

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

being conducted and, upon conclusion of the investigation, whether the investigation team determined that the allegations are supported or not supported.

3. Notification of parents, guardians or custodians of other children in facility. When a report is received of out-of-home abuse or neglect in a facility or program described in section 4099-N, the investigation team, upon conclusion of the investigation, may notify a parent, guardian or custodian who has a child in the program or facility for whom there is no report of abuse or neglect whether the investigation team determined that a violation of law or rules adopted by the department has occurred.

4. Disclosure to facility or program. The investigation team shall notify a facility or program described in section 4099-N when there is an indicated or substantiated finding of out-of-home abuse or neglect against an employee of the facility or program.

5. Disclosure of investigation. The department may publish information regarding an investigation conducted pursuant to this subchapter on the department's publicly accessible website upon the conclusion of an investigation in accordance with rules adopted by the department.

§4099-P. Rules

The department may adopt rules to carry out the purposes of this subchapter. Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. Rules may include but are not limited to establishing the factors that support unsubstantiated, indicated and substantiated findings.

Sec. 5. 22 MRSA c. 1674, as amended, is repealed.

See title page for effective date.

CHAPTER 249

H.P. 374 - L.D. 597

An Act to Improve Conditions for People Living in Recovery Residences by Requiring Approved Discharge and Transfer Policies

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

Sec. 1. 5 MRSA §20057, as enacted by PL 2021, c. 472, §1, is amended by enacting at the end a new paragraph to read:

A certified recovery residence must have a written discharge and transfer policy that is approved by a credentialing entity that is recognized by the department.

Notwithstanding any landlord and tenant rights and obligations under Title 14, chapter 709, a certified recovery residence with a discharge and transfer policy approved under this section may immediately discharge or transfer a resident in accordance with that policy if the discharge or transfer is necessary for the resident's welfare, the resident's needs cannot be met at the recovery residence or the health and safety of other residents or recovery residence employees are at risk or would be at risk if the resident continues to live at the recovery residence. A person who refuses to leave a recovery residence after a discharge or transfer that is consistent with the requirements of this section may be ordered to leave the premises by the recovery residence owner or operator or by a law enforcement officer.

See title page for effective date.

CHAPTER 250

H.P. 461 - L.D. 692

An Act Regarding Eligibility of County Jail Inmates for a Community Confinement Monitoring Program

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

Sec. 1. 30-A MRSA §1659-A, sub-§1, as enacted by PL 2009, c. 391, §6, is amended to read:

1. Petition. A sheriff, upon written request from an inmate eligible under subsection 2 for participation in a community confinement monitoring program and recommended by the jail administrator, may assign the inmate to participate in a community confinement monitoring program. At the time of granting this privilege, the sheriff shall determine whether the inmate is responsible for the cost of participating in the program based on the inmate's ability to pay.

Sec. 2. 30-A MRSA §1659-A, sub-§2, ¶C-1 is enacted to read:

C-1. The inmate is not serving a sentence for a crime against a family or household member as defined in Title 19-A, section 4102, subsection 6, unless the jail administrator has determined that the inmate is not reasonably likely to pose a risk to the safety of others in the community after the jail administrator has:

(1) Reviewed the available criminal history record of the inmate to, at a minimum, identify any patterns of behavior that may indicate the inmate poses a risk to the safety of others in the community;

(2) Reviewed and considered any other available evidence that the inmate poses a risk to

the safety of others in the community, including the results of any validated, evidence-based domestic violence risk assessment that has been completed by law enforcement in accordance with Title 19-A, section 4114, subsection 6, paragraph E as part of the criminal case for which the inmate is incarcerated;

(3) Made a good faith and documented effort to contact the victim of the crime for which the inmate is incarcerated to inform the victim of the inmate's application to participate in a community confinement monitoring program and inquire about any concerns the victim has for the victim's safety or the safety of any member of the victim's household in connection to the inmate's application to participate in a community confinement monitoring program;

(4) Considered any concerns provided pursuant to subparagraph (3) by the victim of the crime for which the inmate is incarcerated;

(5) Provided notice to the district attorney of the county in which the conviction was entered and a local domestic violence resource center; and

(6) Certified that each of the requirements in this subsection has been met. The certification must be on a form recommended by the inspections division of the Department of Corrections and must:

(a) Include details regarding any concerns provided pursuant to subparagraph (3) by the victim of the crime for which the inmate is incarcerated, unless the victim has requested otherwise;

(b) Be signed by the jail administrator; and

(c) Be provided to the sheriff for review prior to the sheriff's approving assignment of the inmate to a community confinement monitoring program.

If a sheriff assigns an inmate serving a sentence for a crime against a family or household member as defined in Title 19-A, section 4102, subsection 6 to a community confinement monitoring program, a representative from the county jail to which the inmate has been sentenced shall make a good faith attempt to notify the victim of that crime of the assignment at least 10 days prior to the inmate's release from the county jail. Notification of the victim under this paragraph must be made both by mail and by phone or in person;

See title page for effective date.

CHAPTER 251

S.P. 333 - L.D. 774

An Act to Require the Maine State Housing Authority to Report to the Legislature on the Housing Opportunities for Maine Fund

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

Sec. 1. 36 MRSA §4641-N, as enacted by PL 1985, c. 381, §3, is amended to read:

§4641-N. Review

The Maine State Housing Authority shall submit a report to the joint standing committee of the Legislature having jurisdiction over ~~taxation housing matters~~ by April 1, 1987, and each 2 years thereafter 1st of each year. The report ~~shall cover the 2 prior fiscal years of the authority and shall~~ must identify the amount of revenues under this chapter that have been credited to the Housing Opportunities for Maine Fund and the manner in which those funds have been used. ~~The committee shall review that report by May 1st of the year in which it is received.~~ The report must provide a full accounting of how funds were spent in the prior fiscal year and a detailed summary of how funds were spent in the prior 10 fiscal years.

See title page for effective date.

CHAPTER 252

H.P. 535 - L.D. 846

An Act to Require Direct Wine Shippers to Comply with Maine Beverage Container Laws

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

Sec. 1. 28-A MRSA §1403-A, sub-§15, as amended by PL 2015, c. 166, §5, is repealed.

Sec. 2. 28-A MRSA §1403-A, sub-§15-A is enacted to read:

15-A. Compliance with beverage container laws. Wine shipped pursuant to this section must comply with Title 38, chapter 33.

Sec. 3. Effective date. This Act takes effect July 1, 2025.

Effective July 1, 2025.