

STATE OF MAINE  
130<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Disposition of bills and summaries of all laws enacted or finally passed

**JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE  
AND PUBLIC SAFETY**

July 2022

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# *Joint Standing Committee on Criminal Justice and Public Safety*

## **SUBJECT INDEX**

### **Building Code**

**Not  
Enacted**

LD 1863 An Act To Allow Bars with an Occupancy of 30 or Fewer Persons To Have Only One Bathroom ONTP

### **Criminal Law**

**Enacted**

LD 1862 An Act To Strengthen Maine's Good Samaritan Laws Concerning Drug-related Medical Assistance PUBLIC 724

LD 1903 An Act To Update Criminal and Related Statutes and Respond to Decisions of the Law Court PUBLIC 608

**Not  
Enacted**

LD 1604 An Act To Reclassify Certain Offenses under the Inland Fisheries and Wildlife Laws and Motor Vehicle Laws and Increase the Efficiency of the Criminal Justice System Died On Adjournment

LD 1939 An Act To Protect School Administration Officials from Harassment and Abuse Majority (ONTP) Report

### **Department of Corrections**

**Enacted**

LD 2040 An Act To Maintain a Comprehensive Substance Use Disorder Treatment Program for Maine's Incarcerated Population PUBLIC 706

**Not  
Enacted**

LD 476 An Act To Provide Licensed Assisted Living and Nursing Facilities Levels of Care for Incarcerated Persons ONTP

LD 1154 An Act To Improve the Safety of Prisoners and Jail Staff by Limiting Work Hours of Jail Employees Died Between Houses

LD 1683 Resolve, To Compensate Certain Department of Corrections Employees and Department of Health and Human Services Employees for Hazardous Work Died On Adjournment

LD 1897 An Act To Prevent the Use of Prone and Supine Restraints, Chemical Sprays and Electroshock Devices on Juveniles Held in Department of Corrections Facilities Died On Adjournment

### **Drugs**

**Enacted**

LD 1862 An Act To Strengthen Maine's Good Samaritan Laws Concerning Drug-related Medical Assistance PUBLIC 724

## *Firearms/Concealed Firearms*

**Enacted**

- |         |   |            |
|---------|---|------------|
| LD 1446 | An Act To Aid Municipalities in the Issuance of Concealed Handgun Permits | PUBLIC 619 |
| LD 1861 | An Act To Establish the Safe Homes Program                                | PUBLIC 575 |

**Not  
Enacted**

- |         |  |                        |
|---------|--|------------------------|
| LD 1799 | An Act To Require Law Enforcement Agencies To Retain Serial Numbers of Stolen Firearms | Majority (ONTP) Report |
|---------|--|------------------------|

## *Firefighters*

**Enacted**

- |         |  |            |
|---------|--|------------|
| LD 1797 | An Act To Amend the Laws Governing the Maine Length of Service Award Program   | PUBLIC 556 |
| LD 1803 | An Act To Attract and Retain Firefighters and Emergency Medical Services Personnel through the Maine Length of Service Award Program | PUBLIC 721 |

**Not  
Enacted**

- |         |  |                     |
|---------|--|---------------------|
| LD 1440 | An Act To Provide Safe Gear for Female Firefighters  | Died On Adjournment |
| LD 1504 | An Act To Enhance Use of Critical Incident Stress Management Teams for Firefighters and for Employees and Members of a Public Safety Agency, a Fire Department or an Agency Involved in Emergency Care or Response | Died On Adjournment |

## *Fireworks*

**Enacted**

- |         |   |             |
|---------|---|-------------|
| LD 1307 | An Act Regarding the Sale and Use of Consumer Fireworks | PUBLIC 510  |
| LD 1348 | Resolve, To Study the Impacts of Consumer Fireworks Use | RESOLVE 135 |

## *Juveniles*

**Enacted**

- |        |  |            |
|--------|--|------------|
| LD 756 | An Act Regarding Criminal Services for Juveniles | PUBLIC 737 |
|--------|--|------------|

**Not  
Enacted**

- |         |  |                     |
|---------|--|---------------------|
| LD 546  | An Act To Implement the Recommendations of the Maine Juvenile Justice System Assessment and Reinvestment Task Force  | Died On Adjournment |
| LD 1897 | An Act To Prevent the Use of Prone and Supine Restraints, Chemical Sprays and Electroshock Devices on Juveniles Held in Department of Corrections Facilities | Died On Adjournment |

### **Law Enforcement**

**Enacted**

LD 2024 An Act To Allow County and Regional Communications Centers To Request Polygraph Examinations for Employees and Applicants for Employment PUBLIC 574

**Not  
Enacted**

LD 1447 Resolve, To Study Training in Racial Issues, Racial Justice and Social Issues at the Maine Criminal Justice Academy and Additional Requirements for Law Enforcement Officers and Candidates Died On Adjournment

LD 1999 An Act To Prohibit Profiling and To Strengthen Civil Rights in Maine Died On Adjournment

### **OUI/OAS/Other MV Violations**

**Not  
Enacted**

LD 1479 An Act To Make Certain Traffic Infractions Secondary Offenses Majority (ONTP) Report

### **Prison/Jail/Inmate**

**Enacted**

LD 1175 An Act To Prohibit Excessive Telephone Charges in Maine Jails and Prisons PUBLIC 615

LD 1654 An Act To Stabilize State Funding for County Corrections PUBLIC 732

LD 1721 An Act Regarding Dignity for Women in Correctional Facilities PUBLIC 620

LD 1886 An Act To Repeal the Law Regarding the County Jail Reimbursement Fee PUBLIC 591

LD 2024 An Act To Allow County and Regional Communications Centers To Request Polygraph Examinations for Employees and Applicants for Employment PUBLIC 574

**Not  
Enacted**

LD 476 An Act To Provide Licensed Assisted Living and Nursing Facilities Levels of Care for Incarcerated Persons ONTP

LD 696 An Act To Define "Solitary Confinement" Died Between Houses

LD 1154 An Act To Improve the Safety of Prisoners and Jail Staff by Limiting Work Hours of Jail Employees Died Between Houses

LD 1552 An Act To Provide Reentry Services to Persons Reentering the Community after Incarceration Died On Adjournment

### **Public Safety/Emergency Medical Services**

**Enacted**

LD 1803 An Act To Attract and Retain Firefighters and Emergency Medical Services Personnel through the Maine Length of Service Award Program PUBLIC 721

- |         |   |            |
|---------|---|------------|
| LD 1859 | An Act To Establish the Maine Emergency Medical Services Community Grant Program  | PUBLIC 700 |
| LD 1861 | An Act To Establish the Safe Homes Program  | PUBLIC 575 |
| LD 1988 | An Act To Establish That the Provision of Emergency Medical Services by an Ambulance Service Is an Essential Service and To Establish the Blue Ribbon Commission To Study Emergency Medical Services in the State | PUBLIC 749 |

**Sex Offender Registration**

**Enacted**

- |         |   |            |
|---------|---|------------|
| LD 1953 | An Act To Fix Inconsistencies within the Sex Offender Registration and Notification Act of 2013 | PUBLIC 527 |
|---------|---|------------|

