

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

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. Restriction on retroactive application. A municipality or a municipal reviewing authority as defined by section 4301, subsection 12 may not enforce or apply a land use ordinance with retroactive effect unless the ordinance includes a provision that expressly states it has retroactive application. A municipality or municipal reviewing authority may not apply a land use ordinance with retroactive effect to a pending permit application for a land use permit that includes a proposal for a development that includes one or more units of residential housing if the proposal date of the ordinance occurred after the application was submitted to the municipality and, notwithstanding Title 1, section 302, the application is deemed complete for processing. For the purposes of this subsection:

A. "Proposal date" means the date on which the proposed land use ordinance or proposed amendment to an ordinance is posted pursuant to section 3002, subsection 1 or the date on which a permit application is filed to circulate a petition for a voter-initiated measure to adopt or amend a land use ordinance; and

B. A permit application is deemed complete for processing when it is submitted to the municipality or municipal reviewing authority and, at the time of submission, the applicant can demonstrate legally enforceable title or right to or interest in all the property proposed for development.

See title page for effective date.

CHAPTER 599

H.P. 492 - L.D. 803

An Act Regarding Department of Economic and Community Development Evaluations of State Investments in Economic Development

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

Sec. 1. 5 MRSA §13070-P, sub-§2, as enacted by PL 2017, c. 264, §13, is amended to read:

2. Action on evaluation recommendations. By February 1, 2021 and every 4 years thereafter, the commissioner shall present the evaluation and results from the most recent evaluation required under this section to the joint standing committee of the Legislature having jurisdiction over ~~labor, commerce, research and economic development matters~~ and the joint standing committee of the Legislature having jurisdiction over taxation matters. The commissioner shall report to the Governor and the ~~committee~~ committees on actions planned by the department and other entities administering the programs to address the recommendations made. The ~~committee~~ committees

shall also consider the independent reviewers' recommendations and may each submit a bill to the Legislature to implement recommendations.

By February 1, 2023 and by February 1st every 4 years thereafter, the commissioner shall submit to the Governor, ~~and~~ the joint standing committee of the Legislature having jurisdiction over ~~labor, commerce, research and economic development matters~~ and the joint standing committee of the Legislature having jurisdiction over taxation matters a progress report related to the evaluation required under this section that describes the implementation status of the planned actions to address the recommendations from the prior evaluation.

See title page for effective date.

CHAPTER 600

H.P. 1308 - L.D. 2046

An Act Regarding the Placement of Certain Defendants Found Incompetent to Stand Trial

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

Sec. 1. 34-A MRSA §3069-D is enacted to read:

§3069-D. Placement of defendants found incompetent to stand trial

1. Acceptance of placement. The commissioner may accept the placement of an adult defendant, referred to in this section as "the defendant," in a mental health unit of a correctional facility whom a court, after hearing, finds by clear and convincing evidence is incompetent to stand trial and whom the court commits to the custody of the Commissioner of Health and Human Services under Title 15, section 101-D, subsection 5 if, in addition to the findings required under Title 15, section 101-D, subsection 5, the court finds that:

A. The defendant is at risk of causing serious harm by engaging in interpersonal violence that is not primarily driven by symptoms of a major mental illness or other disability;

B. There is not sufficient security at a state mental health institute to address the likelihood of serious harm; and

C. There is no other less restrictive alternative to placement in a mental health unit of a correctional facility.

2. Treatment; transfer. The department shall provide services and treatment consistent with the requirements of Title 15, section 101-D, subsection 5 to