

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

~~(1) Health care costs of a household member that are medically necessary and that are not covered by public or private insurance;~~

~~(2) To address an emergency that may cause the loss of shelter, employment or other basic necessities; or~~

~~(3) To address other essential family needs approved by the department.~~

~~D. Nonrecurring lump sum income in excess of the asset limit established in the TANF program that is used for purposes other than those enumerated in paragraphs B or C and nonrecurring lump sum income in excess of \$10,000 plus that asset limit must be counted as income and cause the household to be disqualified from receiving TANF assistance under this chapter. The household is disqualified for a period of months calculated by dividing the income countable under this paragraph by the standard of need established by the department for the household.~~

See title page for effective date.

CHAPTER 367

H.P. 655 - L.D. 1019

An Act Regarding Water Testing Related to Storage Facilities

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

Sec. 1. 23 MRSA §652, sub-§2, as amended by PL 1987, c. 769, Pt. A, §84 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

2. Private water supplies. In the event an owner of land adjacent to a state or state aid highway ~~conceives or hydrogeologically downgradient from a state-owned salt storage facility~~ suspects that a private water supply on that land has been destroyed or rendered unfit for human consumption by the department constructing, reconstructing or maintaining ~~the a state or state aid highway or storing salt in a state-owned salt storage facility,~~ such the owner may apply in writing to the department for a determination of the alleged cause and assessment of the damage and, if ~~such~~ the claim is founded on construction, the owner shall present ~~such~~ the application within 24 months after the completion date of the work as that date appears in the records of the department.

The application ~~shall~~ must set forth the name and address of the owner, the owner's source of title, the location of the property, a description of the damage, the cause to which the damage is attributed and the name and address of any lien holder.

A. If the department determines that it did not cause the alleged damage to ~~such~~ the water supply, a copy of the determination ~~shall~~ must be served by registered or certified mail or by personal service as required for service of a summons on a complaint in the Superior Court.

B. If the department determines that any damage to the privately owned water supply was caused by the department constructing, reconstructing or maintaining the highway or storing salt, a copy of the determination ~~shall~~ must be served by registered or certified mail or by personal service as required for service of a summons on a complaint in the Superior Court and the department shall set forth an offer of settlement ~~which shall be either that offers:~~

- (1) To replace the water supply; ~~or~~
- (2) To repair the damage to the water supply; ~~or~~
- (3) To pay a designated sum of money; or
- (4) To purchase the realty served by the water supply in the event the cost of repair or replacement of the water supply exceeds the appraisal value of the realty.

C. The department may issue rules and regulations in accordance with standards of the Department of Health and Human Services and the United States Department of Health and Human Services, Public Health Service regarding water potability for the determination of the degree of contamination, pollution or fitness for domestic use.

D. The department shall in its determination consider the necessity for installation or replacement of piping, tanks, pumps, heating systems or other related fixtures. ~~The Department of Transportation shall~~ department may not condition installation or replacement on the owner giving possession or title of any privately owned piping, tanks, pumps, heating systems or other related fixtures on ~~his~~ the land to any agency of this State, unless agreed to by the property owner.

E. If the department is unable to settle at what it ~~deems~~ determines to be a reasonable settlement, the department or owner may apply to the State Claims Commission in writing for a determination of the alleged cause and assessment of the damage. The proceedings ~~shall~~ are then ~~be~~ the same as in condemnation cases.

F. This subsection ~~shall~~ does not apply to private water supplies after June 26, 1969 where the location does not allow for or provide for adequate surface drainage.

G. This subsection ~~shall~~ does not apply to private water supplies now located or hereafter located within the right-of-way limits.

H. This subsection ~~shall~~ does not apply to any private water supply damaged by construction, reconstruction or maintenance ~~which~~ of the highway or the storage of salt that the department determines to have already been contaminated or polluted by another source to the degree ~~said~~ the contamination or pollution would have rendered it unfit for human consumption.

I. With respect to a private water supply located on land that is adjacent to a state or state aid highway or is hydrogeologically downgradient from a state-owned salt storage facility, the department, on the request of the landowner, shall arrange for and pay the cost of testing the private water supply for any contaminants that may derive from the department constructing, reconstructing or maintaining a state or state aid highway or storing salt in a state-owned salt storage facility.

For purposes of this subsection, "hydrogeologically downgradient" means that a location receives groundwater from another location.

See title page for effective date.

**CHAPTER 368
H.P. 1038 - L.D. 1613**

**An Act to Prohibit Profiling
and to Strengthen Civil Rights
in Maine**

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

PART A

Sec. A-1. 5 MRSA §4684-C is enacted to read:

§4684-C. Civil rights officers

1. Definitions. For the purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Civil rights officer" means a law enforcement officer who has received special training approved by the Attorney General in identifying and investigating civil rights violations.

B. "Law enforcement agency" means an agency in the State charged with enforcement of state, county, municipal or federal laws or laws of a federally recognized Indian tribe, with the prevention, detection or investigation of criminal, immigration or customs laws or with managing custody of detained persons in the State and includes, but is not

limited to, a municipal police department, a sheriff's department, the State Police, a university or college police department and the Department of Public Safety.

C. "Law enforcement officer" means a state, county or municipal official or an official of a federally recognized Indian tribe responsible for enforcing criminal, immigration or customs laws, including, but not limited to, a law enforcement officer who possesses a valid certificate issued by the Board of Trustees of the Maine Criminal Justice Academy pursuant to Title 25, section 2803-A.

2. Required civil rights officer. A law enforcement agency shall select, assign and secure training for a civil rights officer, notify the Attorney General of the name and contact information for the civil rights officer and notify the Attorney General of any change in assignment of the civil rights officer as soon as practicable after the change is made. The law enforcement agency shall make the contact information for the civil rights officer publicly available.

PART B

Sec. B-1. 5 MRSA c. 337-D, headnote is amended to read:

CHAPTER 337-D

PROFILING AND DATA COLLECTION

Sec. B-2. 5 MRSA §4751, sub-§3 is enacted to read:

3. Profiling. "Profiling" means the consideration of or reliance on, to any degree, actual or perceived race, color, sex, sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status in deciding which persons to subject to a traffic or pedestrian stop or in deciding the scope or substance of law enforcement activities following a traffic or pedestrian stop. "Profiling" does not mean consideration of or reliance on characteristics provided in a specific suspect description. For purposes of this subsection, "activities following a traffic or pedestrian stop" include, but are not limited to, asking questions of a person, frisking a person, conducting consensual and nonconsensual searches of a person or property, seizing of property, requiring vehicle occupants to exit a vehicle during a traffic stop, issuing a citation and making an arrest.

Sec. B-3. 5 MRSA §4755 is enacted to read:
§4755. Profiling prohibited

In enforcing the laws of this State, a law enforcement officer or law enforcement agency may not engage in profiling. Violations of this section are not enforceable under chapter 337-B but may form the basis of disciplinary proceedings by the Board of Trustees of the Maine Criminal Justice Academy to suspend or to revoke any certification issued by the board pursuant to