

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

**CHAPTER 313
S.P. 504 - L.D. 1223**

**An Act to Clarify Insurance in
the Joint Use of Public Utility
Equipment**

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

Sec. 1. 35-A MRSA §2524, sub-§3 is enacted to read:

3. Insurance requirements. The owner of a shared-use pole may require a municipality, as a condition of the municipality's attachment to the owner's shared-use pole, to purchase and maintain a general liability insurance policy meeting the pole owner's insurance requirements. The pole owner may not require that the general liability insurance have a coverage limit in excess of \$5,000,000 per occurrence. In accordance with Title 14, section 8116, if the limits provided in the insurance policy are in excess of the limit imposed by Title 14, section 8105, the limits in the policy will replace the limit imposed by Title 14, section 8105 and if the insurance policy provides coverage in areas where the municipality is immune, the municipality is liable in those substantive areas but only to the limits of the insurance coverage.

This subsection is repealed October 1, 2028.

See title page for effective date.

**CHAPTER 314
H.P. 850 - L.D. 1336**

**An Act to Increase
Transparency in Municipal
Ballot Referenda Expenditures**

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

Sec. 1. 21-A MRSA §1053-A, as amended by PL 2021, c. 217, §5, is further amended to read:

§1053-A. Municipal elections

If an organization qualifies as a committee under section 1052, subsection 2 and that organization receives contributions or makes expenditures to influence a municipal campaign in towns or cities with a population of 15,000 or more, that organization must register and file reports with the municipal clerk as required by Title 30-A, section 2502. If an organization qualifies as a ballot question committee under section 1052, subsection 2-A and that organization makes expenditures exceeding \$5,000 to influence a municipal referendum campaign in a town or city with a population of less than 15,000, that organization must register and file reports with the commission using the electronic filing system

pursuant to section 1059, subsection 5. The reports must be filed in accordance with the reporting schedule in section 1059 and must contain the information listed in section 1060. A committee registered with the commission and that receives contributions or makes expenditures relating to a municipal election shall file a copy of the report containing such contributions or expenditures with the clerk in the subject municipality. The commission retains the sole authority to prescribe the content of all reporting forms. The commission does not have responsibility to oversee the filing of registrations or campaign finance reports relating to municipal campaigns in towns or cities with a population of 15,000 or more. If a municipal clerk becomes aware of a potential violation of this subchapter that the clerk considers to be substantial, the clerk may refer the matter to the commission for enforcement. The commission may conduct an investigation if the information referred by the municipal clerk shows sufficient grounds for believing that a violation may have occurred. After conducting the investigation, if the commission determines that a violation of this subchapter has occurred, the commission may assess penalties provided in this subchapter.

Sec. 2. 30-A MRSA §2502, sub-§2, as amended by PL 2011, c. 389, §60 and affected by §62, is further amended to read:

2. Municipal referenda campaigns. ~~Municipal referenda campaigns in towns or cities with a population of 15,000 or more are campaign finance reporting is governed by Title 21-A, chapter 13, subchapter 4. The registrations and reports of political action committees and ballot question committees must be filed with the municipal clerk. A town or city with a population of less than 15,000 may choose to be governed by Title 21-A, chapter 13, subchapter 4 by vote of its legislative body at least 90 days before a referendum election. A town or city that votes to adopt those provisions may revoke that decision, but it must do so at least 90 days before an election subject to that subchapter.~~

See title page for effective date.

**CHAPTER 315
H.P. 895 - L.D. 1400**

**An Act to Allow Certain Social
Workers to Diagnose Organic
Mental Illnesses**

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

Sec. 1. 32 MRSA §7001-A, sub-§10, as enacted by PL 1985, c. 736, §2, is amended to read:

