authorized for the crime, to commence on the date the individual goes into actual execution of the sentence. The day the individual goes into actual execution of the sentence is counted as the first full day of the period of probation.

Sec. D-3. 17-A MRSA §1812, sub-§7, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

7. Tolling of period of probation; conditions of probation continue in effect. The running of the period of probation is tolled upon either the delivery of the summons, the filing of the written notice with the court that the person cannot be located or the arrest of the person. If the court finds a violation of probation, the day upon which the tolling occurs does not count toward the period of probation. If the motion is dismissed or withdrawn, or if the court finds no violation of probation, the running of the period of probation is deemed not to have been tolled. The conditions of probation continue in effect during the tolling of the running of the period of probation, and any violation of a condition subjects the person to a revocation of probation pursuant to the provisions of this subchapter.

Sec. D-4. 17-A MRSA §1815 is enacted to read:

§1815. Completion of period of probation

A period of probation is completed when the last day of the period, excluding any days during which the running of the period of probation is tolled, ends.

PART E

Sec. E-1. 17-A MRSA §253, sub-§2, ¶M, as amended by PL 2019, c. 438, §2, is further amended to read:

M. The other person has not expressly or impliedly acquiesced to the sexual act and the actor is criminally negligent with regard to whether the other person has acquiesced. Violation of this paragraph is a Class C crime; or

Sec. E-2. 17-A MRSA §255-A, sub-§1, ¶A, as enacted by PL 2001, c. 383, §23 and affected by §156, is amended to read:

A. The other person has not expressly or impliedly acquiesced in the sexual contact and the actor is criminally negligent with regard to whether the other person has acquiesced. Violation of this paragraph is a Class D crime;

Sec. E-3. 17-A MRSA §255-A, sub-§1, ¶B, as enacted by PL 2001, c. 383, §23 and affected by §156, is amended to read:

B. The other person has not expressly or impliedly acquiesced in the sexual contact, the actor is criminally negligent with regard to whether the other person has acquiesced and the sexual contact includes penetration. Violation of this paragraph is a Class C crime;

Sec. E-4. 17-A MRSA §260, sub-§1, ¶A, as enacted by PL 2003, c. 138, §5, is amended to read:

A. The other person has not expressly or impliedly acquiesced in the sexual touching and the actor is criminally negligent with regard to whether the other person has acquiesced. Violation of this paragraph is a Class D crime;

See title page for effective date.

CHAPTER 609

S.P. 691 - L.D. 1954

An Act To Ensure Access to Prescription Contraceptives

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

Sec. 1. 24 MRSA §2332-J, sub-§4 is enacted to read:

4. Coverage of contraceptive supplies. Coverage required under this section must include coverage for contraceptive supplies in accordance with the following requirements. For purposes of this section, "contraceptive supplies" means all contraceptive drugs, devices and products approved by the federal Food and Drug Administration to prevent an unwanted pregnancy.

A. Coverage must be provided without any deductible, coinsurance, copayment or other cost-sharing requirement.

B. If the federal Food and Drug Administration has approved one or more therapeutic equivalents of a contraceptive supply, an insurer is not required to cover all those therapeutically equivalent versions in accordance with this subsection, as long as at least one is covered without any deductible, coinsurance, copayment or other cost-sharing requirement in accordance with this subsection.

C. Coverage must be provided for the furnishing or dispensing of prescribed contraceptive supplies intended to last for a 12-month period, which may be furnished or dispensed all at once or over the course of the 12 months at the discretion of the health care provider.

Sec. 2. 24-A MRSA §2756, sub-§3, as enacted by PL 2017, c. 190, §1, is amended to read:

3. Coverage of contraceptive supplies. Coverage required under this section must include coverage for contraceptive supplies in accordance with the following requirements. For purposes of this section, "contraceptive supplies" means all contraceptive drugs, devices and products approved by the federal Food and Drug Administration to prevent an unwanted pregnancy.

A. Coverage must be provided without any deductible, coinsurance, copayment or other cost-sharing requirement ~~for at least one contraceptive supply within each method of contraception that is identified by the federal Food and Drug Administration to prevent an unwanted pregnancy and prescribed by a health care provider~~.

B. If ~~there is a therapeutic equivalent of a contraceptive supply within a contraceptive method approved by~~ the federal Food and Drug Administration~~, an insurer may provide coverage for more than~~ has approved one or more therapeutic equivalents of a contraceptive supply ~~and may impose~~, an insurer is not required to cover all those therapeutically equivalent versions in accordance with this subsection, as long as at least one is covered without any deductible, coinsurance, copayment or other cost-sharing ~~requirements as long as at least one contraceptive supply within that method is available without cost sharing~~ requirement in accordance with this subsection.

~~C. If an individual's health care provider recommends a particular contraceptive supply approved by the federal Food and Drug Administration for the individual based on a determination of medical~~