

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

SECOND REGULAR SESSION
January 3, 2024 to May 10, 2024

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 9, 2024

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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2024

use the most appropriate technology available to disseminate health warnings directly to the public.

2. Telephone hot-line Daily ground-level ozone concentration information. The department shall provide information to the public on daily ground-level ozone concentrations by a toll-free ozone information telephone hot-line hotline or through other appropriate technology.

See title page for effective date.

CHAPTER 497

H.P. 1321 - L.D. 2059

An Act Regarding Processing of Applications Under the Natural Resources Protection Act to Ensure Consistency with Shoreland Zoning Laws

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

Sec. 1. 38 MRSA §480-E, sub-§16 is enacted to read:

16. Consistency with mandatory shoreland zoning laws. The commissioner may return an application for a permit under this article as incomplete for processing pursuant to section 344, subsection 1 if the commissioner finds that there is a reasonable likelihood that the proposed activity would be inconsistent with the minimum guidelines for municipal zoning and land use controls adopted by the board pursuant to section 438-A, subsection 1. If an application is returned pursuant to this subsection, the commissioner may require that a resubmitted application be accompanied by a municipal approval demonstrating that the proposed activity is in compliance with the board's adopted minimum guidelines.

See title page for effective date.

CHAPTER 498

H.P. 1312 - L.D. 2050

An Act to Expand Accreditation Options for Laboratories That Conduct Blood-alcohol or Drug Testing

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

Sec. 1. 29-A MRSA §2524, sub-§2, as amended by PL 2019, c. 368, §3, is further amended to read:

2. Laboratories qualified to analyze blood for blood tests. A laboratory conducting an analysis of

blood-alcohol level or the presence of a drug or drug metabolite must either be certified by the Department of Health and Human Services or be licensed to do so under the laws of this State or any other state and also certified by the United States Department of Health and Human Services under the federal Clinical Laboratory Improvement Amendments of 1988, 42 United States Code, Section 263a (2018); or be accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body.

See title page for effective date.

CHAPTER 499

H.P. 1021 - L.D. 1576

An Act to Update the Laws Governing Electronic Device Information as Evidence

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

Sec. 1. 16 MRSA c. 3, sub-c. 10, headnote is amended to read:

SUBCHAPTER 10

PORTABLE ELECTRONIC DEVICE CONTENT INFORMATION

Sec. 2. 16 MRSA §641, sub-§3-A is enacted to read:

3-A. Electronic device. "Electronic device" means an electronic device that enables access to, or use of, an electronic communication service or remote computing service.

Sec. 3. 16 MRSA §641, sub-§5, as enacted by PL 2013, c. 402, §1, is amended to read:

5. Owner. "Owner" means the person or entity having the legal title, claim or right to a portable an electronic device.

Sec. 4. 16 MRSA §641, sub-§6, as amended by PL 2019, c. 489, §5, is repealed.

Sec. 5. 16 MRSA §641, sub-§7, as enacted by PL 2013, c. 402, §1, is repealed and the following enacted in its place:

7. Remote computing service. "Remote computing service" means:

A. The provision to the public over the Internet of on-demand computer storage; or

B. Processing services provided by means of an electronic communication service.

Sec. 6. 16 MRSA §641, sub-§8, as enacted by PL 2013, c. 402, §1, is amended to read:

8. User. "User" means a person or entity that uses a ~~portable~~ an electronic device.

Sec. 7. 16 MRSA §642, as amended by PL 2017, c. 144, §4, is further amended to read:

§642. Authority to obtain and disclose content information held by a provider of electronic communication service or remote computing service

1. Authority to obtain. A government entity may obtain ~~portable~~ electronic device content information directly from a provider of electronic communication service or a ~~provider of~~ remote computing service only in accordance with a valid search warrant issued by a duly authorized justice, judge or justice of the peace using procedures established pursuant to Title 15, section 55 or 56 or as otherwise provided in this subchapter.

2. Authority to disclose. A provider of electronic communication service or remote computing service may disclose ~~portable~~ electronic device content information to a government entity only pursuant to a warrant issued by a duly authorized justice, judge or justice of the peace or as otherwise provided in this subchapter.

Sec. 8. 16 MRSA §643, first ¶, as amended by PL 2019, c. 489, §7, is further amended to read:

Notice must be given to the owner or user of a ~~portable~~ an electronic device whose content information was obtained by a government entity. The notice requirements of this section do not apply if the government entity is unable to identify the owner or user of a ~~portable~~ an electronic device.

Sec. 9. 16 MRSA §643, sub-§3, as enacted by PL 2013, c. 402, §1, is amended to read:

3. Preclusion of notice to owner or user subject to warrant for content information. A government entity acting under section 642 may include in its application for a warrant a request for an order directing a provider of electronic communication service or remote computing service to which a warrant is directed not to notify any other person of the existence of the warrant. The court may issue the order if the court determines that there is reason to believe that notification of the existence of the warrant will have an adverse result.

Sec. 10. 16 MRSA §644, sub-§1, as amended by PL 2019, c. 489, §9, is further amended to read:

1. Consent of owner or user. When disclosure of ~~portable~~ electronic device content information is not prohibited by federal law, a government entity may obtain the information without a warrant with the informed, affirmative consent of the owner or user of the ~~portable~~ electronic device concerned, except when the device is known or believed by the owner or user to be in the possession of a 3rd party authorized to possess the device by the owner or user.

Sec. 11. 16 MRSA §644, sub-§3, as amended by PL 2019, c. 489, §9, is further amended to read:

3. Emergency. When a government entity cannot, with due diligence, obtain a warrant in time to address an emergency that involves or is believed to involve imminent danger of death or serious physical injury to any person, a government entity may obtain the content information from a ~~portable~~ an electronic device without a warrant, and a provider of electronic communication service or remote computing service may disclose such information to the requesting government entity without a warrant.

See title page for effective date.

CHAPTER 500

S.P. 834 - L.D. 2011

An Act Regarding the State Auditor's Reporting Requirements on State Agencies' Financial Activities

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

Sec. 1. 5 MRSA §243-C is enacted to read:

§243-C. Corrective action plans; report

By January 1st of each year, the State Auditor shall submit a report to the Executive Director of the Legislative Council and to all joint standing committees of the Legislature regarding the administration of federal grants, programs and awards by state agencies. The report must be based on the most recent single audit conducted pursuant to section 243, subsection 9 and describe all disputed findings in the prior 5 years with regard to the administration of federal grants, programs and awards and any corrective action plans in the single audit reports in the prior 5 years that have not been implemented.

By February 1st of each year, the joint standing committee of the Legislature having jurisdiction over the subject matter of any disputed finding or corrective action plan identified in the report submitted pursuant to this section and that has not been implemented shall invite the State Auditor to provide a briefing at a public meeting of the committee on the report. The committee may report out legislation related to the disputed findings and corrective action plans during the session of the Legislature in which the briefing is held.

See title page for effective date.
