

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

category, energy emissions and consumption and an economic analysis of greenhouse gas emissions per unit of economic activity; an evaluation of net annual greenhouse gas emissions, including the State's carbon budget, forest carbon markets and a time series analysis of net greenhouse gas emissions; and an evaluation of sector-specific progress made toward meeting the reductions specified in section 576-A. The department, in consultation with the council, may recommend other metrics to share the progress on climate mitigation and adaptation strategies with the Legislature and the public. The joint standing committee of the Legislature having jurisdiction over natural resources matters is authorized to report out legislation relating to the report required under this section, and the joint standing committee of the Legislature having jurisdiction over utilities and energy matters may make recommendations to the joint standing committee of the Legislature having jurisdiction over natural resources matters regarding that legislation.

See title page for effective date.

CHAPTER 235

H.P. 934 - L.D. 1438

An Act to Require Standard Procedures to Protect Stalking Victims and Access to Certain Criminal Complaints

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

Sec. 1. 16 MRSA §804, first ¶, as amended by PL 2013, c. 507, §4, is further amended to read:

Except as provided in sections ~~805~~ 805-A and 806, a record that is or contains intelligence and investigative record information is confidential and may not be disseminated by a Maine criminal justice agency to any person or public or private entity if there is a reasonable possibility that public release or inspection of the record would:

Sec. 2. 16 MRSA §805, as amended by PL 2013, c. 507, §5, is repealed.

Sec. 3. 16 MRSA §805-A is enacted to read:

§805-A. Exceptions

1. Dissemination of certain information. This chapter does not preclude dissemination of intelligence and investigative record information that is confidential under section 804 by a Maine criminal justice agency to:

- A. Another criminal justice agency;
- B. A person or public or private entity as part of the criminal justice agency's administration of

criminal justice or the administration of civil justice by the Department of the Attorney General or a district attorney's office;

C. A person accused of a crime or that person's agent or attorney for trial and sentencing purposes if authorized by:

- (1) The responsible prosecutorial office or prosecutor; or
- (2) A court rule, court order or court decision of this State or of the United States.

As used in this subsection, "agent" means a licensed professional investigator, an expert witness or a parent, foster parent or guardian if the accused person has not attained 18 years of age;

D. A federal court, the District Court, Superior Court or Supreme Judicial Court or an equivalent court in another state;

E. A person or public or private entity expressly authorized to receive the intelligence and investigative record information by statute, executive order, court rule, court decision or court order. "Express authorization" means language in the statute, executive order, court rule, court decision or court order that specifically speaks of intelligence and investigative record information or specifically refers to a type of intelligence or investigative record; or

F. The Secretary of State for use in the determination and issuance of a driver's license suspension.

2. Record of complaint. On request to a Maine criminal justice agency under the Freedom of Access Act, a person is entitled to receive one copy of a complaint made by that person. The criminal justice agency may not charge a fee for a copy of a complaint provided under this subsection.

Sec. 4. 16 MRSA §806, sub-§2, as amended by PL 2013, c. 507, §7, is further amended to read:

2. A crime victim or that victim's agent or attorney. A crime victim or that victim's agent or attorney. A Maine criminal justice agency that provides a copy of intelligence and investigative record information under this subsection to the crime victim or that victim's agent or attorney may not charge a fee for providing that information. As used in this subsection, "agent" means a licensed professional investigator, an insurer or an immediate family member, foster parent or guardian if due to death, age or physical or mental disease, disorder or defect the victim cannot realistically act on the victim's own behalf; or

Sec. 5. 19-A MRSA §4116, sub-§2, ¶A, as enacted by PL 2021, c. 647, Pt. A, §3 and affected by Pt. B, §65, is amended to read:

A. The incident report from a law enforcement agency submitted to the attorney for the State that

is most relevant to the criminal proceeding, which the certified domestic violence intervention program is authorized to receive pursuant to Title 16, section ~~805~~, ~~subsection 5~~ 805-A, subsection 1, paragraph E; and

Sec. 6. 25 MRSA §2803-B, sub-§1, ¶D, as corrected by RR 2021, c. 2, Pt. A, §88, is amended by amending subparagraph (4) to read:

(4) Standard procedures to ensure that protection from abuse orders issued under Title 19-A, section 4108 or 4110 are served on the defendant as quickly as possible; ~~and~~

Sec. 7. 25 MRSA §2803-B, sub-§1, ¶D, as corrected by RR 2021, c. 2, Pt. A, §88, is amended by amending subparagraph (5) to read:

(5) A process for the administration of a validated, evidence-based domestic violence risk assessment recommended by the Maine Commission on Domestic and Sexual Abuse, established in Title 5, section 12004-I, subsection 74-C, and approved by the Department of Public Safety and the conveyance of the results of that assessment to the bail commissioner, if appropriate, and the district attorney for the county in which the domestic violence occurred; and

Sec. 8. 25 MRSA §2803-B, sub-§1, ¶D, as corrected by RR 2021, c. 2, Pt. A, §88, is amended by enacting a new subparagraph (6) to read:

(6) A process to ensure that, when a person files multiple, separate complaints regarding the behavior of another person that may indicate a course of conduct constituting stalking, as defined in Title 17-A, section 210-A, those complaints are reviewed together to determine if the other person has engaged in stalking under Title 17-A, section 210-A;

Sec. 9. 29-A MRSA §2251, sub-§7-A, ¶B, as amended by PL 2013, c. 267, Pt. B, §24, is further amended to read:

B. Except as provided in paragraph B-1 and Title 16, section ~~805~~, ~~subsection 6~~ 805-A, subsection 1, paragraph F, the Department of Public Safety, Bureau of State Police may not publicly disseminate personally identifying accident report data that are contained in an accident report database maintained, administered or contributed to by the Bureau of State Police. Such data are not public records for the purposes of Title 1, chapter 13.

See title page for effective date.

**CHAPTER 236
S.P. 649 - L.D. 1632**

**An Act to Require Proper
Storage of Forensic Exam
Evidence**

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

Sec. 1. 25 MRSA §3821, as amended by PL 2019, c. 94, §2, is further amended to read:

§3821. Transportation and storage of forensic examination kits

For the purposes of this section, "sexual assault" means any crime enumerated in Title 17-A, chapter 11 and "strangulation" has the same meaning as in Title 17-A, section 208, subsection 1, paragraph C.

If an alleged victim of sexual assault or strangulation has a forensic examination and has not reported the alleged offense to a law enforcement agency when the examination is complete, the licensed hospital or licensed health care practitioner that completed the forensic examination shall notify the nearest law enforcement agency. That law enforcement agency shall transport the completed forensic examination kit, identified only by a tracking number assigned by the kit manufacturer, to its evidence storage facility. The law enforcement agency shall store the forensic examination ~~kit~~ kits involving sexual assault for 20 years and forensic examination kits involving only strangulation for 6 years. If during that storage period the alleged victim reports the offense to a law enforcement agency, the investigating agency shall take possession of the forensic examination kit.

In the case of a forensic examination performed under Title 24, section 2986, subsection 5, the law enforcement agency must immediately notify the district attorney for the district in which the hospital or health care practitioner is located that such a forensic examination has been performed and a forensic examination kit has been completed under Title 24, section 2986, subsection 5.

See title page for effective date.

**CHAPTER 237
H.P. 1072 - L.D. 1674**

**An Act to Require and
Encourage Safe and
Interconnected Transportation**

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

Sec. 1. 23 MRSA §73, sub-§4, as amended by PL 2011, c. 655, Pt. JJ, §9 and affected by §41 and