

# 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**

and adolescent patients and need assistance with diagnosis, care coordination and medication management or other necessary behavioral health questions to serve their patients.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$525,000	\$700,000
FEDERAL EXPENDITURES FUND TOTAL	\$525,000	\$700,000

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 28, 2023.

**CHAPTER 340  
S.P. 244 - L.D. 576**

**An Act to Facilitate  
Communication Between Pro  
Se Defendants and Prosecutors  
While Protecting the Rights of  
Those Defendants**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the enactment of the Maine Revised Statutes, Title 15, section 815, which prohibits most communication between prosecutors and unrepresented defendants, has contributed to a backlog of criminal cases in the judicial system; and

**Whereas,** this legislation authorizes prosecutors to send written plea offers to unrepresented defendants, to inform unrepresented defendants of diversion programs or steps they can take to avoid pursuit of pending criminal charges and, after unrepresented defendants have been informed of their rights by the court, to negotiate with unrepresented defendants when they appear for dispositional conferences and to communicate with unrepresented defendants who initiate such communications; and

**Whereas,** the intent of authorizing these forms of communication is to decrease delays in the judicial system while continuing to recognize the fundamental nature of criminal defendants' right to counsel; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 15 MRSA §815, sub-§1, ¶C,** as amended by PL 2021, c. 668, §1, is repealed.

**Sec. 2. 15 MRSA §815, sub-§1, ¶D** is enacted to read:

D. Either the defendant initiates the communication or the communication takes place at a dispositional conference and is required by Rule 18(b) of the Maine Rules of Unified Criminal Procedure.

**Sec. 3. 15 MRSA §815, sub-§2,** as amended by PL 2021, c. 668, §1, is further amended to read:

**2. Exception.** Notwithstanding subsection 1, a prosecutor may communicate with an unrepresented defendant ~~to~~ **at any time to:**

A. Offer the defendant an opportunity to participate in ~~an established precharge~~ a diversion program or explain steps that the defendant can take, including obtaining reinstatement of the defendant's driver's license or registration or engaging in a certain amount and type of community service, the successful completion of which would result in the prosecutor not prosecuting the charge or charges against the defendant or recommending a dismissal of or filing of the charge or charges. A defendant's failure to successfully complete a diversion program or to successfully undertake any other steps that the prosecutor informed the defendant of under this subsection may not form the basis for imposing any term of imprisonment, suspended or unsuspended, on that defendant if that defendant is later convicted of the charge or charges that were the subject of the discussion; ~~or~~

B. Notify the defendant that a pending criminal matter is being dismissed;

C. Notify the defendant in writing of a plea offer; or

D. Request the defendant's position on a motion to continue or a motion to correct a typographical error in a document filed with the court.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 28, 2023.

**CHAPTER 341  
S.P. 34 - L.D. 42**

**An Act Regarding Training for  
Corrections Officers**

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

**Sec. 1. 25 MRSA §2801-A, sub-§1-B** is enacted to read:

**1-B. Adult corrections officer.** "Adult corrections officer" means a person who is responsible for the custody or direct supervision of a person confined in a county or regional jail or state adult correctional facility pursuant to an order of a court or as a result of an arrest and who possesses a current and valid certificate issued by the board pursuant to section 2803-A, subsection 5.

**Sec. 2. 25 MRSA §2801-A, sub-§2,** as amended by PL 2013, c. 147, §5, is repealed and the following enacted in its place:

**2. Corrections officer.** "Corrections officer" means an adult corrections officer or juvenile corrections officer.

**Sec. 3. 25 MRSA §2801-A, sub-§2-B** is enacted to read:

**2-B. Juvenile corrections officer.** "Juvenile corrections officer" means a person who is responsible for the custody or direct supervision of a person confined in a state juvenile correctional facility pursuant to an order of a court or as a result of an arrest and who possesses a current and valid certificate issued by the board pursuant to section 2803-A, subsection 5-B.

**Sec. 4. 25 MRSA §2803-A, sub-§5,** as amended by PL 2013, c. 147, §8, is further amended to read:

**5. Training and certification of adult corrections officers in State.** In accordance with this chapter, to establish training and certification standards for all adult corrections officers, set requirements for board-approved courses, prescribe curriculum and certify graduates of board-approved courses and persons for whom the board has waived the training requirements of this chapter. Certification must be based on the officer's demonstration of having acquired specific knowledge and skills directly related to job performance; as a corrections officer who is responsible for the custody or direct supervision of persons confined in a county or regional jail or state adult correctional facility.

A corrections officer who is certified and an employee of a county or regional jail or state adult correctional facility on the date the board establishes a separate basic training course and certification standards for juvenile corrections officers pursuant to subsection 5-B must be certified as an adult corrections officer pursuant to this subsection;

**Sec. 5. 25 MRSA §2803-A, sub-§5-B** is enacted to read:

**5-B. Training and certification of juvenile corrections officers in State.** In accordance with this chapter, to establish training and certification standards for all juvenile corrections officers, set requirements for board-approved courses, prescribe curriculum and certify graduates of board-approved courses and persons

for whom the board has waived the training requirements of this chapter. Certification must be based on the officer's demonstration of having acquired specific knowledge and skills directly related to job performance as a corrections officer who is responsible for the custody or direct supervision of persons confined in a state juvenile correctional facility.

A corrections officer who is certified and an employee of a state juvenile correctional facility on the date the board establishes a separate basic training course and certification standards for juvenile corrections officers pursuant to this subsection must be certified as a juvenile corrections officer pursuant to this subsection;

**Sec. 6. 25 MRSA §2804-D,** as amended by PL 2017, c. 436, §1, is further amended to read:

**§2804-D. Basic corrections training**

**1. Required.** As a condition to the continued employment of any person as a corrections officer, that person must successfully complete, within the first 12 months of employment, a basic training course as approved by the board. The board may approve a separate basic training course and certification standards for juvenile corrections officers. Thereafter, as a condition of continued employment as a corrections officer, the officer must satisfactorily maintain the basic certification. The board, under extenuating and emergency circumstances in individual cases, may extend the 12-month period for not more than 180 days. The board, in individual cases, may waive basic training requirements when the facts indicate that an equivalent course has been successfully completed in another state or federal jurisdiction. A full-time correctional trade instructor must meet the training requirements established under this subsection for corrections officers. Beginning January 1, 2018, the basic training course must include 8 hours of training in how to identify, understand and respond to signs of mental illnesses and substance use disorder that is provided by a trainer who is certified by a nationally recognized organization that provides evidence-based mental health ~~first-aid~~ training.

See title page for effective date.

---

**CHAPTER 342**

**H.P. 154 - L.D. 233**

**An Act to Ensure Efficiency in the Review of Petitions by the Secretary of State by Clarifying Deadlines Related to Those Petitions**

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

**Sec. 1. 21-A MRSA §905, sub-§1,** as amended by PL 2017, c. 277, §6, is further amended to read: