

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

A. A marijuana store that allows curbside pickup of immature marijuana plants, seedlings, adult use marijuana or adult use marijuana products shall designate a curbside pickup location outside of the marijuana store and near the entrance to the marijuana store and mark the location in a manner designated by the department by rule.

B. A marijuana store that allows curbside pickup of immature marijuana plants, seedlings, adult use marijuana or adult use marijuana products shall implement security and record-keeping requirements for all sales concluded by curbside pickup as established by the department by rule.

The department shall adopt rules to implement this subsection, including, but not limited to, rules establishing security and record-keeping requirements for sales concluded by curbside pickup. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 5. 28-B MRSA §505, as enacted by PL 2017, c. 409, Pt. A, §6, is amended by enacting at the end a new paragraph to read:

A marijuana store licensee and its employees may also transport adult use marijuana or adult use marijuana products between the licensed premises of the licensee and the location of a delivery conducted under section 504, subsection 9.

See title page for effective date.

CHAPTER 668

H.P. 1412 - L.D. 1905

**An Act To Facilitate
Communication between
Prosecutors and Unrepresented
Defendants While Protecting
the Rights of Those Defendants**

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

Sec. 1. 15 MRSA §815, as enacted by PL 2021, c. 480, §1, is amended to read:

§815. Communication between prosecutor and unrepresented defendant in criminal prosecutions

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 concerning the facts, circumstances, merits or disposition of a pending criminal charge against the defendant unless:

A. The defendant has been informed by the court of the defendant's right to counsel, including court-appointed counsel if the defendant is indigent;

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 in court 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. to:

A. Offer the defendant an opportunity to participate in an established precharge diversion program, the successful completion of which would result in the prosecutor not prosecuting the charge or charges against the defendant; or

B. Notify the defendant that a pending criminal matter is being dismissed.

3. Application. This section does not apply to:

A. The obligation of the State to provide discovery or other information pursuant to court order, pursuant to rules adopted by the Supreme Judicial Court or as otherwise required by the Constitution of Maine or the United States Constitution; or

B. Notice by the prosecutor to a person that no charge is being filed.

See title page for effective date.
