

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

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

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2024

(d) Reuse or recycle at least 40% of such debris through methods other than placement in a solid waste landfill by July 1, 2027; and

(e) Reuse or recycle at least 50% of such debris through methods other than placement in a solid waste landfill by July 1, 2028.

Sec. 6. 38 MRSA §1310-N, sub-§5-A, as amended by PL 2023, c. 283, §1, is further amended by enacting at the end a new first blocked paragraph to read:

For the purposes of this subsection, a solid waste processing facility that processes plastic waste through chemical plastic processing is deemed to generate residue requiring disposal.

Sec. 7. 38 MRSA §1310-Y, first ¶, as amended by PL 2001, c. 575, §1, is further amended to read:

An owner or operator of a solid waste processing facility that processes plastic waste through chemical plastic processing that is licensed under section 1310-N or of a solid waste disposal facility that is licensed under section 1310-N shall provide the department assurance of its financial ability to satisfy the estimated cost of corrective action for known releases from the facility and its financial capacity to satisfy the estimated cost of closure and postclosure care and maintenance at the facility for a period of at least 30 years after closure. The board may adopt rules that increase or decrease that postclosure care period, as long as those rules are consistent with applicable federal rules. The department may consider the use of more than one acceptable form of financial assurance per facility to satisfy the financial assurance requirement of this section. This section applies to all privately owned solid waste disposal facilities licensed by the department, including facilities licensed by the department before June 16, 1993, and to all solid waste processing facilities that process plastic waste through chemical plastic processing. This section does not apply to a municipally owned or operated solid waste disposal facility that accepts exclusively special waste, construction and demolition debris, land-clearing debris or any combination of those types of waste or to a municipally owned or operated solid waste disposal facility licensed before June 16, 1993.

Sec. 8. 38 MRSA §1310-Y, sub-§2, as enacted by PL 1993, c. 378, §9, is amended to read:

2. Report. An owner or operator of a solid waste processing facility that processes plastic waste through chemical plastic processing or of a solid waste disposal facility shall annually prepare a report containing a sworn statement providing the year-end balance of any escrow, trust or reserve account established under this

section. That report must be submitted to the commissioner by March 31st of each year or such other date as the commissioner may designate.

See title page for effective date.

CHAPTER 518

S.P. 888 - L.D. 2095

An Act to Require Reporting of Child Abuse and Neglect to Military Family Advocacy Programs

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 State can assist the United States Department of Defense in its mission to protect children of military families from abuse or neglect by identifying as military personnel a person alleged to have committed abuse or neglect of a child and reporting the allegation to a military family advocacy program when an investigation has been initiated; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period so the Department of Health and Human Services can immediately begin negotiating memoranda of understanding with military family advocacy programs at military installations in the State with respect to child abuse and neglect investigations; 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. 22 MRSA §4004, sub-§2, ¶F, as amended by PL 2007, c. 586, §8, is further amended to read:

F. File a petition under section 4032 if, after investigation, the department determines that a child is in immediate risk of serious harm or in jeopardy as defined in this chapter; ~~and~~

Sec. 2. 22 MRSA §4004, sub-§2, ¶G, as enacted by PL 2007, c. 586, §9, is amended by amending subparagraph (2) to read:

(2) The degree of threatened harm to any other child for whom the person or persons responsible for the deceased child may be responsible now or in the future; and

Sec. 3. 22 MRSA §4004, sub-§2, ¶H is enacted to read:

H. If an allegation of abuse or neglect against a parent or legal guardian of the child is investigated, collect information concerning the military status of the parent or legal guardian who is the subject of the allegation and share information about the allegation with the appropriate military authorities.

Sec. 4. 22 MRSA §4008-A, sub-§6 is enacted to read:

6. Military family advocacy program. Notwithstanding any provision of law to the contrary, the department shall negotiate a memorandum of understanding with the military family advocacy program at a military installation, as defined in Title 20-A, section 20102, subsection 11, with respect to child abuse and neglect investigations. The memorandum of understanding must establish procedures and protocols for:

A. Identifying as military personnel a parent or legal guardian alleged to have committed abuse or neglect of a child;

B. Reporting to a military family advocacy program when a child abuse and neglect investigation implicating military personnel has been initiated; and

C. Maintaining confidentiality requirements under state and federal law.

For the purposes of this subsection, "military family advocacy program" means the program established by the United States Department of Defense and provided at a military installation to address child abuse and neglect in military families.

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

Effective March 6, 2024.

CHAPTER 519

S.P. 878 - L.D. 2085

An Act to Update Maine's Domestic Violence and Stalking Laws

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

Whereas, on June 27, 2023, the United States Supreme Court issued a decision in *Counterman v. Colorado*, which has raised questions as to the constitutionality of several of Maine's statutes; and

Whereas, the statutes implicated include critical components of the State's public safety response, specifically including its response to domestic violence and stalking; and

Whereas, citizens of the State rely on the Legislature to ensure a constitutionally sound criminal and civil justice system and failure to timely align the statutes with the new federal standard may result in unnecessary litigation in the State's already overburdened state court system; 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. 17-A MRSA §210, sub-§1, as amended by PL 2003, c. 143, §4, is further amended to read:

1. A person is guilty of terrorizing if that person ~~in fact~~ intentionally, knowingly or recklessly communicates to any person a threat to commit or to cause to be committed a crime of violence dangerous to human life, against the person to whom the communication is made or another, ~~and~~ consciously disregarding a substantial risk that the natural and probable consequence of such a threat, whether or not such consequence in fact occurs, is:

A. To place the person to whom the threat is communicated or the person threatened in reasonable fear that the crime will be committed. Violation of this paragraph is a Class D crime; or

B. To cause evacuation of a building, place of assembly or facility of public transport or to cause the occupants of a building to be moved to or required to remain in a designated secured area. Violation of this paragraph is a Class C crime.

Sec. 2. 17-A MRSA §210-A, sub-§2, ¶A, as amended by PL 2007, c. 685, §1, is repealed and the following enacted in its place:

A. "Course of conduct" means 2 or more acts, including but not limited to acts in which the actor, by any action, method, device or means, directly or indirectly:

(1) Follows, monitors, tracks, observes, surveils or harasses a person;

(2) Interferes with a person's property;

(3) Threatens a person, consciously disregarding a substantial risk that the actor's conduct would cause a reasonable person to experience any of the effects identified in subsection 1, paragraph A; or