

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

planning services, as defined in section 1902, subsection 4, and any abortion services; and

Sec. 6. 22 MRSA §336, sub-§3, as amended by PL 2011, c. 648, §12, is further amended by enacting at the end a new blocked paragraph to read:

The commissioner may not find that a project primarily involves day-to-day operation of the facility in its current form if the commissioner finds that the project would result in a reduction of access to, geographic proximity of, timeliness of or quality of any family planning services, as defined in section 1902, subsection 4, or any abortion services unless the commissioner determines that the exceptions described in section 335, subsection 1, paragraph G are met.

See title page for effective date.

CHAPTER 344

S.P. 236 - L.D. 565

An Act to Improve Maine's System for Protecting Sixth Amendment Rights

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

Sec. 1. 4 MRSA §1804, sub-§2, as amended by PL 2021, c. 720, §1, is further amended to read:

2. Standards Rulemaking. The commission shall develop standards adopt rules governing the delivery of indigent legal services, including by assigned counsel, contract counsel and public defenders. The rules adopted by the commission must include:

- A. Standards governing eligibility for indigent legal services. The eligibility standards must take into account the possibility of a defendant's or civil party's ability to make periodic installment payments toward counsel fees and the cost of private legal services in the relevant geographic area;
- B. Standards prescribing minimum experience, training and other qualifications for contract counsel and, assigned counsel and public defenders;
- C. Standards for assigned counsel and, contract counsel and public defender case loads;
- D. Standards for the evaluation of assigned counsel and, contract counsel and public defenders. The commission shall review the standards developed pursuant to this paragraph at least every 5 years, or earlier upon the earlier recommendation of the executive director;
- E. Standards for independent, quality high-quality and efficient representation of clients whose cases present conflicts of interest;

F. Standards for the reimbursement of expenses incurred by assigned counsel and, contract counsel and public defenders, including attendance at training events provided by the commission; and

G. Other standards considered necessary and appropriate to ensure the delivery of adequate indigent legal services.

Sec. 2. 4 MRSA §1804, sub-§3, ¶A, as amended by PL 2021, c. 481, §1, is further amended to read:

A. Develop and maintain a system that ~~may employ attorneys, use~~ employs public defenders, uses appointed private attorneys and contract contracts with individual attorneys or groups of attorneys. The commission shall consider other programs necessary to provide quality and efficient indigent legal services;

Sec. 3. 4 MRSA §1804, sub-§3, ¶F, as enacted by PL 2009, c. 419, §2, is amended to read:

F. Establish rates of compensation for assigned counsel and contract counsel;

Sec. 4. 4 MRSA §1804, sub-§3, ¶G, as enacted by PL 2009, c. 419, §2, is amended to read:

G. Establish a method for accurately tracking and, monitoring and enforcing case ~~loads of~~ load standards for assigned counsel and, contract counsel and public defenders;

Sec. 5. 4 MRSA §1804, sub-§3, ¶H, as amended by PL 2017, c. 284, Pt. UUUU, §4, is further amended by amending subparagraph (1) to read:

- (1) An evaluation of: contracts; services provided by contract counsel and, assigned counsel and public defenders; any contracted professional services; and cost containment measures; and

Sec. 6. 4 MRSA §1806, sub-§4 is enacted to read:

4. Rules of professional conduct. Nothing in this section prohibits the executive director or the executive director's designee from reporting potential professional misconduct under the Maine Rules of Professional Conduct to the Board of Overseers of the Bar or from disclosing information and records related to potential professional misconduct to the board.

Sec. 7. 30-A MRSA §1662, sub-§3, as enacted by PL 2017, c. 214, §2, is amended to read:

3. Pretrial detention. ~~Beginning November 1, 2017, a~~ A county jail or regional jail shall report twice per month to the Unified Criminal Docket in the judicial region in which the jail is located and to the Maine Commission on Indigent Legal Services on the pretrial

detention population in the jail. The jail shall report on the form provided by the Unified Criminal Docket.

See title page for effective date.

**CHAPTER 345
H.P. 393 - L.D. 616**

An Act to Protect Health Care Professionals Providing Reproductive Health Care Services

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

Sec. 1. 24-A MRSA §2159-F is enacted to read:

§2159-F. Discrimination based solely on provision of reproductive health care services in medical malpractice insurance

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Adverse action" means revocation, suspension or other disciplinary action against a health care professional's license.

B. "Health care professional who provides reproductive health care services" means a health care professional who provides, authorizes, recommends, aids, assists, refers for or otherwise participates in an abortion or any other reproductive health care services provided for the purpose of an abortion performed on an individual.

2. Discrimination prohibited. An insurer that provides medical malpractice insurance in this State may not refuse to issue or renew coverage, cancel or restrict coverage or require the payment of additional charges by a health care professional who provides reproductive health care services on the sole basis that the health care professional is acting in violation of another state's law or is subject to an adverse action against the health care professional's license in another state for a violation of that state's law.

3. Action based on adverse action in another state prohibited. An insurer that provides medical malpractice insurance in this State may not refuse to issue or renew coverage, cancel or restrict coverage or require the payment of additional charges by a health care professional who provides reproductive health care services as a result of an adverse action against the health care professional's license in another state if the adverse action is solely based on a violation of the other state's law that prohibits abortion and any related reproductive

health care services in that state or for a resident of that state.

See title page for effective date.

**CHAPTER 346
H.P. 460 - L.D. 691**

An Act to Reduce Barriers to Housing by Limiting Tenant Application Fees

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

Sec. 1. 14 MRSA §6030-H is enacted to read:

§6030-H. Fees charged to applicants for lease of residential dwelling unit

1. Definition. As used in this section, "dwelling unit" has the same meaning as in section 6021, subsection 1.

2. Fees prohibited generally. Except as provided in this section, a landlord may not require an applicant to pay a fee to submit an application to enter into an agreement for rental of a dwelling unit or require an applicant to pay a fee for the landlord to review or approve an application to enter into an agreement for rental of a dwelling unit.

3. Exceptions. Subject to the requirements of this subsection, a landlord, in connection with an application to enter into an agreement for rental of a dwelling unit, may require an applicant to pay the actual cost of only one of the following:

A. A background check;

B. A credit check; or

C. A screening process other than those in paragraphs A and B.

A landlord shall provide an applicant with a complete copy of the information obtained pursuant to a background check, credit check or other screening process. A landlord may not charge an applicant any fee under this subsection unless the landlord has notified the applicant that the landlord is required by law to provide the applicant a complete copy of the information obtained pursuant to the background check, credit check or other screening process.

A landlord may not charge an applicant more than one fee for a background check, credit check or other screening process in any 12-month period.

See title page for effective date.