

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

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

Title 25, section 2806-A, subsection 5, paragraph J or to take other action the board determines to be appropriate pursuant to Title 25, section 2806-A, subsection 6.

PART C

Sec. C-1. 5 MRSA §4752, sub-§1, as enacted by PL 2021, c. 460, §1, is amended to read:

1. Information collected. Beginning July 1, 2023 2024, a law enforcement agency shall record and retain the following information regarding traffic infractions occurring in this State:

- A. The number of persons stopped for traffic infractions;
B. Characteristics of race, color, ethnicity, gender and age of each person described in paragraph A. The identification of such characteristics must be based on the observation and perception of the law enforcement officer responsible for reporting the stop. The person stopped may not be required to provide the information;
C. The nature of each alleged traffic infraction that resulted in a stop;
D. Whether a warning or citation was issued, an arrest was made or a search was conducted as a result of each stop for a traffic infraction; and
E. Any additional information the law enforcement agency determines appropriate. The additional information may not include any other personally identifiable information about a person stopped for a traffic infraction such as the person's driver's license number, name or address.

Sec. C-2. 5 MRSA §4753, sub-§1, as enacted by PL 2021, c. 460, §1, is amended to read:

1. Adoption of rules. By January 1, 2023 2024, the Attorney General shall adopt rules for the recording, retention and reporting of information pursuant to section 4752 pertaining to persons stopped for traffic infractions. The information must include the characteristics of race, color, ethnicity, gender and age of the persons stopped, based on the observation and perception of the law enforcement officer making the stop. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

Sec. C-3. 5 MRSA §4754, as enacted by PL 2021, c. 460, §1, is amended to read:

§4754. Report; publication of data

Beginning January 15, 2024 2025 and annually thereafter, the Attorney General shall provide to the joint standing committees of the Legislature having jurisdiction over judiciary matters and criminal justice and public safety matters and make available to the public a report of the information collected pursuant to this

chapter. The report must include an analysis of the information and may include recommendations for changes in laws, rules and practices. Information reported may not include personally identifiable information.

Sec. C-4. Retroactivity. This Part applies retroactively to December 31, 2022.

See title page for effective date.

CHAPTER 369

H.P. 1045 - L.D. 1620

An Act to Amend the Laws Regarding the Mi'kmaq Nation and to Provide Parity to the Wabanaki Nations

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

PART A

Sec. A-1. PL 1989, c. 148, §3 is repealed and the following enacted in its place:

Sec. 3. 30 MRSA c. 603 is enacted to read:

CHAPTER 603

MI'KMAQ NATION RESTORATION ACT

§7201. Short title

This Act may be known and cited as "The Mi'kmaq Nation Restoration Act."

§7202. Legislative findings and declaration of policy

The Legislature finds and declares the following.

The Mi'kmaq Nation, previously known as the Aroostook Band of Micmacs, as represented as of the effective date of this chapter by the Mi'kmaq Nation Tribal Council, is the sole successor in interest, as to lands within the United States, to the aboriginal entity generally known as the Mi'kmaq Nation that years ago claimed aboriginal title to certain lands in the State.

The Mi'kmaq Nation was not referred to in the federal Maine Indian Claims Settlement Act of 1980, Public Law 96-420.

There exist aboriginal lands in the State jointly used by the Mi'kmaq Nation and other tribes to which the Mi'kmaq Nation could have asserted aboriginal title but for the extinguishment of all such claims by the federal Maine Indian Claims Settlement Act of 1980, Public Law 96-420.

In 1991, the United States formally recognized the Mi'kmaq Nation as a sovereign government to whom it owed a special trust relationship by enacting the federal Aroostook Band of Micmacs Settlement Act, Public Law 102-171.