

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

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 8 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

amended by c. 657, Pt. W, §5, is further amended by enacting at the end a new last blocked paragraph to read:

The Department of Transportation shall adopt rules, to the extent possible, to ensure that all persons are safe on public ways, including bicyclists, pedestrians, persons of all ages and abilities, transit users and motor vehicle users, and that all persons have safe and efficient access to the transportation system. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 23 MRSA §73, sub-§7, as amended by PL 2021, c. 239, §1, is further amended to read:

7. Priorities, service levels, asset management goals and reporting. The Department of Transportation shall classify the State's public highways as Priority 1 to Priority 5 using factors such as safety metrics, crash data, the federal functional classification system, regional economic significance, heavy haul truck use and relative regional traffic volumes. The department shall also establish customer service levels related to safety, condition and serviceability appropriate to the priority of the highway, resulting in a system that grades each highway as Good, Fair or Poor.

To provide a capital transportation program that is geographically balanced and that addresses urban and rural needs and meets customer expectations and transportation system needs, the department shall include the following goals as part of its asset management and work plan preparation. The goals are to:

A-1. Maintain Priority 1 highways in accordance with the department's federally required transportation asset management plan and the department's customer service measures so that no more than 15% of the highways are rated as Poor;

B-1. Maintain Priority 2 and Priority 3 highways so that no more than 15% of the highways are rated as Poor; and

D. Continue the light capital paving program on a 7-year cycle for Priority 4 highways outside compact areas as defined in section 754.

The department shall report to the joint standing committee of the Legislature having jurisdiction over transportation matters by March 1st of each odd-numbered year quantifying the status of each of the goals. The department shall recommend any remedial actions, including additional funding or revisions to the goals, that the department determines to be necessary or appropriate.

Sec. 3. 29-A MRSA §2073, sub-§5 is enacted to read:

5. Roadway and intersection safety evaluation. At the request of a municipality, the department shall perform a safety evaluation of an existing roadway or

intersection, using a multidisciplinary team of personnel, that estimates potential road safety issues and identifies opportunities for improvements. The department shall provide a full report of the results of the evaluation to the municipality.

Sec. 4. Report. The Department of Transportation shall evaluate how speed limits are set and develop recommendations for changes to state, county and municipal street design standards, state laws and municipal ordinances to achieve the goal of eliminating all traffic fatalities and serious injuries by 2035. By January 3, 2024, the department shall report its findings and recommendations, including any suggested legislation, to the Joint Standing Committee on Transportation. The committee may report out a bill related to the report to the Second Regular Session of the 131st Legislature.

Sec. 5. Rulemaking. In its initial adopting of rules to implement the Maine Revised Statutes, Title 23, section 73, subsection 4, the Department of Transportation shall incorporate, as applicable, the department's Complete Streets Policy completed in 2014 and revised in June 2019 and all policy documents and standard practices related to the following community-based initiatives: the Municipal Partnership Initiative, the Village Partnership Initiative, the Business Partnership Initiative and the Planning Partnership Initiative.

See title page for effective date.

CHAPTER 238

H.P. 1132 - L.D. 1768

**An Act to Clarify the
MaineCare Rate**

Determination Requirements

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

Sec. 1. 22 MRSA §3173-J, sub-§2, ¶C, as enacted by PL 2021, c. 639, §2, is amended to read:

~~C. Conduct~~ No less frequently than once every 5 years, conduct a rate determination process for any contemplated change in reimbursement amount or model for a each MaineCare section of policy or for a specific covered service, in accordance with the following procedures:

(1) Provide public notice of initiation of the rate determination for a MaineCare section of policy or for a specific covered service;

(2) Consider and, when appropriate, adopt alternative payment models that use financial incentives to promote or leverage greater value for the MaineCare program. This consideration must include a review of research on any available national models or best practices regarding payment models for the service;