**DIGEST OF BILLS**  
**130th Legislature, Second Regular Session - 2022**

PL = Public Law  
P&SL = Private and Special Law  
RESLV = Resolve

**Criminal Justice and Public Safety (CJPS)**

Comm	LD	Title	Comm Action	Carried Over from Prior Year?	Date of Last Comm Action	Final Disposition	Enacted Law		Analyst Note?	
							Law	Ch		
CJPS	476	An Act To Provide Licensed Assisted Living and Nursing Facilities Levels of Care for Incarcerated Persons	Reported Out	ONTP	Carried Over In Comm	2/14/22	Ought Not to Pass Pursuant to Joint Rule 310			
CJPS	546	An Act To Implement the Recommendations of the Maine Juvenile Justice System Assessment and Reinvestment Task Force	Reported Out	ONTP	Carried On Approps Table	6/14/21	Died On Adjournment			
CJPS	696	An Act To Define "Solitary Confinement"	Reported Out	ONTP	Carried Over In Comm	3/25/22	Died Between Houses			
CJPS	756	An Act Regarding Criminal Services for Juveniles	Reported Out	ONTP	Carried Over In Comm	4/6/22	Enacted	PL	737	
CJPS	1154	An Act To Improve the Safety of Prisoners and Jail Staff by Limiting Work Hours of Jail Employees	Reported Out	ONTP	Carried Over In Comm	3/17/22	Died Between Houses			
CJPS	1175	An Act To Prohibit Excessive Telephone Charges in Maine Jails and Prisons	Reported Out	ONTP-AM	Carried Over In Comm	4/6/22	Enacted	PL	615	
CJPS	1307	An Act Regarding the Sale and Use of Consumer Fireworks	Reported Out	ONTP-AM	Carried Over In Comm	1/31/22	Enacted	PL	510	
CJPS	1348	Resolve, To Study the Impacts of Consumer Fireworks Use	Reported Out	ONTP-AM	Carried Over In Comm	2/23/22	Finally Passed	RESLV	135	
CJPS	1440	An Act To Provide Safe Gear for Female Firefighters	Reported Out	ONTP	Carried On Approps Table	6/1/21	Died On Adjournment			
CJPS	1446	An Act To Aid Municipalities in the Issuance of Concealed Handgun Permits	Reported Out	ONTP-AM	Carried Over In Comm	3/29/22	Enacted	PL	619	

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Comm	LD	Title	Comm Action	Carried Over from Prior Year?	Date of Last Comm Action	Final Disposition	Enacted Law		Analyst Note?
							Law	Ch	
CJPS	1447	Resolve, To Study Training in Racial Issues, Racial Justice and Social Issues at the Maine Criminal Justice Academy and Additional Requirements for Law Enforcement Officers and Candidates	Reported Out	Carried Over In Comm	3/31/22	Died On Adjournment			
CJPS	1479	An Act To Make Certain Traffic Infractions Secondary Offenses	Reported Out	Carried Over In Comm	4/6/22	Accepted Majority (ONTP) Report			
CJPS	1504	An Act To Enhance Use of Critical Incident Stress Management Teams for Firefighters and for Employees and Members of a Public Safety Agency, a Fire Department or an Agency Involved in Emergency Care or Response	Reported Out	Carried Over In Comm	3/17/22	Died On Adjournment			
CJPS	1552	An Act To Provide Reentry Services to Persons Reentering the Community after Incarceration	Reported Out	Carried Over In Comm	3/24/22	Died On Adjournment			
CJPS	1604	An Act To Reclassify Certain Offenses under the Inland Fisheries and Wildlife Laws and Motor Vehicle Laws and Increase the Efficiency of the Criminal Justice System	Reported Out	Carried Over In Comm	4/11/22	Died On Adjournment			
CJPS	1654	An Act To Stabilize State Funding for County Corrections	Reported Out	Carried Over In Comm	4/12/22	Emergency Enacted	PL	732	
CJPS	1683	Resolve, To Compensate Certain Department of Corrections Employees and Department of Health and Human Services Employees for Hazardous Work	Reported Out	Carried On Approvs Table	6/15/21	Died On Adjournment			
CJPS	1721	An Act Regarding Dignity for Women in Correctional Facilities	Reported Out	Carried Over In Comm	3/22/22	Enacted	PL	620	
CJPS	1797	An Act To Amend the Laws Governing the Maine Length of Service Award Program	Reported Out		3/21/22	Enacted	PL	556	
CJPS	1799	An Act To Require Law Enforcement Agencies To Retain Serial Numbers of Stolen Firearms	Reported Out		2/9/22	Accepted Majority (ONTP) Report			

