

129th Legislature – First Regular Session

2019 NEW LAW UPDATE

New and Amended Public Laws Relevant to Law Enforcement Officers

Effective September 19, 2019, unless otherwise noted



**Maine Criminal Justice Academy
Maine Chiefs of Police Association
Maine Office of the Attorney General**

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Prepared by
Brian MacMaster
Office of the Attorney General

Reviewed and Edited by AAG Laura Yustak
Criminal Division – Office of the Attorney General

This publication and the 2019 Case Law Update constitute the training outline of the Maine Criminal Justice Academy for recertification training in law updates for the year 2019.

Preparer’s Note

The First Regular Session of the 129th Maine Legislature adjourned on June 20, 2019. All laws take effect 90 days after adjournment on September 19, 2019, unless another date is specified, or a bill is enacted as an emergency measure (noted in the summary).

There were 1,846 bills (“LDs”) considered by the Legislature during the session. This resulted in the passage of 530 public laws, 107 resolves, 14 private and special laws, and one constitutional resolution.

This New Law Update contains summaries of selected public laws of interest to most Maine law enforcement officers. The Update includes the new or amended statutory citations as well as the link to the chaptered law. It is highly recommended that the entire text of the law be examined for a more comprehensive understanding, and particularly before taking any enforcement action. The Update includes a reference to the LD that started it all. The LD includes a “Summary” that sometimes explains the intent behind or basis for the legislation

As you know, there are many types of law enforcement officers in Maine. New or amended laws that may be of interest to only a specialized type of law enforcement are not included in this Update to keep the length of the document manageable.

The summaries are those of the preparer and do not represent legal opinions of the Office of the Attorney General or interpretations by the Maine Criminal Justice Academy or the Maine Chiefs of Police Association.

The preparer wishes to recognize the assistance of Assistant Attorney General Laura Yustak of the Attorney General’s Criminal Division, who reviewed this document and offered meaningful comments and suggestions.

Link to Chaptered Laws:

<https://legislature.maine.gov/ros/LawsOfMaine/#Law/129/R1/ACTPUB/61>

Link to LDs:

http://www.mainelegislature.org/legis/bills/bills_128th/billtexts/

Questions, suggestions, or other comments?

Brian MacMaster
Director of Investigations
Office of the Attorney General
6 State House Station ▪ Augusta, ME 04333-0006
Telephone: (207) 626-8520
brian.macmaster@maine.gov

CRIMINAL

Chapter 113 – LD 1407 (Effective May 16, 2019)

An Act to Revise and Recodify Certain Provisions of the Maine Criminal Code

This law, the result of a bill submitted by the Criminal Law Advisory Commission, recodifies and revises the Part 3 of the Criminal Code, which covers sentencing, and breaks former Part 3 into Part 6, Punishments, and Part 7, Administration of Imposed Sentences of Imprisonment. It amends other portions of the Maine Criminal Code affected by the recodification, for example, criminal statutes that reference the sentencing provisions. Corrections and jail personnel will be able to look to Part 7 for the statutes governing good time and other deductions. The purpose of this bill is to reorganize certain portions of the Maine Criminal Code to be more logical and user-friendly while bringing the language into conformity with current drafting standards, clarifying current law and eliminating inconsistencies within Title 17-A. Most of the revision is not substantive, but all provisions in former Part 3 are renumbered.

Repeals 17-A MRSA Pt. 3 and replaces it with 17-A MRSA Pts. 6 and 7

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC113.asp

Chapter 309 – LD 1022

An Act to Establish as a Class C Crime Criminal Conduct in Retaliation against a Witness, Informant, Victim, or Juror

This law creates a new Class C crime of retaliation against a witness, informant, victim, or juror if a person, believing that another person is participating or has participated as a witness, informant, victim, or juror in an official proceeding (as defined Title 17-A, section 451, subsection 5, paragraph A), or in an official criminal investigation, engages in criminal conduct with the intent to retaliate for that other person's role in the official proceeding or criminal investigation. Note that new section 458 requires proof of an underlying crime committed for the purpose of retaliating.

Enacts 17-A MRSA §458

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC309.asp

Chapter 134 – LD 485

An Act Regarding Actions of the Owner or Keeper of a Dog that Assaults a Person and Causes an Injury that Requires Medical Attention

This new law requires the owner or keeper of a dog that assaults a person and causes an injury that requires medical attention to secure aid for the injured person, contain the dog, and provide the owner's or keeper's name, current address, and contact information to the injured person, a person acting for the injured person or a law enforcement officer before the owner or keeper may leave the scene of the assault. If, after securing aid for the injured person, the owner or keeper may leave the scene temporarily if necessary to contain the dog. A violation is a Class D crime.

Enacts 7 MRSA §3955

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC134.asp

Chapter 462 – LD 1632

An Act Regarding Criminal Procedure with Respect to Allowable Defenses

This change in law prohibits the use of the "gay and trans panic defense." It provides that when considering whether a defendant has an abnormal condition of the mind in determining whether a requisite culpable mental state exists in the defendant, a determination of abnormal condition of the mind may not be based on the defendant's discovery of, knowledge about, or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the defendant or under circumstances in which the defendant and victim dated or had a romantic or sexual relationship.

The law excludes from the affirmative defense for murder that the defendant acted on the basis of extreme anger or extreme fear based on provocation by prohibiting the alleged cause of provocation from being solely from the discovery of, knowledge about, or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the defendant or under circumstances in which the defendant and victim dated or had a romantic or sexual relationship.

The law provides that a person's discovery of, knowledge about, or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the defendant or under circumstances in which the defendant and victim dated or had a romantic or sexual relationship, may not be used as the sole justification for the use of force against the victim.

Amends 17-A MRSA §38
Enacts 17-A MRSA §108, sub-§3

Amends 17-A MRSA §201, sub-§4

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC462.asp

DOMESTIC VIOLENCE/SEXUAL ASSAULT/PROTECTION ORDERS

Chapter 176 – LD 978

An Act to Clarify Maine's Protection from Abuse Statutes

This law clarifies that when a court directs a defendant in a protection from abuse case to refrain from having any direct or indirect contact with the plaintiff, this includes direct or indirect contact via social media, consistent with the ruling of the Maine Supreme Judicial Court in *State v. Heffron*, 2018 ME 102, 190 A.3d 232. (In *Heffron*, the Court found that posts on a publicly accessible Facebook page constituted "contact" for purposes of the PFA in effect. Heffron knew that the messages were visible to the protected person and that, even if the protected person did not directly see the messages, family or friends would eventually relay them to that person.)

Enacts 19-A MRSA §4002, sub-§7

Amends 19-A MRSA §4007, sub-§1, ¶D

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC176.asp

Chapter 80 – LD 1140

An Act to Improve the Investigation and Prosecution of Sexual Assault Cases

A law enforcement agency in possession of a complaint for an alleged sexual assault under Title 17-A, chapter 11, shall, within 60 days of receiving the complaint, inform the appropriate prosecutor of any evidence and submit the complaint for review and a decision by the prosecutor regarding further investigation and commencement of prosecution. Failure to do so, however, does not affect the validity of a later submission and prosecution.

Enacts 25 MRSA § 3851

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC80.asp

Chapter 84 – LD 475

An Act Concerning Caller Access to E-9-1-1 Call Recordings

The enacted law provides that a party to a protection from harassment or protection from abuse action to which the E-9-1-1 call is relevant may request that the recording be sent to the clerk's office of the court in which the action is pending. The court may then review the recording and determine whether the parties or their attorneys should have access to or, for good cause shown, a copy of the recording.

Enacts 25 MRSA §2929, sub-§4, ¶B-1

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC84.asp

Chapter 91 – LD 779

An Act to Improve the Definition of "Strangulation" in the Aggravated Assault Laws

This amendment changes the definition of “strangulation” for purposes of aggravated assault. The change means that the State can prove strangulation by proving that the defendant intentionally, knowingly, or recklessly engaged in certain conduct (applied pressure to the throat or neck) that had a certain result (impeding breathing or circulation), instead of proving that the defendant intentionally causing the result (impeding breathing or circulation).

17-A MRSA §208, sub-§1, ¶C

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC91.asp

Chapter 94 – LD 396

An Act to Support Justice for Victims of Sexual Assault by Increasing the Time Sexual Assault Forensic Examination Kits Must Be Stored

This amended law changes the period that a law enforcement agency must store a sexual assault forensic examination kit when the victim has not contacted law enforcement from 90 days from receipt of the kit to eight years.

Amends 24 MRSA §2986, sub-§3

Amends 25 MRSA §3821, 2nd

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC94.asp

Chapter 412 – LD 18 (Effective June 20, 2019)

An Act to Ensure Proper Prosecution of Crimes Involving Domestic Violence and Enhance Protection of Victims of Domestic Violence

This law creates new DV variations of aggravated assault crimes, specifically, domestic violence aggravated assault, domestic violence elevated aggravated assault, and domestic violence elevated aggravated assault on a pregnant person. The DV variations are consistent with the existing aggravated assault crimes, with the addition of the element of “family or household member.” A single prior conviction for one of these DV crimes within ten years can be used to elevate Class D DV crimes to Class C.

The law also adds reference to the newly created crimes to the definition of "family or household members" under Title 19-A, chapter 101, which concerns protection from abuse. It also adds the newly created crimes to the mandatory arrest provisions of Title 19-A, section 4012, subsection 5. The bill also makes violation of a protection from abuse order a Class C crime if the person has two or more prior convictions for violating a protection from abuse order within ten years.

Amends 17-A MRSA §207-A, sub-§1, ¶B
Enacts 17-A MRSA §§208-D, 208-E and 208-F
Amends 17-A MRSA §209-A, sub-§1, ¶B
Amends 17-A MRSA §210-B, sub-§1, ¶B
Amends 17-A MRSA §210-C, sub-§1, ¶B

Amends 17-A MRSA §211-A, sub-§1, ¶B
Amends 19-A MRSA §4002, sub-§4
Enacts 19-A MRSA §4011, sub-§5
Amends 19-A MRSA §4012, sub-§5

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC412.asp

Chapter 359 – LD 496

An Act to Extend the Availability of Protection from Abuse and Protection from Harassment Orders

This change in law clarifies the court's discretion to issue a protection from harassment order even if a notice to stop harassing the plaintiff was not issued to the defendant under section 506-A of the Criminal Code. The law also expands the categories of persons who can obtain a PFA order: An adult who has been abused may seek a protection from abuse order if the adult has been abused by, in addition to a family or household member or a dating partner as provided in current law, an individual related to the adult by consanguinity or affinity (for example, a blood relative or in-law who is not living in the same house). The law provides the same protection for a minor child. The law directs the offices of the court clerks to provide plaintiffs with written contact information for resources from which the plaintiff may receive legal or social service assistance when the contact information for those services has been provided to the Administrative Office of the Courts by the various providers, including the Maine State Bar Association or successor organization, any local or statewide organizations providing domestic violence services and sexual assault services and any other agency providing reliable and relevant resource contact information.

Amends 5 MRSA §4653, sub-§1, ¶B
Amends 19-A MRSA §4005, sub-§1

Repeals and Replaces 19-A MRSA §4005, sub-§2, ¶C

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC359.asp

Chapter 97 – LD 324

An Act Regarding Forfeiture of Assets of Persons Convicted of Aggravated Sex Trafficking Offenses, Sex Trafficking Offenses, Aggravated Criminal Forced Labor Offenses, and Criminal Forced Labor Offenses

This law adds aggravated sex trafficking and sex trafficking offenses and aggravated criminal forced labor and criminal forced labor offenses to the offenses subject to criminal forfeiture of assets. It broadens one of the allowable uses of the forfeited property proceeds. Currently, property or proceeds may be given to a law enforcement agency that provides case management and other social services to persons with substance use disorders; under this law, property or proceeds may be given to a law enforcement agency that provides case management and other social services to persons affected by crimes that are subject to forfeiture of property.

Amends 15 MRSA §5821, sub-§7-A, ¶A

Amends 15 MRSA §5821

Enacts 15 MRSA §5821, sub-§§10 and 11

Amends 15 MRSA §5826, sub-§1

Amends 15 MRSA §5826, sub-§2

Amends 15 MRSA §5826, sub-§6

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC97.asp

Chapter 483 – LD 67

An Act to Ensure Access to Justice for Victims of Sexual Assault

This law amends the Criminal Code to extend from 8 years to 20 years the statute of limitations applicable to prosecutions for a Class A, Class B, or Class C crime involving unlawful sexual contact or gross sexual assault. These changes apply only to those crimes committed on or after the effective date of this legislation (September 19, 2019) or for which the prosecution has not yet been barred by the statute of limitations in force immediately prior to the effective date of this legislation; it does not allow prosecution of crimes for which the statute of limitations expired before September 19, 2019. The law also makes several technical corrections to the provisions of the Criminal Code governing statutes of limitations to provide additional clarity within those provisions.

Repeals and Replaces 17-A MRSA §8, sub-§1

Repeals and Replaces 17-A MRSA §8, sub-§2

Amends 17-A MRSA §8, sub-§2-A

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC483.asp

Chapter 494 – LD 913

An Act to Amend the Laws on Gross Sexual Assault, Unlawful Sexual Contact, and Unlawful Sexual Touching to Include Counseling Professionals

Originally proposed to apply to members of the clergy, this law amends the law on gross sexual assault, unlawful sexual contact, and unlawful sexual touching to include all licensed counseling professionals as the actors in the crimes. As under existing law, the counselor-patient/client relationship must be current for the consensual conduct to be criminal.

Amends 17-A MRSA §253, sub-§2, ¶I

Amends 17-A MRSA §255-A, sub-§1, ¶U

Amends 17-A MRSA §255-A, sub-§1, ¶V

Amends 17-A MRSA §260, sub-§1, ¶K

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC494.asp

DRUGS

Chapter 137 – LD 329

An Act to Exempt from Criminal Liability Persons Reporting a Drug-related Medical Emergency

This law exempts from arrest or prosecution a person who in good faith seeks medical assistance for another person experiencing a drug-related overdose or who is experiencing a drug-related overdose and needs medical assistance. The person may not be arrested or prosecuted for a violation of laws prohibiting the possession of scheduled drugs, acquiring drugs by deception, the possession of hypodermic apparatuses and the use of drug paraphernalia or a violation of probation if the grounds for arrest or prosecution are obtained as a result of the person's seeking medical assistance or experiencing a drug-related overdose.

Enacts 17-A MRSA §1111-B

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC137.asp

Chapter 292 – LD 303

An Act to Require Recovery Residences for Persons with Substance Use Disorder Be Equipped with Naloxone and to Exempt from Criminal Liability Persons Administering Naloxone

This law applies to a “recovery residence,” defined as a shared living residence for individuals recovering from substance use disorder focused on peer support, provides to its residents an environment free of alcohol and illegal drugs, and assists its residents by connecting the residents to support services or resources in the community. The law requires a recovery residence to store on-site at least two units of naloxone hydrochloride for each floor of a recovery residence. It exempts from arrest or prosecution a person who in good faith administers naloxone hydrochloride to another person experiencing a drug-related overdose. The person may not be arrested or prosecuted for a violation of laws prohibiting the unlawful possession of scheduled drugs, acquiring drugs by deception, the illegal possession of hypodermic apparatuses or the use of drug paraphernalia, or a violation of probation if the grounds for arrest or prosecution are obtained as a result of the person's administering naloxone hydrochloride. Residents and employees of a recovery residence and all other persons involved in the administration of a recovery residence must successfully complete training in the administration of naloxone hydrochloride that meets the protocols and criteria established by the Department of Health and Human Services.

*Amends 17-A MRSA §1111-B
Enacts 22 MRSA §2353, sub-§1, ¶E*

Enacts 22 MRSA §2353, sub-§4-A

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC292.asp

EMPLOYMENT

Chapter 22 – LD 170

An Act to Prohibit Questions Regarding Criminal History on Certain State Employment Applications

An application form for employment for a position in State Government may not include any questions regarding an applicant's criminal history except when, due to the nature and requirements of the position, a person who has a criminal history may be disqualified from eligibility for the position. "Position in State Government" does not include a position in a school administrative unit, municipality, county, or other political subdivision of the State.

Enacts 5 MRSA §792

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC22.asp

Chapter 47 – LD 305

An Act to Protect Job Applicants from Identity Theft

Beginning January 1, 2020, an employer may not request a social security number from a prospective employee on an employment application or during the application process for employment except for the purposes of substance abuse testing under Title 26, Chapter 7, subchapter 3-A, or a preemployment background check. This does not apply to an employer's request for a social security number after the employee is hired.

Enacts 26 MRSA §598-A

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC47.asp

Chapter 451 – LD 1790

An Act to Amend the Law to Protect the Confidentiality of State and Local Government Employees' Private Information

The purpose of this law is to provide consistency among state, county, and municipal employees regarding the protection of private information. It amends the law governing the confidentiality of personal information of municipal employees to parallel the same protections provided for state employees and establishes as confidential any genetic information and information about the sexual orientation of employees contained in the records of the municipality. This bill also amends the state employee personnel records provisions to include confidentiality of genetic information and sexual orientation and amends the laws governing county and municipal employee personnel records to match.

*Repeals and Replaces 5 MRSA §7070, sub-§2,
¶D-1*

*Amends 30-A MRSA §503, sub-§1, ¶B
Amends 30-A MRSA §2702, sub-§1*

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC451.asp

Chapter 459 – LD 1400

An Act to Improve Recruitment and Retention in State Law Enforcement by Offering Retirement Service Credit

This change in law allows a member of the State Employee and Teacher Retirement Program or the Participating Local District Retirement Program to purchase up to four years of service credit for time served as a full-time law enforcement officer prior to membership at full actuarial cost if the member has at least 15 years of creditable service at the time of retirement. The law also requires that the member certify that the service credit has not and will not be used to obtain other retirement benefits. It also clarifies that the purchase of service credit for time served as a full-time law enforcement officer may be applied to the requirement for creditable service of 25 years under the 1998 Special Plan.

Enacts 5 MRSA §17767

Enacts 5 MRSA §18363

Amends 5 MRSA §17851-A, sub-§3, ¶B

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC459.asp

JUVENILES/CHILDREN/SCHOOLS

Chapter 220 – LD 1397

An Act Regarding the Admissibility of Certain Statements of Juveniles

This law amends the Maine Juvenile Code to provide that statements of a juvenile or of a juvenile's parents, guardian, or legal custodian made during an informal adjustment or during a restorative justice program or made to a clinical provider during substance use disorder, sexual behavior or mental health assessment or treatment attended by the juvenile are not admissible in evidence during the State's case in chief at an adjudicatory hearing against that juvenile on a petition based on the same facts that caused the referral for informal adjustment, restorative justice, assessment or treatment. The law provides for similar protections in school disciplinary proceedings.

Amends 15 MRSA §3204, first ¶

Amends 15 MRSA §3204

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC220.asp

Chapter 525 – LD 1573

An Act to Clarify Provisions of the Maine Juvenile Code Regarding Inspection, Disclosure and Dissemination of Juvenile Case Records

This law requires juvenile case records (court records) to be confidential and only disclosed, disseminated, inspected, or obtained by certain parties or certain agencies or by court order. It provides that when juvenile case records are inspected by or disseminated to anyone other than parties to the juvenile's case or victims, the court may impose reasonable limitations to protect the identity and safety of third parties, including, but not limited to, victims and other accused or adjudicated juveniles.

It provides that the dissemination of juvenile intelligence and investigative record information is subject to limitations and prohibits the further dissemination of such information unless specifically authorized. It prohibits a criminal justice agency from confirming the existence or nonexistence of juvenile intelligence and investigative record information that is confidential.

The law also provides for mandatory notice to a school administrative unit. When a juvenile is charged in a juvenile petition that alleges the use or threatened use of physical force against a person or when a juvenile is adjudicated as having committed one or more juvenile crimes that involve the use or threatened use of physical force against a person, the prosecuting attorney in the district where the charges were brought shall disseminate to the superintendent of the juvenile's school administrative unit or the superintendent's designee (1) the name of the juvenile, (2) the offense alleged or adjudicated, (3) the date of the offense, (4) the date of the petition, (5) the date of the adjudication, if applicable, and (6) the location of the court where the case was brought, if applicable.

Amends 15 MRSA §3003, sub-§3
Enacts 15 MRSA §3003, sub-§§4-C, 4-D and 5-A
Amends 15 MRSA §3003, sub-§6
Amends 15 MRSA §3003, sub-§8
Enacts 15 MRSA §3003, sub-§10-A
Enacts 15 MRSA §3003, sub-§14-C
Enacts 15 MRSA §3003, sub-§19-B
Amends 15 MRSA §3003, sub-§23
Amends 15 MRSA §3101
Amends 15 MRSA §3101, sub-§4, ¶A
Amends 15 MRSA §3101, sub-§4, ¶G
Repeals 15 MRSA §3301, sub-§6-A
Amends 15 MRSA §3301, sub-§7
Amends 15 MRSA §3304, sub-§6
Amends 15 MRSA §3306, sub-§1
Amends 15 MRSA §3307, sub-§1-A
Amends 15 MRSA §3308

Repeals 15 MRSA §3308-A, sub-§1, ¶C
Amends 15 MRSA §3308-A, sub-§2
Enacts 15 MRSA §3308-A, sub-§3, ¶B-1
Amends 15 MRSA §3308-A, sub-§3, ¶D
Amends 15 MRSA §3308-A, sub-§§4 to 6
Enacts 15 MRSA §3308-B
Amends 15 MRSA §3311, sub-§1
Amends 15 MRSA §3311, sub-§2
Amends 15 MRSA §3313
Amends 15 MRSA §3314, sub-§1, ¶A
Repeals 15 MRSA §3316, sub-§1
Amends 15 MRSA §3501, sub-§1
Amends 15 MRSA §3501, sub-§8
Amends 15 MRSA §3503
Amends 15 MRSA §3506-A, sub-§2, ¶C
Amends 15 MRSA §3506-A, sub-§4
Amends 20-A MRSA §1055, sub-§11

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC525.asp

Chapter 61 – LD 152

An Act to Prohibit the Possession and Use of Electronic Smoking Devices on School Grounds

A person may not engage in tobacco use in the buildings or on the grounds of any elementary or secondary school, on a school bus, or at any school-sponsored event at any time. "Tobacco use" means: (1) smoking as defined in section 1541, subsection 6; and (2) carrying or having in one's possession a tobacco product as defined in section 1551, subsection 3.

Title 22, §1541(6) - "Smoking" includes carrying or having in one's possession a lighted or heated cigarette, cigar, or pipe or a lighted or heated tobacco or plant product intended for human consumption through inhalation whether natural or synthetic in any manner or in any form. "Smoking" includes the use of an electronic smoking device.

Title 22, §1551(3) - "Tobacco product" means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, a hookah, pipe tobacco, chewing tobacco, snuff or snus. "Tobacco product" also means an electronic smoking device and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes and liquids used in electronic smoking devices, whether or not they contain nicotine. "Tobacco product" does not include drugs, devices or combination products authorized for sale by the United States Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

Repeals 22 MRSA §1578-B, sub-§1, ¶C and Enacts in its place 22 MRSA §1578-B, sub-§1, ¶D

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC61.asp

Chapter 495 – LD 1190

An Act to Prohibit the Furnishing of Tobacco Products to Minors

New section 1580-G of Title 22 makes it a Class D crime for a person who is 21 years of age or older to procure, furnish, give, sell, or deliver a tobacco product to a minor or allow a minor under that person's control or in a place under that person's control to possess or consume a tobacco product. This provision does not apply to a licensee or an agent of that licensee in the scope of employment. Existing statute, endangering the welfare of a child, 17-A MRS § 554, already provides that a person is guilty of endangering the welfare of a child if the person knowingly sells, furnishes, gives away, or offers to sell, furnish, or give away cigarettes or tobacco to a child under 16 years of age. This amendment expands the prohibition to include any tobacco product. Note that the crime of endangering is not limited to defendants 21 and older.

*Enacts 22 MRSA §1580-F
Amends 17-A MRSA §554, sub-§1, ¶B*

Amends 17-A MRSA §554, sub-§2, ¶A

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC495.asp

Chapter 131 – LD 548

An Act Regarding Charging a Person under 18 Years of Age with the Crime of Engaging in Prostitution

This law sets a minimum age for a person to be charged with the crime of engaging in prostitution under section 853-A. Only a person who has attained the age of 18 may be charged with the crime. Note that there is no minimum age for the crime of engaging a prostitute, 17-A MRS § 853-B.

