

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

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

(4) Communicates to or about 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.

"Course of conduct" also includes, but is not limited to, threats implied by conduct and gaining unauthorized access to personal, medical, financial or other identifying or confidential information.

Sec. 3. 17-A MRSA §506, sub-§1, ¶A, as amended by PL 2017, c. 397, §1, is repealed and the following enacted in its place:

A. By means of telephone or electronic communication device the person intentionally, knowingly or recklessly makes any comment, request, suggestion or proposal without the consent of the person called or contacted:

- (1) That is, in fact, obscene; or
- (2) With conscious disregard of a substantial risk that a reasonable person would find the comment, request, suggestion or proposal offensively coarse.

Violation of this paragraph is a Class E crime:

Sec. 4. 19-A MRSA §4102, sub-§1, ¶B, as enacted by PL 2021, c. 647, Pt. A, §3 and affected by Pt. B, §65, is amended to read:

B. Attempting to place or placing another in fear of bodily injury, ~~regardless of intent~~, through any course of conduct, including, but not limited to, threatening, harassing or tormenting behavior. When the course of conduct violates this paragraph based on the content of the actor's speech, the actor must have consciously disregarded a substantial risk that the speech would place a reasonable person in fear of bodily injury;

Sec. 5. 19-A MRSA §4102, sub-§1, ¶E, as enacted by PL 2021, c. 647, Pt. A, §3 and affected by Pt. B, §65, is amended to read:

E. Communicating to a 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~~ with conscious disregard of a substantial risk that the natural and probable consequence of the threat, whether or not that consequence in fact occurs, is to place the person to whom the threat is communicated, or the person against whom the threat is made, in reasonable fear that the crime will be committed;

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

Effective March 6, 2024.

**CHAPTER 520
H.P. 423 - L.D. 646**

**An Act to Fully Reimburse
Municipalities for Lost
Revenue Under the Property
Tax Stabilization for Senior
Citizens Program**

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

Whereas, certain municipalities have not been fully reimbursed for lost revenue resulting from underfunding of the property tax stabilization for senior citizens program established pursuant to Public Law 2021, chapter 751 and amended by Public Law 2023, chapter 412, Part S, section 10 to apply only to the property tax year beginning April 1, 2023; and

Whereas, the lost revenue may have an immediate and material effect on municipalities; and

Whereas, due to these immediate and material effects on municipalities, this legislation requires the State Controller to transfer funds in March and June of 2024; 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. Transfer to Department of Administrative and Financial Services, Property Tax Stabilization program. Notwithstanding any provision of law to the contrary, on or before March 1, 2024, the State Controller shall transfer \$15,000,000 from the unappropriated surplus of the General Fund to the Department of Administrative and Financial Services, Property Tax Stabilization program, Other Special Revenue Funds account to fully reimburse municipalities for lost revenue under the property tax stabilization program under the Maine Revised Statutes, Title 36, section 6281 in the property tax year beginning April 1, 2023 only.

Sec. 2. Transfer from General Fund unappropriated surplus; Property Tax Stabilization - Mandate program. Notwithstanding any provision of law to the contrary, on or before June 30, 2024, the State Controller shall transfer \$50,000 from the unappropriated surplus of the General Fund to the Department of Administrative and Financial Services, Property Tax Stabilization - Mandate program, Other Special Revenue Funds account for the purposes of funding