

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

7. Compensation. Council members are entitled to expenses according to Title 5, chapter 379, which are paid from the Aquaculture Management Fund established in section 6072-D.

Sec. 3. 12 MRSA §6465, sub-§2, as amended by PL 2021, c. 491, §3, is further amended to read:

2. Research, education and development board. The commissioner shall appoint a research, education and development board and consult with the board regarding the expenditures from the fund. The board is composed of ~~one member from each of the following organizations~~ the following individuals:

- ~~A. A statewide association representing the interests of persons who harvest lobster commercially;~~
- ~~B. An association representing the interests of persons who harvest lobster commercially in Washington and Hancock counties;~~
- ~~C. A southern Maine association representing the interests of persons who harvest lobster commercially;~~
- ~~D. A statewide import-export lobster dealers' association;~~
- ~~E. A statewide lobster pound owners' association;~~
- ~~F. A statewide lobster processors' association;~~
- ~~G. The Maine Lobster Marketing Collaborative under section 6455-A;~~
- ~~H. The Lobster Advisory Council established by Title 5, section 12004-I, subsection 58; and~~
- ~~I. An international lobster institute. This member must be a resident of the State.~~
- J. Three individuals representing the interests of persons who harvest lobster commercially. These individuals must reflect a geographic distribution along the coast of the State;
- K. Three individuals representing the interests of persons who hold wholesale seafood licenses with lobster permits;
- L. One individual representing the Maine Lobster Marketing Collaborative under section 6455-A;
- M. One individual representing the Lobster Advisory Council established by Title 5, section 12004-I, subsection 58; and
- N. One individual who has expertise in lobster science.

Members are entitled to compensation according to Title 5, chapter 379.

See title page for effective date.

**CHAPTER 557
H.P. 1381 - L.D. 2161**

An Act to Make Technical Corrections to the Maine Juvenile Code, the Maine Criminal Code and the Intelligence and Investigative Record Information Act

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

Sec. 1. 15 MRSA §3010, sub-§3, as enacted by PL 2021, c. 365, §9 and affected by §37, is amended to read:

3. Juvenile history record information pertaining to adjudications. Notwithstanding subsection 2, if a juvenile has been adjudicated as having committed a juvenile crime that would constitute murder or a Class A, B or C crime if the juvenile adjudicated were an adult, then that adjudication and any resulting disposition imposed, but no other related juvenile history record information, may be disclosed publicly. Any adjudication and related disposition sealed pursuant to section 3308-C, subsection 10 is not subject to public disclosure pursuant to this subsection.

Sec. 2. 15 MRSA §3308-C, sub-§10, ¶E, as amended by PL 2021, c. 701, §1, is further amended to read:

E. Notice of the court's order certifying its granting of the juvenile's petition to seal juvenile case records pursuant to paragraph B or notice of the court's order of automatic sealing pursuant to paragraph C must be provided to the Department of Public Safety, Bureau of State Police, State Bureau of Identification if the adjudication is for a juvenile crime the ~~criminal records~~ juvenile history record information of which are is maintained by the State Bureau of Identification pursuant to Title 25, section 1541. Notice of the order may be sent by electronic transmission. The State Bureau of Identification or the appropriate agency upon receipt of the notice shall promptly update its records relating to each of the juvenile adjudications included in the notice. For purposes of this paragraph, "juvenile history record information" has the same meaning as in section 3010, subsection 1, paragraph E.

Sec. 3. 16 MRSA §805-A, sub-§2, as enacted by PL 2023, c. 235, §3, is repealed.

Sec. 4. 17-A MRSA §1604, sub-§5, ¶B, as amended by PL 2023, c. 316, §12 and c. 455, §3, is further amended to read:

B. If the State pleads and proves that, at the time any crime under chapter 9, 11, 12, 13, 27 or 35;

section 402-A, subsection 1, paragraph A; or section 752-A, 752-C or 752-F was committed, or an attempt of any such crime was committed, the individual had 2 or more prior convictions under chapter 9, 11, 12, 13, 27 or 35, excluding former section 853-A; section 402-A, subsection 1, paragraph A; or section 752-A, 752-C or 752-F, or for an attempt of any such crime, or for engaging in substantially similar conduct in another jurisdiction, the sentencing class for the crime is one class higher than it would otherwise be.

(1) In the case of a Class A crime, the sentencing class is not elevated, but the prior record must be assigned special weight by the court when imposing a sentence.

(2) Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this paragraph, for violations under chapter 11, the dates of prior convictions may have occurred at any time.

This paragraph does not apply to section 210-A if the prior convictions have already served to elevate the sentencing class under section 210-A, subsection 1, paragraph C or E or any other offense in which prior convictions have already served to elevate the sentencing class.

This paragraph does not apply to murder under section 201 or to former section 853-A.

See title page for effective date.

**CHAPTER 558
S.P. 270 - L.D. 653**

An Act to Establish the Maine Commission on Public Defense Services and Establish Public Defender Offices for Aroostook, Penobscot and Piscataquis Counties

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's constitutional and statutory obligations include ensuring that each person facing a potential loss of liberty in a criminal or juvenile proceeding is provided with effective representation; and

Whereas, due to a lack of attorneys currently eligible for appointment, more than 500 adult criminal defendants eligible for a court-appointed attorney are currently without counsel, of whom at least 150 are currently in custody; and

Whereas, in at least 10 District Court locations across the State, there are no attorneys currently eligible for appointment to represent juveniles charged with certain types of offenses; and

Whereas, this legislation changes the name of the Maine Commission on Indigent Legal Services to the Maine Commission on Public Defense Services and establishes authority for the commission to establish 2 new public defender offices, one serving Aroostook County and one serving Penobscot and Piscataquis counties, the 2 areas of the State identified by the commission as experiencing the greatest need for additional indigent legal services; and

Whereas, it is important to authorize establishment of these offices as soon as possible; 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. 2 MRSA §6, sub-§13, as enacted by PL 2021, c. 398, Pt. GGG, §2, is amended to read:

13. Range 37. The salary of the executive director of the Maine Commission on ~~Indigent Legal~~ Public Defense Services is within salary range 37.

Sec. 2. 4 MRSA c. 37, headnote is amended to read:

CHAPTER 37

MAINE COMMISSION ON ~~INDIGENT LEGAL~~ PUBLIC DEFENSE SERVICES

Sec. 3. 4 MRSA §1801, as enacted by PL 2009, c. 419, §2, is amended to read:

§1801. Maine Commission on ~~Indigent Legal~~ Public Defense Services; established

The Maine Commission on ~~Indigent Legal~~ Public Defense Services, established by Title 5, section 12004-G, subsection 25-A, is an independent commission whose purpose is to provide efficient, high-quality representation to indigent criminal defendants, juvenile defendants and children and parents in child protective cases, consistent with federal and state constitutional and statutory obligations. The commission shall work to ensure the delivery of indigent legal services by qualified and competent counsel in a manner that is fair and consistent throughout the State and to ensure adequate funding of a statewide system of indigent legal services, which must be provided and managed in a fiscally responsible manner, free from undue political interference and conflicts of interest.

Sec. 4. 4 MRSA §1802, sub-§2, as enacted by PL 2009, c. 419, §2, is amended to read: