

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

by the center, including, but not limited to, professional certifications and continuing education units.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE

Labor and Community Education Center N942

Initiative: Provides ongoing funds to establish and maintain a labor and community education center at the University of Southern Maine to provide labor education and outreach.

| | | |
|---------------------------|----------------|------------------|
| GENERAL FUND | 2021-22 | 2022-23 |
| All Other | \$0 | \$500,000 |
| GENERAL FUND TOTAL | \$0 | \$500,000 |

See title page for effective date.

**CHAPTER 723
S.P. 648 - L.D. 1831**

An Act To Improve the Child and Family Court Process

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

Sec. 1. 4 MRSA §10-A is enacted to read:

§10-A. Annual training; domestic violence and child abuse issues

The Chief Justice of the Supreme Judicial Court shall establish annual training and education designed to inform Justices of the Supreme Judicial Court on domestic violence and child abuse, neglect and maltreatment issues.

Sec. 2. 4 MRSA §122 is enacted to read:

§122. Annual training; domestic violence and child abuse issues

The Chief Justice of the Superior Court shall establish annual training and education designed to inform Justices of the Superior Court on domestic violence and child abuse, neglect and maltreatment issues.

Sec. 3. 4 MRSA §164, sub-§17, ¶E, as amended by PL 1993, c. 680, Pt. A, §6, is further amended to read:

E. The Chief Judge, following notification to the Chief Justice of the Supreme Judicial Court or the Chief Justice's delegate, may authorize such forms and procedures as the Chief Judge considers appropriate to carry out this subsection; ~~and~~

Sec. 4. 4 MRSA §164, sub-§18, ¶E, as enacted by PL 1991, c. 635, is amended to read:

E. The Chief Judge, following notification to the Chief Justice of the Supreme Court or the Chief Justice's delegate, may authorize forms and procedures as the Chief Judge considers appropriate to carry out this subsection; and

Sec. 5. 4 MRSA §164, sub-§19 is enacted to read:

19. Annual training; domestic violence and child abuse issues. Establish annual training and education designed to inform District Court Judges on domestic violence and child abuse, neglect and maltreatment issues.

Sec. 6. 4 MRSA §183, sub-§1, ¶D, as amended by PL 2015, c. 296, Pt. C, §1 and affected by Pt. D, §1, is further amended by amending subparagraph (2) to read:

(2) Interim orders in actions involving divorce, legal separation, parentage or parental rights, including interim orders in postjudgment proceedings arising out of these actions; ~~except that a contested motion concerning interim parental rights and responsibilities, excluding interim child support orders, may be determined by the family law magistrate only if both parties consent to determination of the issue or issues in dispute by the family law magistrate;~~

Sec. 7. 4 MRSA §183, sub-§5 is enacted to read:

5. Annual training; domestic violence and child abuse issues. The Chief Judge of the District Court shall establish annual training and education designed to inform family law magistrates on domestic violence and child abuse, neglect and maltreatment issues.

See title page for effective date.

**CHAPTER 724
S.P. 661 - L.D. 1862**

An Act To Strengthen Maine's Good Samaritan Laws Concerning Drug-related Medical Assistance

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

Sec. 1. 17-A MRSA §1111-B, as amended by PL 2021, c. 299, Pt. C, §1 and c. 434, §8, is repealed and the following enacted in its place:

§1111-B. Immunity from arrest, prosecution and revocation and termination proceedings when assistance has been requested for suspected drug-related overdose

When a medical professional or law enforcement officer has been dispatched to the location of a medical emergency in response to a call for assistance for a suspected drug-related overdose, the following provisions apply to any protected person at the location when the medical professional or the law enforcement officer arrives. The immunity provisions of subsections 2 and 3 apply for the duration of the response to the medical emergency and end when the medical professional or law enforcement officer leaves the location of the medical emergency.

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

A. "Excluded crime" means a crime that does not qualify for immunity as described under subsection 2 or 3. The following crimes are excluded crimes:

- (1) An offense against a person as described in chapter 9;
- (2) Sexual assault as described in chapter 11;
- (3) Sexual exploitation of a minor as described in chapter 12;
- (4) Kidnapping, criminal restraint and criminal forced labor as described in chapter 13;
- (5) Robbery as described in section 651;
- (6) Arson as described in section 802;
- (7) Aggravated sex trafficking as described in section 852;
- (8) Sex trafficking as described in section 853;
- (9) Aggravated attempted murder as described in section 152-A;
- (10) Abandonment of a child as described in section 553;
- (11) Endangering the welfare of a child as described in section 554, subsection 1, paragraph A;
- (12) Unlawful transfer of a firearm other than a handgun to a minor as described in section 554-A;
- (13) Unlawful transfer of a handgun to a minor as described in section 554-B;
- (14) Endangering the welfare of a dependent person as described in section 555, subsection 1, paragraph A or B;
- (15) Incest as described in section 556;
- (16) Patronizing prostitution of a minor or person with mental disability as described in section 855;
- (17) Violation of a protection from harassment order issued pursuant to Title 5, chapter

337-A, a protective order in crimes between family members issued pursuant to Title 15, chapter 12-A or a protection from abuse order issued pursuant to Title 19-A, chapter 101;

(18) A crime that is not listed in this paragraph that was committed against a person who was in fact less than 18 years of age at the time that the crime was committed;

(19) Criminal conspiracy as described in section 151 to commit a crime listed in subparagraphs (1) to (18);

(20) Criminal attempt as described in section 152 to commit a crime listed in subparagraphs (1) to (18); and

(21) Criminal solicitation as described in section 153 to commit a crime listed in subparagraphs (1) to (18).

