

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

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

Augusta, Maine
2021

Sec. 3. Funding. Resolved: That the costs to the Department of Public Safety, Office of the State Fire Marshal to convene and staff the task force and to report to the Legislature must be absorbed within the department's existing budgeted resources.

See title page for effective date.

CHAPTER 98

H.P. 1180 - L.D. 1591

Resolve, Directing the Department of Agriculture, Conservation and Forestry To Identify Places with Offensive Names and Methods of Changing Those Names

Sec. 1. Identification of offensive names for geographic features and other places. Resolved: That the Department of Agriculture, Conservation and Forestry shall work jointly with the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations, jointly referred to in this resolve as "the department and commission," to review state law regarding offensive place names. The department and commission shall:

1. Review the Maine Revised Statutes, Title 1, section 1101 to determine and suggest any additional words to be included in the current definition of offensive name;
2. Establish a uniform process for renaming geographic features and other places that have offensive names; and
3. Explore the most effective methods of identifying the individuals, entities and institutions in the State that profited or benefited in any manner from the global economy of enslavement.

It is the intent of this resolve that the department and commission carry out their responsibilities within the existing resources of the department and commission. The department and commission may solicit, accept and expend funds to cover any expenses that are in excess of existing resources.

By December 1, 2021, the Department of Agriculture, Conservation and Forestry shall submit a report pursuant to this section, including any suggested legislation, to the Joint Standing Committee on Judiciary. The joint standing committee may submit a bill related to the report to the Second Regular Session of the 130th Legislature.

See title page for effective date.

CHAPTER 99
S.P. 446 - L.D. 1577

Resolve, To Convene a Working Group To Study Possible Solutions for Families Facing Emergency Child Custody Situations

Preamble. Whereas, families in emergency situations regarding the safety of their children do not have a process other than the protection from abuse laws to request temporary emergency custody of children; and

Whereas, the protection from abuse process is not appropriate for all of the emergency situations requiring the court's intervention; and

Whereas, several studies have highlighted the need to address emergency situations, including an appropriate process for access to the courts, for Maine families; and

Whereas, this lack of a process is closely related to the issue of enforcement or timely modification of existing orders; and

Whereas, as studying the possible solutions to these related problems will require time and input from several stakeholders; now, therefore, be it

Sec. 1. Working group. Resolved: That the Maine Commission on Domestic and Sexual Abuse, established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 74-C and referred to in this resolve as "the commission," shall convene a working group of stakeholders including commission members, representatives of the judicial branch, family law practitioners, members of the Family Law Advisory Commission established in Title 5, section 12004-I, subsection 52-A, representatives of a statewide coalition to end domestic violence and any others that the commission determines to be necessary participants. The working group shall study the possible responses to emergency child custody situations, including whether an ex parte emergency child custody process can be created within the State's family law statutes and the related issue of how best to enforce or timely modify existing child custody orders.

Sec. 2. Report; legislation. Resolved: That the commission shall submit a report to the Joint Standing Committee on Judiciary no later than December 15, 2022. The report must summarize the activities of the working group under section 1, identify the working group's participants and include any recommended legislation. The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation to the First Regular Session of the

131st Legislature based on the report and recommendations.

See title page for effective date.

CHAPTER 100

H.P. 747 - L.D. 1009

Resolve, To Create the Working Group To Design Jail Resource Navigator Services for Maine County Jails

Sec. 1. Working Group To Design Jail Resource Navigator Services for Maine County Jails. Resolved: That the Working Group To Design Jail Resource Navigator Services for Maine County Jails, referred to in this resolve as "the working group," is established.

Sec. 2. Membership. Resolved: That the working group consists of the Commissioner of Corrections or the commissioner's designee and other members appointed by the commissioner as follows:

1. The Commissioner of Health and Human Services or the commissioner's designee;
2. One member representing the Consumer Council System of Maine;
3. One member representing community mental health providers;
4. One member with expertise researching and funding programs for medical and behavioral health programs for persons incarcerated in jails or for those recently released from jails;
5. Two members who have been incarcerated in a county jail in the State;
6. One member representing legal services organizations;
7. One member with expertise working with persons incarcerated in jails relating to substance use disorder and behavioral health;
8. One member with expertise in housing services for persons leaving the criminal justice system;
9. One member representing the Maine Sheriffs' Association;
10. One member who advocates for new immigrant populations;
11. One member representing providers of substance use disorder treatment;
12. One member who supports the State's incarcerated population, including family or friends of a person who is incarcerated in a county jail in the State;

13. One member who advocates to reduce the State's recidivism rate in the State's criminal justice system;

14. One member representing the Maine County Commissioners Association;

15. One member from any relevant state agency as determined by the commissioner; and

16. Any other members with relevant expertise as determined by the commissioner.

The Commissioner of Corrections or the commissioner's designee and the member representing the Maine Sheriffs' Association shall serve as cochairs of the working group.

Sec. 3. Duties. Resolved: That the working group shall design county jail resource navigator services that will support all county jails in the State with needed resources and services, including but not limited to health care, mental health care and substance use disorder treatment for persons who are incarcerated. The working group shall also research federal, state or other funding to sustain these programs within an independent statewide nonprofit organization.

Sec. 4. Report. Resolved: That, no later than January 15, 2023, the working group shall submit a report on the work conducted pursuant to section 3 and the outcomes of that work to the joint standing committee of the Legislature having jurisdiction over criminal justice matters. The committee may report out legislation to the First Regular Session of the 131st Legislature related to the report.

See title page for effective date.

CHAPTER 101

H.P. 897 - L.D. 1226

Resolve, Directing the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations To Examine Restorative Justice

Sec. 1. Restorative justice review. Resolved: That the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations, established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 74-J, shall conduct a review of proposed and passed national restorative justice legislation and make recommendations in the areas of education, juvenile justice, adult diversion and correctional settings for advancing restorative justice legislation in this State. In conducting the review, the commission shall pay particular attention to race and ethnicity equity and to concerns of confidentiality, victim and perpetrator rights, the readiness for engagement in restorative justice and restorative justice as a sustainable form of