

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

(2) That includes land on which improvements will be constructed and become part of the unit may be conveyed to a purchaser or transferee. The purchaser or transferee is responsible for completing the improvements, even if the improvements will include an individual dwelling unit; and

(3) That contains multiple dwelling units that are to be held and maintained as a single condominium unit containing multiple dwelling units may be conveyed by a declarant in any stage of completion to a purchaser or transferee. The purchaser or transferee and the declarant shall enter into a written agreement establishing the rights and responsibilities for completion of the unit and the common elements. The agreement must indicate whether the purchaser or transferee is treated as a successor declarant of the uncompleted unit.

See title page for effective date.

**CHAPTER 199
H.P. 876 - L.D. 1362**

**An Act to Ensure the Rights of
Survivors of Sexual Assault**

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

Sec. 1. 15 MRSA c. 521 is enacted to read:

CHAPTER 521

RIGHTS OF SEXUAL ASSAULT SURVIVORS

§6201. Definitions

For the purposes of this chapter, the following terms have the following meanings.

1. Law enforcement officer. "Law enforcement officer" has the same meaning as in Title 25, section 2801-A, subsection 5.

2. Person responsible for the minor. "Person responsible for the minor" has the same meaning as "person responsible for the child" as defined in Title 22, section 4002, subsection 9.

3. Reported sexual assault. "Reported sexual assault" means, with respect to a sexual assault survivor who is an adult, a crime described in subsection 5, paragraph A or, with respect to a sexual assault survivor who is a child, a crime described in subsection 5, paragraph B.

4. Sexual assault counselor. "Sexual assault counselor" has the same meaning as in Title 16, section 53-A, subsection 1, paragraph B.

5. Sexual assault survivor. "Sexual assault survivor" or "survivor" means:

A. An adult who reports that the adult is a victim of a crime defined in:

- (1) Title 17-A, chapter 11;
- (2) Title 17-A, section 511-A; or
- (3) Title 17-A, section 852 or 853; or

B. A minor who is reported by the minor or by a person responsible for the minor to be a victim of a crime defined in:

- (1) Title 17-A, chapter 11;
- (2) Title 17-A, section 511-A;
- (3) Title 17-A, section 852 or 853; or
- (4) Title 17-A, section 282 or 283.

§6202. Right to a sexual assault counselor

A survivor has the right to consult with a sexual assault counselor during a sexual assault forensic examination and has the right to have a sexual assault counselor present during any interview by a law enforcement officer, prosecutor, defense attorney or professional investigator about the reported sexual assault. A survivor retains this right even if the survivor has waived the right in a previous examination or interview.

§6203. Prohibition on use of evidence gathered during sexual assault forensic examination

1. Use of evidence prohibited. Evidence gathered during a sexual assault forensic examination may not be used:

- A. To prosecute a survivor for any Class D or Class E crime under Title 17-A, chapter 45;
- B. To prosecute a survivor for any crime of criminal OUI under Title 29-A, section 2411;
- C. To prosecute a survivor for any crime of failure to appear, failure to report or violation of condition of release under sections 1091, 1091-A and 1092, respectively;
- D. As the basis of a motion to revoke any conditional release of the survivor under Title 17-A, chapter 67;
- E. To prosecute a survivor for any civil violation or crime under Title 28-A;
- F. To prosecute a survivor for engaging in prostitution under Title 17-A, section 853-A; or
- G. To prosecute a survivor for any juvenile crime based on a violation of the laws set forth in paragraphs A to F.

2. Use of evidence to justify search prohibited. Evidence gathered during a sexual assault forensic examination may not be used as a basis to search for evidence to be used against the survivor for any of the following:

- A. A Class D or Class E crime under Title 17-A, chapter 45;

- B. Any crime of criminal OUI under Title 29-A, section 2411;
- C. Any crime of failure to appear, failure to report or violation of condition of release under sections 1091, 1091-A or 1092, respectively;
- D. A motion to revoke any conditional release of the survivor under Title 17-A, chapter 67;
- E. Any civil violation or crime under Title 28-A;
- F. Engaging in prostitution under Title 17-A, section 853-A; and
- G. Any juvenile crime based on a violation of the laws set forth in paragraphs A to F.

See title page for effective date.

CHAPTER 200

H.P. 880 - L.D. 1366

An Act to Address Educational Technician Shortages in Public Schools by Establishing an Alternative Certification Pathway

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

Sec. 1. 20-A MRSA §13012-B, sub-§1, ¶C, as enacted by PL 2021, c. 228, §2, is amended to read:

C. Holds a certification as an education technician III issued according to rules of the department pursuant to section 13019-H, except that an emergency education technician III is not eligible for an emergency teacher certificate under this paragraph.

Sec. 2. 20-A MRSA §13019-H, sub-§5 is enacted to read:

5. Approved educational technician III training programs; certification. The commissioner may approve training programs for educational technician III certification, as defined by rule, offered by an accredited postsecondary institution in this State. Programs approved under this subsection may include, but are not limited to, learning facilitator programs offered through the Maine Community College System. An applicant who successfully completes a training program approved under this subsection may receive an educational technician III certificate if the applicant meets all other certification requirements established by rule, except that the applicant is not required to meet the minimum 90 credits of approved study in an educationally related field. An education technician III certified under this subsection is eligible for certificate renewal in accordance with subsection 3.

See title page for effective date.

CHAPTER 201

H.P. 923 - L.D. 1427

An Act to Allow the Public Utilities Commission to Provide Financial Assistance to Low-income Households in Emergency Situations

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

Sec. 1. 35-A MRSA §3214, sub-§2, as enacted by PL 1997, c. 316, §3, is amended to read:

2. Low-income assistance. In order to continue existing levels of financial assistance for low-income households and to meet future increases in need caused by economic exigencies, the commission shall:

A. Receive funds collected by all transmission and distribution utilities in the State at a rate set by the commission in periodic rate cases; and

B. Set initial funding for programs based on an assessment of aggregate customer need in periodic rate cases. The funding formula may not result in assistance being counted as income or as a resource in other means-tested assistance programs for low-income households. To the extent possible, assistance must be provided in a manner most likely to prevent the loss of other federal assistance.

The commission may use funds available under this subsection to provide financial assistance to low-income households in emergency situations as determined by the commission in a proceeding or by rule.

The commission may adopt rules to implement this subsection. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 35-A MRSA §3214, sub-§6, as amended by PL 2009, c. 122, §14, is further amended to read:

6. Annual report. The commission shall include in its annual report pursuant to section 120, subsection 7 a report on low-income assistance programs established or approved under subsection 2 or 3 and any equitable-treatment program established pursuant to subsection 5. The report must, at a minimum, include:

A. For each month of the program year, the number of participants enrolled in low-income assistance programs, the number receiving oxygen pump benefits and the number receiving ventilator benefits;

B. For each month of the program year, the dollar amount of low-income assistance program benefits, the dollar amount of oxygen pump benefits and the dollar amount of ventilator benefits; ~~and~~