

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

(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,

including representatives of advocacy groups for human and civil rights, medical and psychiatric professionals, persons who have served in corrections settings and other interested citizens. One member of each board of visitors must be a person with knowledge of issues related to the incarceration of women. One member of each board of visitors must be a woman who has been incarcerated in the State and who has prior child welfare experience with the Department of Health and Human Services, Office of Child and Family Services.

C. A member of the Legislature may not serve on a board of visitors.

D. The sheriffs of 2 or more counties, at their discretion, may appoint a joint board of visitors of § 7 or more members.

Sec. 4. 34-A MRSA §1402, sub-§5, as amended by PL 2009, c. 1, Pt. S, §3, is further amended to read:

5. Grievance procedures. The commissioner shall establish procedures for hearing grievances of clients. The commissioner shall establish a separate grievance process for addressing complaints by prisoners about their medical and mental health treatment as well as a separate grievance process for addressing complaints regarding compliance with the standards established pursuant to sections 1208, 1208-A and 1208-B.

Sec. 5. 34-A MRSA §3001-A, sub-§1-A is enacted to read:

1-A. Boards of visitors for women's services; membership. The Governor shall appoint boards of visitors for women's services to inspect correctional facilities housing female clients and, with regard to female clients, perform the duties assigned to boards of visitors appointed pursuant to subsection 1. Boards of visitors for women's services shall ensure that the incarceration of and services provided to female clients are designed to meet their gender identity needs and reflect best practices established for such incarceration and services. Boards of visitors for women's services are otherwise subject to the same requirements and responsibilities under this section as a board of visitors appointed pursuant to subsection 1, except that, in addition to the member described in subsection 1, paragraph D, a board of visitors for women's services must include one member who was formerly incarcerated in the custody of the department and who has prior child welfare experience with the Department of Health and Human Services, Office of Child and Family Services, one member who represents a health care provider that provides sexual and reproductive health care and education, one member who is a health care practitioner who provides sexual and reproductive health care and education to women and one member who has an understanding of or experience with domestic violence.

Sec. 6. 34-A MRSA §3031, sub-§8, as amended by PL 2021, c. 263, §3, is further amended to read:

8. Visitation. A reasonable opportunity to visit with relatives and friends, in accordance with departmental policies and institutional procedures, except that the department may restrict or prohibit visits when the restriction or prohibition is necessary for the security of the institution. Departmental policies and institutional procedures must provide to a person in a correctional facility or detention facility opportunities and conditions for visits with the child of the person that provide time together in settings that allow for as positive a parent-child interaction as practicably can be achieved while protecting the emotional and physical well-being of the child, as long as such visits are not prohibited by court order, prohibited by a department policy due to the child's being a victim of the person, contrary to the wishes of the child's other parent or guardian or inconsistent with the security of the institution;

Sec. 7. 34-A MRSA §3039, sub-§5 is enacted to read:

5. Billing. A correctional facility or detention facility may not bill an indigent client for future payment of services and medications.

Sec. 8. 34-A MRSA §3050 is enacted to read:

§3050. Report regarding juveniles in custody

By February 1, 2023 and annually thereafter, the department shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters on the number of juveniles in the custody of the department as juvenile detainees or juvenile clients or under department supervision on probation whose parents or primary caregivers are known to the department to be in the custody of the department or under the supervision of the department.

Sec. 9. 34-A MRSA §3051 is enacted to read:

§3051. Transportation of female clients to and from medical appointments

A correctional facility or detention facility housing female clients shall ensure to the greatest extent practicable the presence of a female corrections officer during the transportation of a female client to and from a medical appointment and shall ensure that the client is afforded the greatest amount of privacy practicable during the appointment consistent with safety and security considerations.

Sec. 10. Provision of contact information for Office of Child and Family Services required. The Department of Corrections shall adopt rules to provide any person residing in a correctional facility or detention facility in the State with the contact information for the Department of Health and Human Services, Office of Child and Family Services as well

as information on the relevance of that contact to the family reunification provisions of the Maine Revised Statutes, Title 22, section 4041. Contact with the Office of Child and Family Services must be provided at no cost to the person. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 11. Publicly available information regarding persons incarcerated at county jails; report. The Department of Health and Human Services, Office of Child and Family Services shall evaluate options for obtaining publicly available information regarding persons incarcerated at county jail facilities and, by January 31, 2024, submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters regarding its progress in obtaining that information and any findings or recommendations based on the information. After reviewing the report, the joint standing committee may report out legislation related to the report to the 131st Legislature in 2024.

See title page for effective date.

CHAPTER 621

S.P. 618 - L.D. 1857

An Act To Prioritize the Prosecution of Child Homicide Cases

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

Sec. 1. Request. The Attorney General shall send a formal request to the appropriate members of the judicial branch that those members give priority in scheduling to homicide cases in which the victim is a person who has not attained 18 years of age.

See title page for effective date.

CHAPTER 622

S.P. 668 - L.D. 1906

An Act To Streamline and Modernize the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations

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

Sec. 1. 28-A MRSA §81, sub-§5 is enacted to read:

5. Retail price; reconsideration. The commission shall, in accordance with section 1651 and after considering any recommendation submitted by the bureau, establish the retail price of spirits sold in the State. The director of the bureau shall notify the affected spirits supplier of the commission's decision establishing the retail price and of the affected spirits supplier's opportunity to request reconsideration of the retail price determination at an adjudicatory hearing conducted by the commission in accordance with Title 5, chapter 375, subchapter 4. The decision of the commission issued after an adjudicatory hearing requested under this subsection is final agency action for the purposes of judicial review under Title 5, chapter 375, subchapter 7. The commission shall adopt rules establishing the procedures for the conduct of adjudicatory hearings under this subsection, including but not limited to the deadline for an affected spirits supplier to request a hearing. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. For purposes of this subsection, "affected spirits supplier" means a spirits supplier that supplies a spirits product that is the subject of a retail price determination of the State.

Sec. 2. 28-A MRSA §84, sub-§6, as amended by PL 2019, c. 13, §8, is further amended to read:

6. Implement a spirits sales data reporting system. Collect from reselling agents data on spirits sales made by each reselling agent to establishments licensed to sell spirits for on-premises consumption. The data must include, but is not limited to, the amount and date of sale of each product code sold to on-premises licensees by the reselling agent. For the purposes of this subsection, "product code" has the same meaning as in section 461. For the purposes of collecting on-premises spirits sales data from reselling agents, the director shall enter into a contract with a trade association representing states that control and manage the sale of spirits. The contract must require the trade association to compile aggregate data for each product code on the monthly sales made by reselling agents to establishments licensed to sell spirits for on-premises consumption and to make that data and the data provided in subsection 6-A available to spirits suppliers. The contract must also require that neither the bureau nor the trade association may make publicly available any information that would specifically identify the reselling agent, including, but not limited to, the reseller's name, the name of the reseller's agency liquor store, the reseller's agency liquor store's address or the address of any associated storage facility of the reselling agent; ~~and~~

Sec. 3. 28-A MRSA §84, sub-§6-A is enacted to read:

6-A. Wholesale spirits sales data. Provide to the trade association awarded the contract under subsection 6 data on spirits sales made each month by the State to