10. Psychosocial evaluation. "Psychosocial evaluation" includes the determination and examination by social workers of the psychosocial situation of an indi-

vidual or group related to interpersonal and intrapersonal stress, family background, family interaction, living arrangements and socioeconomic problems and treatment, evaluation, plans and goals, including the diagnosis of mental illness and emotional disorders for the purpose of treatment and therapeutic intervention, but excluding the ~~diagnosis of organic mental illness or treatment of any illness by organic therapy, to the extent permitted by the licensure provision of this chapter. In the process of making a diagnosis and formulating a treatment plan for mental illness or emotional disorder, the social worker shall assure, consistent~~ comply with rules to be promulgated adopted by the board, that the person is examined by a physician and may take into account the physician's opinion in forming the psychosocial evaluation. When a person has been seen by a physician within 3 months prior to seeking mental health treatment, a telephone conversation between that physician and the social worker may be held in lieu of the examination required by this subsection. The medical visit or the telephone conversation shall be documented in the clinical records of the person. This requirement shall apply only in cases where there is a presence of psychopathology. The board shall define standards by rule, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, for implementation of this subsection.

Sec. 2. 32 MRSA §7031, as enacted by PL 1993, c. 584, §1, is repealed.

Sec. 3. 32 MRSA §7053-A, first ¶, as enacted by PL 1985, c. 736, §12, is repealed and the following enacted in its place:

A person licensed under this chapter may act in accordance with the following requirements.

See title page for effective date.

CHAPTER 316

H.P. 931 - L.D. 1435

An Act to Reduce Commercial Sexual Exploitation

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

Sec. 1. 5 MRSA §3360-I, first ¶, as amended by PL 2013, c. 607, §1, is further amended to read:

As part of the sentence or fine imposed, the court shall impose an assessment of \$35 on any person convicted of murder, a Class A crime, a Class B crime or a Class C crime and \$20 on any person convicted of a Class D crime or a Class E crime, except that the court shall impose an assessment of \$1,000 on any person convicted of aggravated sex trafficking as described in Title 17-A, section 852, an assessment of \$500 on any person convicted of sex trafficking as described in Title

17-A, section 853, an assessment of \$500 on any person for the first conviction and \$1,000 for each subsequent conviction of engaging a ~~prostitute person for prostitution~~ as described in Title 17-A, section 853-B and an assessment of \$500 on any person for the first conviction and \$1,000 for each subsequent conviction of ~~patronizing prostitution commercial sexual exploitation of a minor or patronizing prostitution commercial sexual exploitation of a mentally disabled person with a mental disability~~ as described in Title 17-A, section 855. Notwithstanding any other law, the court may not waive the imposition of the assessment required by this section. For purposes of collection and collection procedures, this assessment is considered part of the fine. At the time of commitment, the court shall inform the Department of Corrections or the county sheriff of any unpaid balances on assessments owed by the offender to the Victims' Compensation Fund. All funds collected as a result of these assessments accrue to the Victims' Compensation Fund.

Sec. 2. 17-A MRSA §151, sub-§10 is enacted to read:

10. It is a defense to prosecution under this section that the objective of the conspiracy is a violation of section 853-B and the actor's participation was engaging or agreeing to personally engage in a sexual act or sexual contact for pecuniary benefit.

Sec. 3. 17-A MRSA §259-B, as enacted by PL 2017, c. 135, §1, is amended to read:

§259-B. Solicitation of a child to engage in prostitution for commercial sexual exploitation

1. A person is guilty of soliciting a child ~~to engage in prostitution for commercial sexual exploitation~~ if the actor knowingly solicits directly or indirectly by any means a person the actor knows or believes is under 18 years of age to engage in an act of prostitution, as defined in section 851.

2. Violation of this section is a Class ~~D~~ C crime.

Sec. 4. 17-A MRSA §851, sub-§1, as amended by PL 1995, c. 638, §1, is further amended to read:

1. "Prostitution" means engaging in, or agreeing to engage in, or offering to engage in a sexual act or sexual contact, as those terms are defined in section 251, in return for a pecuniary benefit to be received by the person ~~engaging in prostitution being prostituted or~~ a 3rd person;

Sec. 5. 17-A MRSA §851, sub-§1-A, as amended by PL 1995, c. 638, §2, is further amended to read:

1-A. "Engages a ~~prostitute person for prostitution~~" means providing, ~~offering to provide or agreeing to provide, either to the person whose prostitution who is~~