Amends 17-A MRSA §853-A, sub-§1

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC131.asp

Chapter 318 – LD 166

An Act to Protect Schoolchildren by Providing Additional Enforcement and Prevention Options for Unlawful Passing of a School Bus

This law allows the State or a municipality to use a traffic surveillance camera mounted on a school bus to prove, enforce, or open an investigation into a violation of illegally passing a school bus. It provides that information recorded by a traffic surveillance camera mounted on a school bus is confidential and may be used only to prove, enforce or, open an investigation into a violation and may not be retained for more than 30 days unless it is used to open an investigation. It also clarifies that the penalty provision in statute regarding overtaking and passing school buses applies only to the passing or overtaking of a school bus. It also allows school buses to be equipped with extended stop arms that when activated extend 3 to 6 feet outward from the left side of a school bus.

Amends 29-A MRSA §2117

Enacts 29-A MRSA §2301, sub-§§1-D and 5-C

Amends 29-A MRSA §2302, sub-§1, ¶G

Amends 29-A MRSA §2308, sub-§6

Amends 29-A MRSA §2380, sub-§3-A

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC318.asp

Chapter 299 – LD 1269

An Act to Update the Laws Governing Child Safety Seats and Seat Belts

This law amends the laws governing the use of seat belts and child restraint systems in motor vehicles. It defines several types of child restraint systems and establishes requirements for the use of child restraint systems based on a child's age, height, and weight. It increases the fines for violations of the law. It defines "convertible child restraint system" and allows a child under two years of age properly secured in a convertible child restraint system to ride in a forward-facing position if the child exceeds the manufacturer recommended weight limit for a rear-facing position.

Amends 29-A MRSA §1861, last ¶

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC299.asp

LAW ENFORCEMENT OFFICERS

Chapter 466 – LD 800

An Act to Amend Mandatory Law Enforcement Agency Policies Regarding Recording Suspects to Include Cases of Murder and Class A, Class B and Class C Crimes

This change in law amends the mandatory policies for law enforcement agencies, which are set by the Board of Trustees of the Maine Criminal Justice Academy, regarding digital, electronic, audio, video or other recording of law enforcement interviews of suspects to specifically include all suspects of murder and Class A, Class B and Class C crimes, instead of suspects in "serious crimes."

Previously, “serious crimes,” as defined by the MCJA Board, were felony-level crimes against persons. This change in law requires recording suspects in all felony-level crimes.

Another bill, LD 801, would have required recording not only suspects, but all witnesses. The Governor vetoed that bill.

Amends 25 MRSA §2803-B, sub-§1, ¶K

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC466.asp

Chapter 438 – LD 1375

An Act to Prohibit Certain Sexual Acts and Sexual Contact by Law Enforcement Officers in Performance of Official Duties and to Amend the Law on Obstructing Criminal Prosecution

This new law provides that a law enforcement officer commits Class B gross sexual assault if the officer, in the performance of the officer's official duties, engages in a sexual act with another person, not the officer's spouse, while the other person is under arrest, in custody or being interrogated, or temporarily detained, including during a traffic stop or questioning pursuant to an investigation of a crime. Lack of consent, compulsion and age of the victim are not elements of this crime; the conduct itself is prohibited, whether “consensual” or not.

In addition, the law subjects to disciplinary sanctions by the Board of Trustees of the Academy an applicant or certificate holder who engages in sexual contact with another person, not the person's spouse, under like circumstances. It would be a defense to such discipline that the officer properly performed a search of a person for legitimate law enforcement purposes consistent with training standards approved by the Board.

The law also prohibits, as obstructing criminal prosecution, giving *anything of benefit* to another person with the intent to induce the other person to refrain from initiating or continuing with a criminal prosecution or juvenile proceeding, or soliciting, accepting, or agreeing to accept *anything of benefit* for those purposes.

Amends 17-A MRSA §253, sub-§2, ¶L

Amends 17-A MRSA §253, sub-§2, ¶M

Enacts 17-A MRSA §253, sub-§2, ¶N

Amends 17-A MRSA §754, sub-§1

Amends 25 MRSA §2806-A, sub-§5, ¶¶J and K

Enacts 25 MRSA §2806-A, sub-§5, ¶L

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC438.asp

Chapter 221 – LD 1408

An Act to Allow Law Enforcement Officers to Wear Insignia on Their Uniforms to Indicate That They Are Veterans

This new law authorizes a law enforcement agency to allow a law enforcement officer who is a veteran of the Armed Forces of the United States and who is employed by the agency to wear insignia on the officer's uniform to indicate that the officer is a veteran.

Enacts 25 MRSA c. 411

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC221.asp

Chapter 89 – LD 1092

An Act to Amend the Laws Governing Critical Incident Stress Management Teams

This enacted law clarifies the qualifications and duties of members of critical incident stress management teams and provides that the services of such teams are available to employees of state, county or municipal government entities that provide or have the authority to provide fire, emergency medical or police services, i.e., *public safety* agencies, not only *criminal justice* agencies.

Amends 25 MRSA §4201, sub-§1

Enacts 25 MRSA §4201, sub-§§1-A and 1-

Amends 25 MRSA §4201, sub-§2

Repeals 25 MRSA §4201, sub-§3

Enacts 25 MRSA §4201, sub-§4

Amends 25 MRSA §4202, sub-§1

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC89.asp

Chapter 33 – LD 456

An Act to Strengthen the Qualifications for County Sheriffs

Previously, a candidate for sheriff was required to have five years of supervisory experience. This amendment provides for two years of supervisory experience, but in law enforcement or corrections or a combination of both and requires the candidate to submit relevant employer information for verification.

Amends 30-A MRSA §371-B, sub-§3, ¶E

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC33.asp

Chapter 410 – LD 1475

An Act to Eliminate Profiling in Maine

This law, as originally proposed, would have prohibited profiling based on actual or perceived race, gender, ethnicity, religion, socioeconomic status, ancestry, or national origin by law enforcement, and require data collection to provide information about whether profiling is occurring and, if so, the extent to which it is occurring. The enacted law requires the adoption of anti-profiling policies and related training to prevent such practices. The law directs the Attorney General to explore data collection techniques and report to the Judiciary Committee any findings and recommendations by March 15, 2020. The committee may report out legislation to the Second Regular Session of the 129th Legislature. Finally, the adopted version directs the Attorney General to establish procedures for receiving, investigating, and responding to complaints alleging profiling by law enforcement officers or law enforcement agencies. The Attorney General may adopt rules to address the operation of administrative complaint procedures and independent audit programs to ensure that programs and procedures provide an appropriate response to allegations of profiling.

Enacts 5 MRSA §200-K

Amends 25 MRSA §2803-B, sub-§1, ¶E

Amends 25 MRSA §2804-C, sub-§2-E

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC410.asp

Chapter 435 – LD 1219

An Act to Establish an Independent Panel to Review the Use of Deadly Force by Law Enforcement Officers

The panel examines deaths and serious injuries that result from a law enforcement officer's use of deadly force. The panel will wait to conduct its examination until the Attorney General conducts the investigation of the use of deadly force by a law enforcement officer as required in current law. The purpose of the examinations is to identify whether there was compliance with accepted and best practices under the particular circumstances and whether the practices were sufficient for the particular circumstances or whether the practices require adjustment or improvement. The panel may recommend methods of improving standards, including changes to statutes, rules, training, policies, and procedures designed to ensure incorporation of best practices that demonstrate increased public safety or officer safety.

The panel may request information and records that are necessary and relevant to the review. Persons providing information or records are not criminally or civilly liable for disclosing or providing information or records as directed by the panel. The panel may consult with content experts and other professionals and discuss necessary information or records within the scope of the consultations.

The proceedings of the panel are not public proceedings and records of the panel are confidential and are not subject to subpoena, discovery, or introduction into evidence in a civil or criminal action. To ensure oversight, the Legislature may inspect and review the records, but it must be under conditions that ensure the information is not further disclosed. The Office of the Attorney General shall disclose conclusions of the review panel, but may not disclose confidential information, records, or data.

The panel must submit a report on each incident it reviews, as well as annual reports summarizing its activities, to the joint standing committee of the Legislature having jurisdiction over judiciary matters beginning January 30, 2021.

The panel consists of 15 members. Ex-officio members are the Commissioner of Public Safety, the Director of Investigations for the Office of the Attorney General, the Director of the Maine Criminal Justice Academy, and the Chief Medical Examiner. The remaining members are appointed by the Attorney General: an attorney who represents plaintiffs in §1983 actions, a municipal police chief,; a county sheriff, a mental health professional, a representative of a statewide collective bargaining law enforcement organization, a representative of a statewide civil rights organization, an attorney who represents defendants in §1983 actions, a criminal prosecutor, and three citizens, each of whom is not and has never been a sworn law enforcement officer.

The panel is must select a chair and a vice-chair and to meet at least quarterly. The Attorney General must call the first meeting before January 1, 2020.

Enacts 5 MRSA §200-K (to be recodified as §200-L)

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC435.asp

MENTAL HEALTH

Chapter 411 – 1475 (Effective July 1, 2020)

An Act to Enhance Personal and Public Safety by Requiring Evaluations of and Judicial Hearings for Persons in Protective Custody Regarding Risk of Harm and Restricting Access to Dangerous Weapons

This new law is a modified version of the so-called “red flag law” passed in at least 17 other states. A red flag law is a gun violence protection law that permits persons to petition a state court to order the temporary removal of firearms from a person who may present a danger to others or themselves.

In Maine, current law authorizes law enforcement to take a person into protective custody for evaluation by a medical practitioner as protection from imminent threats of substantial self-inflicted harm or substantial harm to others. A medical practitioner assesses the person taken into protective custody. In addition to the assessment now conducted, the medical practitioner is directed to evaluate the history, recent actions and behaviors of a person taken into protective custody, and determine whether there is a reasonable likelihood that the person's mental health will deteriorate; whether the person will in the foreseeable future pose a likelihood of serious harm; and whether any such likelihood of harm is exacerbated by the person's immediate access to a firearm or other dangerous weapon. If the assessment finds that the person presents a likelihood of foreseeable harm, the law enforcement officer must seek an endorsement from a judicial officer that the person presents a likelihood of foreseeable harm, which authorizes law enforcement to notify the person that the person is a restricted person and is prohibited from possessing, controlling, acquiring, or attempting to possess, control or acquire a dangerous weapon pending the outcome of a judicial hearing. The restricted person must immediately and temporarily surrender any weapon possessed, controlled, or acquired by the restricted person to a law enforcement officer. A restricted person who makes all practical and immediate efforts to comply with a surrender notice is not subject to arrest or prosecution as a prohibited person. If a law enforcement agency has probable cause to believe the restricted person possesses or controls but has not surrendered a weapon, law enforcement may, prior to or as part of a judicial hearing, search for and seize such a weapon when authorized by a judicially issued warrant or other circumstances approved by law.

The district attorney must file a petition for judicial review of the initial restrictions in the District Court. Within 14 days of the notice of restricted notice given to the restricted person, the court must hold a hearing to determine whether to dissolve or extend the initial restrictions. The restricted person has the right to legal representation. The district attorney has the burden of proving by clear and convincing evidence that the restricted person presents a likelihood of foreseeable harm. The court may dissolve the initial restrictions or extend them for up to one year. When the person is determined by a court to no longer present a substantial threat, the restrictions end and the weapons returned.

The law directs the Executive Branch to work with medical practitioners and law enforcement to develop and release, by January 1, 2020, a request for proposals for the development and acquisition of the technology necessary to enable protective custody

mental health assessments at locations other than health care facilities. By February 1, 2020, the Department of Public Safety must develop a plan, including any cost estimates, to implement a database system to support this legislation. The provisions for assessments for likelihood of foreseeable harm and restricted person status take effect July 1, 2020. Finally, the law requires written policies and training for law enforcement.

Enacts 34-B MRSA §3862-A

Enacts 34-B MRSA §3862-A

Enacts 34-B MRSA §3873-A, sub-§§7-A and 7-B

Amends 15 MRSA §224-A, sub-§1

Enacts 15 MRSA §393, sub-§1, ¶¶E-1 and E-2

Amends 25 MRSA §2803-B, sub-§1, ¶L

Enacts 25 MRSA §2804-C, sub-§2-E

Amends 34-B MRSA §3862, sub-§1, ¶B

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC411.asp

Chapter 317 – LD 287

An Act to Impose on Mental Health Professionals a Duty to Warn and Protect

This law imposes on doctors and certain mental health professionals a duty to warn and protect if a patient or client is likely to engage in physical violence that poses a serious risk of harm to self or others. The duty to warn and protect applies to osteopathic physicians, physicians, psychologists, alcohol and drug counselors, social workers, and counseling professionals. No monetary liability and no cause of action may arise concerning patient privacy or confidentiality against the provider for disclosing information to third parties.

Enacts 32 MRSA §2600-D

Enacts 32 MRSA §3300-G

Enacts 32 MRSA §3820

Enacts 32 MRSA §6207-C

Enacts 32 MRSA §7006

Enacts 32 MRSA §13866

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC317.asp

MISCELLANEOUS

Chapter 271 – LD 1313

An Act to Enact the Maine Death with Dignity Act

This law enacts the Maine Death with Dignity Act, authorizing a person who is 18 years of age or older, who meets certain qualifications and who has been determined by the person's attending physician to be suffering from a terminal disease to make a request for medication to end the person's life. The law establishes the procedures for making these requests, including two waiting periods and one written and two oral requests, and requires a second opinion by a consulting physician. An individual health care provider may choose not to participate in providing medication to end a patient's life but, if the patient so requests, the provider must transfer the medical records to another health care provider. The law creates affirmative defenses to prosecution for aggravated attempted murder, for murder, and for aiding or soliciting suicide.

Enacts 22 MRSA c. 418

Enacts 17-A MRSA §152-A, sub-§3

Enacts 17-A MRSA §201, sub-§6

Enacts 17-A MRSA §204, sub-§3

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC271.asp

Chapter 14 – LD 79

An Act to Protect Shooting Ranges

This new law provides that, unless otherwise prohibited, a person may discharge a firearm on a sport shooting range that is within 100 yards of a building if the sport shooting range was in regular operation prior to the erection of the building. “Sport shooting range” is defined in the statute.

Enacts 12 MRSA §11209, sub-§4

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC14.asp

Chapter 99 – LD 64

An Act to Make Post-Conviction Possession of Animals by Certain Persons a Criminal Offense

This law authorizes the court, as part of a sentence imposed for conviction of cruelty to animals, to impose a variety of conditions, including prohibiting ownership or possession of an animal having an animal on the defendant's premises, and prohibiting employment that involves the care of or other contact with animals. The amendment provides that an intentional or knowing violation of such a court order is a Class D crime. The law provides a procedure for a defendant to obtain a court order modifying the conditions or restrictions imposed by the court.

*Repeals 17 MRSA §1031, sub-§3-B, ¶B
Amends 17 MRSA §1031, sub-§3-B, ¶C*

*Enacts Sec. 3.17 MRSA §1031, sub-§3-B, ¶¶D, E
and F*

<http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0061&item=3&snum=129>

Chapter 296 – LD 1290 (Effective July 1, 2020)

An Act to Increase Transparency Regarding Pawnshops

Current law requires pawnbrokers to provide, before the 15th day of every month, a summary of the preceding month's pawn transactions to the law enforcement agency with jurisdiction. The enacted law eliminates that requirement, and substitutes a requirement that pawnbrokers, within 10 days of a pawn transaction, submit a report of the transaction to a regional property and recovery tracking system administered by a regional law enforcement agency, currently the Regional Information Sharing Systems Program administered by the New England State Police Information Network (NESPIN), listing information concerning the consumer or seller in the transaction and of every item pawned or sold in the transaction. A violation is subject to the civil remedies of the Maine Consumer Credit Code and constitutes a violation of the Maine Unfair Trade Practices Act.

Amends 30-A MRSA §3962, sub-§3

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC296.asp

Chapter 442 – LD 1485

An Act to Create a Contact Person Program in the Department of Public Safety

This new law requires the Department of Public Safety to develop and implement a contact person program, a voluntary program to assist a law enforcement officer with communications with a participating person during an encounter between the participating person and the law enforcement officer. A participating person is a person who voluntarily applies or whose legal guardian applies to the program. The program must provide the law enforcement officer with access to contact information and must interface with the State's telecommunications and radio message switching system. The program must include standards of procedure for law enforcement agencies consistent with policies adopted by the department.

Enacts 25 MRSA §2917

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC442.asp

Chapter 489 – LD 627

An Act Regarding Portable Electronic Device Content, Location Information and Tracking Devices

This law adds a new subchapter on obtaining search warrants for tracking devices and makes changes to the laws governing access to content of and location information pertaining to portable electronic devices, including cellular telephones. The law sets forth procedures to govern the installation and monitoring of tracking devices by law enforcement officers. It clarifies the definition of "tracking device" to limit the definition to a device the primary purpose of which is to track a person or object. It makes consistent the definition of "adverse result," used when requesting that notice be waived when a warrant is issued, to include "immediate danger of death or serious physical injury to any person" and "seriously jeopardizing an investigation." The definition is used in the new subchapter on tracking devices as well as the existing subchapters on access to content and location information of electronic devices and the warrant procedure requirements for content and location information. The law authorizes the court to issue a search warrant for the installation and monitoring of a tracking device and to waive notice of the issuance of the warrant.

Amends 15 MRSA §56, sub-§1, ¶A

Amends 15 MRSA §56, sub-§4

Enacts 16 MRSA c. 3, sub-c. 9-A

Amends 16 MRSA §641, sub-§1

Amends 16 MRSA §641, sub-§6

Enacts 16 MRSA §641, sub-§7-A

Amends 16 MRSA §643, first ¶

Amends 16 MRSA §643, sub-§1

Amends 16 MRSA §644, sub-§§1 and 3

Amends 16 MRSA §647, sub-§1

Amends 16 MRSA §647, sub-§3

Enacts 16 MRSA §647, sub-§8-A

Amends 16 MRSA §648

Amends 16 MRSA §649, sub-§1, ¶C

Amends 16 MRSA §650, sub-§§2 and 4

Amends 16 MRSA §650-A, sub-§1

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC489.asp

MOTOR VEHICLE

Chapter 486 – LD 165

An Act to Prohibit the Use of Handheld Phones and Devices While Driving

A person may not operate a motor vehicle on a public way while using a handheld electronic device or mobile telephone, including while the vehicle is temporarily stationary because of traffic, a traffic light or a stop sign, unless (1) the person, other than a person who is operating with a learner's permit, is using a mobile telephone or handheld electronic device in order to communicate with law enforcement or emergency services personnel under emergency circumstances in which there is an immediate threat to the health or well-being of any person; (2) the person is using a mobile telephone or handheld electronic device in hands-free mode; or (3) the person is employed as a commercial driver or a school bus driver and is using a handheld electronic device or mobile telephone within the scope of the person's employment as permitted under Federal Motor Carrier Safety Administration regulations. A person who has pulled a motor vehicle to the side of, or off, a public way and has halted in a location where the motor vehicle can safely remain stationary may use a handheld electronic device or mobile telephone.

Hands-free mode. A person who has attained 18 years of age and is not operating with an intermediate license or a learner's permit may use a mobile telephone or handheld electronic device while operating a motor vehicle in hands-free mode. The operator may use a hand to activate or deactivate a feature or function of a mobile telephone or handheld electronic device that is in hands-free mode and mounted or affixed to the vehicle in a location that does not interfere with the operator's view of the road if the feature or function activated requires only a single swipe, tap, or push of the operator's finger.

Amends 4 MRSA §20

Enacts 23 MRSA §4210-G

Enacts 29-A MRSA §101, sub-§§26-C, 35-B and 80-B

Enacts 29-A MRSA §1311, sub-§1, ¶C

Amends 29-A MRSA §1311, sub-§2

Amends 29-A MRSA §1551, sub-§11-A

Repeals 29-A MRSA §2116

Enacts 29-A MRSA §2119

Enacts 29-A MRSA §2121

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC486.asp

Chapter 254 – LD 546

An Act to Enhance Highway Safety by Strengthening the So-called Move Over Law

This amendment increases the minimum fine from \$250 to \$275 for passing a stationary authorized emergency vehicle using an emergency light or a stationary public service vehicle using its authorized lights and failing to pass in a lane that is not adjacent to the stationary vehicle or, if passing in a nonadjacent lane would be impossible or unsafe, failing to pass at a careful and prudent speed.

Amends 29-A MRSA §2054, sub-§9

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC254.asp

Chapter 121 – LD 648

An Act to Improve Reporting of Operating Under the Influence Offenses

This new law requires the State Bureau of Identification to report to the Criminal Justice and Public Safety Committee of the Legislature regarding the incidence of operating under the influence offenses. The report must include separate categories for offenses involving alcohol, intoxicating substances other than alcohol, and a combination of alcohol and other intoxicating substances. The report is due by April 1st each year beginning in 2020.

Enacts 25 MRSA §1551

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC121.asp

Chapter 368 – LD 1676

An Act to Enhance the Ability of the State to Prosecute the Crime of Operating Under the Influence

This law amends the laws governing the testing of breath, blood and urine samples for the presence of alcohol and drugs by (1) allowing such testing to occur at a laboratory licensed to do so under the laws of this State or any other state and also certified by the Federal Government under federal law; (2) allowing, for the taking of blood and urine samples, the use of specimen collection tubes of the type normally used in such a laboratory; and (3) making the language on liability of persons who draw blood at the request of a law enforcement officer consistent with the language in "An Act Regarding the Taking of a Blood Sample from an Operator of a Motor Vehicle Involved in a Fatal Accident," enacted as PL 2019, Chapter 189 (below).

Amends 29-A MRSA §2431, sub-§2, ¶A

Amends 29-A MRSA §2431, sub-§2, ¶C

Amends 29-A MRSA §2524, sub-§2

Amends 29-A MRSA §2524, sub-§4

Amends 29-A MRSA §2524, sub-§5

Amends 29-A MRSA §2524, sub-§6

Amends 29-A MRSA §2528

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC368.asp

Chapter 189 – LD 264

An Act Regarding Liability for Taking a Blood Sample from an Operator of a Motor Vehicle Involved in a Fatal Crash

This amendment makes grammatical changes to clarify the law providing immunity from liability for an act done or omitted in collecting or withdrawing specimens of blood at the request of a law enforcement officer and extends that immunity to an emergency medical services person, a law enforcement officer, an emergency medical service, and a law enforcement agency. Already included in the law are a physician, physician assistant, registered nurse, other health care provided whose occupational license or training allows that person to draw blood, and hospital.

Amends 29-A MRSA §2528

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC189.asp

TRIBAL REPRESENTATION/CRIMINAL JUSTICE

Chapter 103 – LD 735

An Act to Create a Seat for a Representative of the Wabanaki Tribal Governments on the Board of Trustees of the Maine Criminal Justice Academy

Chapter 103 designates a seat on the Board of Trustees of the Maine Criminal Justice Academy for a person appointed by the Governor who is knowledgeable about public safety and who has been recommended to the Governor by the Wabanaki tribal governments of the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at Motahkmikuk (Indian Township), the Passamaquoddy Tribe at Sipayik (Pleasant Point), and the Penobscot Nation. The term of this member of the Board of Trustees is 2 years.

Amends 25 MRSA §2802

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC103.asp

Chapter 188 – LD 870

An Act to Change the Membership of the Maine Commission on Domestic and Sexual Abuse to Include More Tribal Members

This law changes the membership of the Maine Commission on Domestic and Sexual Abuse by (1) reducing the representation of the statewide coalition of domestic violence projects from two members to one member; (2) reducing the representation of the statewide coalition of sexual assault centers from two members to one member; (3) allowing the member who is a chief of a municipal police department to appoint a designee to serve on the commission; (4) allowing the member who is a county sheriff to appoint a designee to serve on the commission; (5) correcting the description of a member from the statewide coordinator of a statewide coalition to end domestic violence to the executive director of a statewide coalition to end domestic violence; (6) reducing the number of at-large members from six to four; and (7) adding four new members, all of whom are appointed by the Governor, one of whom is an executive director of a tribal coalition against sexual assault and domestic violence, one of whom is chief of a tribal police department or the chief's designee, one of whom is a representative of a tribal court, and one of whom is a representative of tribal government.

Amends 19-A MRSA §4013, sub-§1, ¶A

https://legislature.maine.gov/legis/bills/bills_129th/chapters/PUBLIC188.asp

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