B. "Protected person" means a person who in good faith calls for assistance for another person experiencing a suspected drug-related overdose and any person rendering aid at the location of the suspected drug-related overdose.

C. "Rendering aid" means performing any action that involves looking after a person who is experiencing a suspected drug-related overdose while the person performing the action is awaiting the arrival of a medical professional or law enforcement officer to provide assistance. "Rendering aid" includes, but is not limited to, giving first aid or administering or assisting in the administration of naloxone hydrochloride.

2. Immunity from arrest or prosecution. Except with regard to an excluded crime, a protected person is immune from arrest or prosecution for a violation of law if:

A. The grounds for the arrest or prosecution are obtained as a result of a medical professional's or law enforcement officer's responding to a request for medical assistance; or

B. The identity of the protected person is learned or the protected person is identified as a person subject to arrest or prosecution as a result of a medical professional's or law enforcement officer's responding to a request for medical assistance.

3. Immunity from revocation or termination proceedings. Except when the charge or conviction is for an excluded crime, a protected person is immune from revocation proceedings with regard to conditions of release as described in Title 15, chapter 105-A, subchapter 5; probation as described in chapter 67, subchapter 1; administrative release as described in chapter 67, subchapter 2; or supervised community confinement as described in Title 34-A, section 3036-A and is

immune from termination proceedings for deferred disposition violations as described in chapter 67, subchapter 4 or termination from community confinement monitoring as described in Title 30-A, section 1659-A, if:

A. The grounds for the revocation or termination proceeding against the protected person are obtained as a result of a medical professional's or law enforcement officer's responding to a request for medical assistance; or

B. The identity of the protected person is learned or the protected person is identified as a person subject to a revocation or termination proceeding as a result of a medical professional's or law enforcement officer's responding to a request for medical assistance.

4. Motion to determine immunity. A criminal defendant may move that the court prior to trial determine whether the defendant is immune from prosecution or revocation or termination proceedings pursuant to subsection 2 or 3. Once the defendant has filed a motion and has presented evidence to establish immunity, the prosecution has the burden of proving by clear and convincing evidence that the grounds for immunity do not apply to the defendant. The court may hear testimony and shall make factual and legal findings as necessary to determine immunity.

See title page for effective date.

CHAPTER 725

H.P. 1395 - L.D. 1885

An Act To Increase Maine's Veterinary Workforce

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

Sec. 1. 20-A MRSA §12121, sub-§3, as enacted by PL 2009, c. 488, §14 and amended by PL 2011, c. 657, Pt. W, §6, is further amended to read:

3. Insufficient veterinary services. "Insufficient veterinary services" means an insufficient number of practitioners of veterinary medicine in a veterinary specialty related to livestock or emergency and critical care, as determined by the Commissioner of Agriculture, Conservation and Forestry.

Sec. 2. 20-A MRSA §12121, sub-§6 is enacted to read:

6. Underserved geographic region. "Underserved geographic region" means a geographic region of the State in which there is an insufficient number of practitioners of veterinary medicine, as determined by the Commissioner of Agriculture, Conservation and Forestry.

Sec. 3. 20-A MRSA §12122, sub-§1, as enacted by PL 2009, c. 488, §14, is amended to read:

1. Establishment. The Maine Veterinary Medicine Loan Program is established. The authority shall administer the program. Beginning January 1, 2011 and until December 31, 2022, the chief executive officer shall, as resources allow, award up to 2 loans annually up to an aggregate of 8. Beginning January 1, 2023, the chief executive officer shall, as resources allow, award up to 8 loans annually up to an aggregate of 32. At least half, and no fewer than 2, of the annual loans awarded must be awarded to applicants who have demonstrated a likelihood to practice livestock veterinary medicine in the State unless the authority does not receive enough qualified applicants to meet this requirement, in which case the chief executive officer may award the remaining loans to other eligible applicants. Loans are available to Maine residents enrolled in a school of veterinary medicine.

Sec. 4. 20-A MRSA §12122, sub-§3, ¶C, as enacted by PL 2009, c. 488, §14, is amended to read:

C. Demonstrates an interest in practicing in an area of the State with insufficient veterinary services or in an underserved geographic region.

Sec. 5. 20-A MRSA §12122, sub-§4, as enacted by PL 2009, c. 488, §14, is amended to read:

4. Maximum amount. The maximum loan amount available under the program to each participant is ~~\$25,000~~ \$35,000 per year for a period of up to 4 years.

Sec. 6. 20-A MRSA §12122, sub-§5, ¶A, as enacted by PL 2009, c. 488, §14, is amended by amending subparagraph (2) to read:

(2) A loan recipient who, upon conclusion of the loan recipient's professional education, including any fellowships, elects to serve as a veterinarian in an area of the State with insufficient veterinary services or in an underserved geographic region is forgiven 25% of the original outstanding indebtedness for each year of that practice. A loan recipient who practices in an area of the State with insufficient veterinary services or in an underserved geographic region less than full time may receive prorated loan forgiveness. A loan recipient who is not practicing in an underserved geographic region and who devotes less than 50% of the recipient's practice to the care of livestock or to emergency and critical care may receive prorated loan forgiveness.

Sec. 7. 20-A MRSA §12122, sub-§5, ¶A, as enacted by PL 2009, c. 488, §14, is amended by amending subparagraph (3) to read: