

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

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

Augusta, Maine
2023

6. Eligibility; recovery residence; exception. The overseer in a municipality may not deny general assistance to a person for the sole reason that the person is residing in a recovery residence. Beginning July 1, 2022, a municipality may not provide housing assistance to a person residing in a recovery residence that has not been certified in accordance with Title 5, section 20005, subsection 22, except that the person may receive housing assistance while residing in an uncertified recovery residence for one 30-day period only and the overseer shall inform the person of the requirements of this subsection. A person who is ineligible for housing assistance under this subsection may remain eligible to receive general assistance for other basic necessities. Upon request by a person residing in a certified recovery residence who has been determined eligible for housing assistance, a municipality shall issue a housing assistance payment to the operator of the certified recovery residence instead of to a landlord.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 8, 2023.

**CHAPTER 134
H.P. 336 - L.D. 531**

An Act to Add Gray Squirrels and Red Squirrels to the Species List for the Open Training Season for Hunting Dogs

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation adds gray squirrels and red squirrels to the species list for the open training season for hunting dogs; and

Whereas, the earliest date of the open season for training hunting dogs in this State is July 1, 2023; and

Whereas, this legislation must take effect in time for the start of the hunting dog training season; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 12 MRSA §12051, sub-§1, ¶A, as repealed and replaced by PL 2013, c. 588, Pt. A, §16, is amended to read:

A. A person may train dogs on foxes, snowshoe hare, gray squirrels, red squirrels and raccoons from July 1st through the following March 31st, including Sundays.

Sec. 2. 12 MRSA §12051, sub-§3, as amended by PL 2011, c. 253, §22, is further amended to read:

3. Possessing firearm while training dogs. A person may not possess a firearm while training a dog outside of the open training season on foxes, snowshoe hare, gray squirrels, red squirrels and raccoons as set out in subsection 1, paragraph A.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 8, 2023.

**CHAPTER 135
H.P. 8 - L.D. 4**

An Act to Update Provisions of the Department of Corrections Laws Regarding Operation and Administration of Jails, Women's Services and Juvenile Detention

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

Sec. 1. 34-A MRSA §1001, sub-§8-A, as amended by PL 2017, c. 148, §5, is further amended to read:

8-A. Detention facility. "Detention facility" means the Long Creek Youth Development Center ~~and, to the extent it houses juveniles, the Mountain View Correctional Facility.~~

Sec. 2. 34-A MRSA §1208, sub-§6, as enacted by PL 1983, c. 581, §§10 and 59, is repealed.

Sec. 3. 34-A MRSA §1208-B, sub-§4, as enacted by PL 2021, c. 732, Pt. C, §1, is amended to read:

4. Requirements; rulemaking by commissioner. The jails shall operate in accordance with best practices applicable to facilities of their type and size, including the mandatory standards, policies and procedures established by rules adopted by the commissioner under subsection 1 and standards adopted under section 1208, and with the following requirements as set forth in rules

adopted by the commissioner. In adopting rules ~~under this subsection~~ and standards for the jails, the commissioner shall consider the advisory input of the County Corrections Professional Standards Council established pursuant to Title 5, section 12004-G, subsection 6-D.

A. Each jail shall participate in coordination of inmate transportation. Coordination of transportation may be provided by the jail at which the inmate resides, by another jail or correctional facility or by a person or entity working under a contract with the jail at which the inmate resides.

B. Each jail shall provide access to substance use disorder screening, assessment, medication, treatment, recovery and reentry services, including at a minimum:

- (1) Screening on intake using evidence-based tools to assess the risk of overdose or withdrawal and the person's history of substance use disorder and to determine initial treatment options;
- (2) Medically managed withdrawal treatment consistent with evidence-based medical standards;
- (3) All forms of medication for addiction treatment, including at least one of each formulation of each United States Food and Drug Administration-approved medication-assisted treatments for substance use disorder, including alcohol use disorder and opioid use disorder, to ensure that each person receives the particular formulation found to be the most effective at treating and meeting the person's individual needs. Medication under this subparagraph must be offered for the duration of the person's incarceration;
- (4) Behavioral treatment options, such as group and individual counseling, and clinical support;
- (5) Peer support services;
- (6) Reentry planning and transitional support such as coordination with community-based treatment and case management service providers and recovery organizations to ensure reentry and continuity of care after release, including appointments for services made prior to release; and
- (7) Assistance in obtaining health insurance prior to release.

Substance use disorder services required by this paragraph may be provided at the jail at which the person resides or at another jail or correctional facility or by a service provider or entity working under a contract with the jail at which the person resides.

C. Each jail shall provide mental health treatment, including at a minimum providing a licensed clinician or licensed professional organization that will be available to assist an inmate who is a person receiving mental health treatment. Mental health treatment required by this paragraph may be provided at the jail at which the person resides or at another jail or correctional facility or by a service provider or entity working under a contract with the jail at which the person resides.

D. Each jail shall provide community programs and services as required by this subchapter, including at a minimum pretrial or conditional release, alternative sentencing or housing programs and electronic monitoring.

E. Each jail shall provide initial and ongoing training and technical assistance for facility staff and health care practitioners on screening, assessment, medication and treatment protocols for substance use disorder.

Sec. 4. 34-A MRSA §1210-F, first ¶, as enacted by PL 2021, c. 732, Pt. A, §4, is amended to read:

The County Corrections Professional Standards Council, established in Title 5, section 12004-G, subsection 6-D and referred to in this section as "the council," is established to evaluate and advise the commissioner with regard to the composition of programs and services required pursuant to section 1208-B, subsection 4; to advise the commissioner with regard to adopting rules and standards for the jails; to develop rules for reporting to the department the information required in section 1208-B, subsection 5 and, beginning July 1, 2023, as required in section 1210-E, subsection 6; to develop budget recommendations for the department related to the County Jail Operations Fund established in section 1210-E, the recommendations for which must be submitted to the commissioner and the Governor as part of the State's biennial budget process; to make supplemental county jail funding recommendations to the department related to the fund as may be needed from time to time to address shortfalls, emergencies or other needs; and to consider the need for legislation regarding required programs, services and reporting and to submit such legislation to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters.

Sec. 5. 34-A MRSA §1214-B is enacted to read:

§1214-B. Setoff of victim restitution against lottery winnings

The department shall provide the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, referred to in this section as "the bureau," access to an electronic database of all persons who owe victim restitution payable

through the department and imposed by a court pursuant to Title 17-A, chapter 69. Before the payment of lottery winnings by the bureau, the bureau shall determine whether the lottery winner owes victim restitution payable through the department and imposed by a court pursuant to Title 17-A, chapter 69. If the winner is determined to owe victim restitution imposed by a court, the bureau must suspend payment of the winnings, provide notice to the winner of its intention to set off the winnings against the victim restitution owed and provide the winnings to the department in the amount owed by the winner. The bureau shall release any remaining winnings in accordance with state law.

Sec. 6. 34-A MRSA §1215, as amended by PL 2003, c. 451, Pt. K, §1, is repealed.

Sec. 7. 34-A MRSA §1215-A is enacted to read:

§1215-A. Operation and review

The department shall operate its correctional and detention facilities in accordance with best practices applicable to facilities of similar type and size. The department shall have the operations of its facilities reviewed at least once every 3 years by one or more nationally recognized best practices reviewing bodies, including a nationally recognized accrediting body, and shall consider any resulting recommendations made by the reviewing body in determining how to operate the correctional and detention facilities.

Sec. 8. 34-A MRSA §3001, sub-§3 is enacted to read:

3. Director of women's services. In addition to the officers appointed under subsections 1 and 2, the commissioner may appoint a director of women's services to serve as the chief administrative officer of any adult correctional facility female housing units. The director of women's services has all the powers and duties of other department chief administrative officers, whether described in this Title or in any other provision of statute.

Sec. 9. 34-A MRSA §3061, sub-§1, as amended by PL 2019, c. 113, Pt. C, §98, is further amended to read:

1. Transfer. The commissioner may transfer any client from one correctional or detention facility or program, including pre-release centers, work release centers, halfway houses, supervised community confinement or specialized treatment facilities, to another. A juvenile may not be transferred to another facility or program for adult offenders and an adult offender may not be transferred to another facility or program for juveniles, except that an adult offender may be housed in the Long Creek Youth Development Center ~~or the Mountain View Correctional Facility pursuant to section 4117 or Title 17-A, section 1611.~~

Sec. 10. 34-A MRSA §3903, as repealed and replaced by PL 2019, c. 343, Pt. LLLL, §2, is amended to read:

§3903. Superintendent Warden

1. Chief administrative officer. The chief administrative officer of the Downeast Correctional Facility is the ~~superintendent warden~~ of the Mountain View Correctional Facility, referred to in this subchapter as "~~the superintendent warden,~~" and is responsible to the commissioner.

2. Duties. In addition to other duties set out in this Title, the ~~superintendent warden~~ has the following duties.

A. The ~~superintendent warden~~ shall exercise proper supervision over the employees, grounds, buildings and equipment at the Downeast Correctional Facility.

B. The ~~superintendent warden~~ shall supervise and control the prisoners at the Downeast Correctional Facility in accordance with departmental rules.

Sec. 11. 34-A MRSA §3904, sub-§2, as amended by PL 2019, c. 343, Pt. LLLL, §3, is further amended to read:

2. Education. The ~~superintendent warden~~ shall maintain suitable courses for academic and career and technical education of the prisoners of the Downeast Correctional Facility. The ~~superintendent warden~~ shall maintain necessary equipment and employ suitable qualified instructors as necessary to carry out the objectives of the facility's programs.

Sec. 12. 34-A MRSA §3905, as amended by PL 2019, c. 343, Pt. LLLL, §4, is further amended to read:

§3905. Downeast Correctional Facility employees

Employees of the Downeast Correctional Facility have the same power as sheriffs in their respective counties to search for and apprehend escapees from the facility, when authorized to do so by the ~~superintendent warden~~.

Sec. 13. 34-A MRSA §4102-A, as amended by PL 2017, c. 148, §11, is repealed.

Sec. 14. 34-A MRSA §4103, as amended by PL 2017, c. 148, §§13 and 14, is further amended to read:

§4103. Superintendent Warden

1. Chief administrative officer. The chief administrative officer of the Mountain View Correctional Facility is called the ~~superintendent warden~~ and is responsible to the commissioner.

2. Duties. In addition to other duties set out in this Title, the ~~superintendent warden~~ has the following duties.

A. The ~~superintendent~~ warden shall exercise supervision over the employees, grounds, buildings and equipment at the Mountain View Correctional Facility.

~~B. The superintendent shall supervise and control the juvenile detainees and juvenile clients at the Mountain View Correctional Facility in accordance with department rules.~~

C. The ~~superintendent~~ warden shall supervise and control the prisoners at the Mountain View Correctional Facility in accordance with department rules.

3. Powers. In addition to the powers granted in this Title, the ~~superintendent~~ warden may appoint ~~one assistant superintendent~~ deputy wardens, subject to the Civil Service Law. ~~The assistant superintendent~~ A deputy warden has the powers, duties, obligations and liabilities of the ~~superintendent~~ warden when the ~~superintendent~~ warden is absent or unable to perform the ~~superintendent's~~ warden's duties.

Sec. 15. 34-A MRSA §4104, as amended by PL 2017, c. 148, §15, is repealed.

Sec. 16. 34-A MRSA §4105, as amended by PL 2017, c. 148, §16, is repealed.

Sec. 17. 34-A MRSA §4106, as amended by PL 2017, c. 148, §17, is further amended to read:

§4106. Powers of employees

Employees of the Mountain View Correctional Facility have the same power as sheriffs in their respective counties to search for and apprehend escapees from the facility, when authorized to do so by the ~~superintendent~~ warden.

Sec. 18. 34-A MRSA §4107, as amended by PL 2017, c. 148, §18, is repealed.

Sec. 19. 34-A MRSA §4108, as amended by PL 2017, c. 148, §19, is repealed.

Sec. 20. 34-A MRSA §4111, as amended by PL 2019, c. 155, §2, is repealed.

Sec. 21. 34-A MRSA §4117, as amended by PL 2017, c. 148, §26, is repealed.

Sec. 22. 34-A MRSA §4118, sub-§3, as enacted by PL 2017, c. 148, §27, is amended to read:

3. Education. The ~~superintendent~~ warden shall maintain suitable courses for academic and career and technical education of the prisoners.

A. The ~~superintendent~~ warden shall maintain necessary equipment and employ suitable qualified instructors as necessary to carry out the objectives of the Mountain View Correctional Facility's programs.

B. Before employing instructors in career and technical education, the ~~superintendent~~ warden shall

obtain the approval of the Department of Education.

See title page for effective date.

CHAPTER 136

S.P. 31 - L.D. 39

An Act to Amend the Maine Juvenile Code

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

Sec. 1. 15 MRSA §3003, sub-§14, as amended by PL 2021, c. 326, §1, is further amended to read:

14. Juvenile. "Juvenile" means a person who ~~has had~~ not attained 18 years of age ~~and a person 18 years of age or older during the period of a disposition that includes probation or commitment to a Department of Corrections juvenile facility who was adjudicated before 18 years of age. This definition does not apply to a person whose disposition includes probation or commitment to a Department of Corrections juvenile correctional facility when that person engages in new criminal conduct and is 18 years of age or older at the time of the new criminal conduct at the time the person allegedly committed a juvenile crime.~~

Sec. 2. 15 MRSA §3203-A, sub-§5, as amended by PL 2021, c. 326, §3, is further amended to read:

5. Detention hearing. The Department of Corrections shall notify the Juvenile Court when a juvenile is detained and shall provide the court with the name and date of birth of the juvenile, the name of the arresting law enforcement agency, the time of arrest, a description of the juvenile crimes for which the juvenile was arrested and, if available, the current telephone number and e-mail address for the juvenile's parent or parents, guardian or legal custodian. Upon petition by a juvenile community corrections officer who ordered the detention or an attorney for the State who ordered the detention, the Juvenile Court shall review the decision to detain a juvenile within 48 hours following the detention, excluding Saturday, Sunday and legal holidays, except that if a juvenile is detained pursuant to subsection 7, paragraph B-5, the Juvenile Court shall review the decision to detain the juvenile within 24 hours following the detention, excluding Saturday, Sunday and legal holidays. If the juvenile is not emancipated and the court has been provided a telephone number or e-mail address for the juvenile's parent or parents, guardian or legal custodian, the Juvenile Court shall provide notice of the detention hearing to the juvenile's parent or parents, guardian or legal custodian. The court may conduct the detention hearing in the absence of the parent or parents, guardian or legal custodian if the court is unable to provide notice to the parent or parents, guardian