

MAINE STATE LEGISLATURE

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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
DECEMBER 29, 2021

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 8, 2022

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2022

Sec. 2. 3 MRSA §963, as amended by PL 2013, c. 505, §2, is further amended to read:

§963. Review

The joint standing committee of the Legislature having jurisdiction over state and local government matters shall review the provisions and effects of this chapter no later than ~~June 30, 2022~~ March 30, 2032 and at least once every 10 years ~~after June 30, 2022~~ thereafter. The committee may report out legislation during the session of the Legislature in which a review under this section is completed.

See title page for effective date.

CHAPTER 618

H.P. 608 - L.D. 840

**An Act To Prevent Power Line
Electrocutions**

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

Sec. 1. 35-A MRSA §760, as enacted by PL 1995, c. 348, §1, is amended to read:

§760. Indemnification Liability

A person is liable to the owner or operator of the overhead high-voltage line and 3rd parties, if any, for all or part of the damages to facilities; and injuries to persons and all or part of the costs, expenses and liabilities incurred by the owner or operator of the overhead high-voltage lines and 3rd parties, if any, as a result of any contact with an overhead high-voltage line if the person causes, permits or allows any work or activity in violation of a provision of this chapter and, as a result, a physical or electrical contact with an overhead high-voltage line occurs. The allocation of damages must be based on the comparative negligence of the parties as set forth in Title 14, section 156, except that employers of injured persons are immune from payment of damages to the extent provided under the Maine Workers' Compensation Act of 1992.

See title page for effective date.

CHAPTER 619

H.P. 1062 - L.D. 1446

**An Act To Aid Municipalities
in the Issuance of Concealed
Handgun Permits**

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

Sec. 1. 25 MRSA §2002, sub-§9, as amended by PL 2011, c. 366, §5, is further amended to read:

9. Issuing authority. "Issuing authority" means the following:

A. To a legal resident of a municipality with a full-time chief of police:

(1) ~~The mayor and~~ Except as otherwise provided in this paragraph, the municipal officers or councilors of a city, the municipal officers or councilors of a town or the assessors of a plantation or, if they so choose, their full-time chief of police as their designee of the municipality; or

(2) ~~The Chief of the State Police as the designee of the municipal officers under section 2002-A;~~

(3) The chief of police of the municipality if the municipal officers of the municipality designate the chief as the issuing authority;

(4) The chief of police of an adjacent municipality if the municipal officers of the municipality designate the chief as the issuing authority and the chief agrees to the designation in accordance with section 2002-B; or

(5) The sheriff of the county where the municipality is located if the municipal officers of the municipality designate the sheriff as the issuing authority and the sheriff agrees to the designation in accordance with section 2002-B;

A-1. To a legal resident of a municipality without a full-time chief of police:

(1) Except as otherwise provided in this paragraph, the municipal officers of the municipality;

(2) The chief of police of an adjacent municipality if the municipal officers of the municipality designate the chief as the issuing authority and the chief agrees to the designation in accordance with section 2002-B;

(3) The sheriff of the county where the municipality is located if the municipal officers of the municipality designate the sheriff as the issuing authority and the sheriff agrees to the designation in accordance with section 2002-B; or

(4) The Chief of the State Police if the municipal officers of the municipality designate the chief as the issuing authority and the chief agrees to the designation in accordance with section 2002-A;

B. To a resident of an unorganized territory:

(1) The Chief of the State Police;

C. To a nonresident:

(1) The Chief of the State Police; and

D. To a professional investigator licensed under Title 32, chapter 89:

(1) The Chief of the State Police.

Sec. 2. 25 MRSA §2002, sub-§10-B is enacted to read:

10-B. Municipal officers. "Municipal officers" means the mayor, municipal officers or councilors of a city; the municipal officers or councilors of a town; or the assessors of a plantation.

Sec. 3. 25 MRSA §2002-B is enacted to read:

§2002-B. Assignment of authority; chief of police of adjacent municipality or county sheriff

The municipal officers of a municipality may designate the chief of police of an adjacent municipality or the sheriff of the county in which the municipality is located as the issuing authority for that municipality if the chief or sheriff agrees to the designation. The designation must be made by written agreement with the chief or sheriff. The agreement must include provisions for termination of the agreement. During the term of an agreement, the chief or sheriff shall perform all the functions of the issuing authority, including suspension and revocation of permits. The chief or sheriff is entitled to receive any fees authorized for performing the functions of an issuing authority. The chief or sheriff continues to serve as the issuing authority until the chief or sheriff receives from the municipal officers written notice of cancellation or revocation of the designation.

Sec. 4. State Police; stakeholder group; report. The Department of Public Safety, Bureau of State Police shall convene a stakeholder group to review the laws of this State regulating the issuance of permits to carry a concealed handgun and develop findings and recommendations for changes to those laws to improve the existing permitting process or to address other identified issues with the process. The stakeholder group must include, at a minimum, a representative of a statewide association of county sheriffs and a representative of a statewide association representing the interests of municipalities. On or before February 15, 2023, the Bureau of State Police shall submit to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters a report outlining the findings and recommendations of the stakeholder group, including any proposed legislation. After reviewing the report, the joint standing committee may report out related legislation to the 131st Legislature in 2023.

See title page for effective date.

CHAPTER 620

H.P. 1276 - L.D. 1721

An Act Regarding Dignity for Women in Correctional Facilities

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

Sec. 1. 22 MRSA §4003, sub-§5, as enacted by PL 1999, c. 731, Pt. AA, §5 and amended by PL 2013, c. 368, Pt. CCCC, §7, is further amended to read:

5. Report on children in department's custody and children of incarcerated parents. Require the department to report monthly to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and health and human services matters, ~~beginning in July 2000~~, on the status of children served by the Office of Child and Family Services. The report must include, at a minimum, information on the department's ~~caseload~~ case load, the location of the children in the department's custody and the number of cases of abuse and neglect that were not opened for assessment. This information must be identified by program and funding source. The report must also include information on the number of children in the department's custody known to have one or more incarcerated parents and information on the number of those children for whom the case goal is reunification.

Sec. 2. 30-A MRSA §1561-A is enacted to read:

§1561-A. Transportation of female prisoners to and from medical appointments

A county jail housing female prisoners shall ensure to the greatest extent practicable the presence of a female corrections officer during the transportation of a female prisoner to and from a medical appointment and shall ensure that the prisoner is afforded the greatest amount of privacy practicable during the appointment consistent with safety and security considerations.

Sec. 3. 30-A MRSA §1651, sub-§2, as enacted by PL 2003, c. 482, Pt. A, §1, is amended to read:

2. Appointment. The sheriff for each county shall appoint a board of ~~5~~ 7 visitors for each correctional facility under the sheriff's supervision.

A. Members of the boards of visitors serve for terms of one year ~~except that, of the initial appointments, 2 must be for terms of 3 years, 2 must be for terms of 2 years and one must be for a term of one year.~~

B. Members of the boards of visitors are eligible for reappointment at the expiration of their terms. The boards of visitors must be representative of a broad range of professionals, family members and citizens interested in the well-being of prisoners,