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							Law	Ch	
CJPS	1803	An Act To Attract and Retain Firefighters and Emergency Medical Services Personnel through the Maine Length of Service Award Program	Reported Out		1/28/22	Enacted	PL	721	
CJPS	1859	An Act To Establish the Maine Emergency Medical Services Community Grant Program	Reported Out		3/17/22	Enacted	PL	700	
CJPS	1861	An Act To Establish the Safe Homes Program	Reported Out		3/25/22	Enacted	PL	575	
CJPS	1862	An Act To Strengthen Maine's Good Samaritan Laws Concerning Drug-related Medical Assistance	Reported Out		4/14/22	Enacted	PL	724	
CJPS	1863	An Act To Allow Bars with an Occupancy of 30 or Fewer Persons To Have Only One Bathroom	Reported Out		2/9/22	Ought Not to Pass Pursuant to Joint Rule 310			
CJPS	1886	An Act To Repeal the Law Regarding the County Jail Reimbursement Fee	Reported Out		3/10/22	Enacted	PL	591	
CJPS	1897	An Act To Prevent the Use of Prone and Supine Restraints, Chemical Sprays and Electroshock Devices on Juveniles Held in Department of Corrections Facilities	Reported Out		3/23/22	Died On Adjournment			
CJPS	1903	An Act To Update Criminal and Related Statutes and Respond to Decisions of the Law Court	Reported Out		3/31/22	Enacted	PL	608	
CJPS	1939	An Act To Protect School Administration Officials from Harassment and Abuse	Reported Out		4/4/22	Accepted Majority (ONTP) Report			
CJPS	1953	An Act To Fix Inconsistencies within the Sex Offender Registration and Notification Act of 2013	Reported Out		3/21/22	Emergency Enacted	PL	527	
CJPS	1988	An Act To Establish That the Provision of Emergency Medical Services by an Ambulance Service is an Essential Service and To Establish the Blue Ribbon Commission To Study Emergency Medical Services in the State	Reported Out		4/7/22	Emergency Enacted	PL	749	
CJPS	1999	An Act To Prohibit Profiling and To Strengthen Civil Rights in Maine	Reported Out		3/28/22	Died On Adjournment			



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Comm	LD	Title	Comm Action	Carried Over from Prior Year?	Date of Last Comm Action	Final Disposition	Enacted Law		Analyst Note?
							Law	Ch	
CJPS	2024	An Act To Allow County and Regional Communications Centers To Request Polygraph Examinations for Employees and Applicants for Employment	Reported Out		3/25/22	Emergency Enacted	PL	574	
CJPS	2040	An Act To Maintain a Comprehensive Substance Use Disorder Treatment Program for Maine's Incarcerated Population	Reported Out (Comm bill)		4/19/22	Enacted	PL	706	

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**LD 756 An Act Regarding Criminal Services for Juveniles**

**ENACTED LAW SUMMARY**

Public Law 2021, chapter 737 transfers money from the Liquor Operation Revenue Fund and from money received for antitrust enforcement or enforcement of the Maine Unfair Trade Practices Act and makes an appropriation for restorative justice programs and certain programs for juveniles involved in the juvenile legal system.

**LD 1175 An Act to Prohibit Excessive Telephone Charges in Maine Jails and Prisons**

**ENACTED LAW SUMMARY**

Public Law 2021, chapter 615 regulates the charges for telephone services for residents of a facility of the Department of Corrections or a jail beginning with contracts for telephone services entered into or renewed by the department or the jail on or after October 1, 2022.

1. Beginning with contracts for telephone services entered into or renewed by the Department of Corrections, with regard to telephone calls by a resident of a Department of Corrections facility, it requires the department to provide a resident with a reasonable opportunity to make interstate and intrastate calls in accordance with departmental policies and institutional procedures.
  - A. It requires a reasonable opportunity to call relatives and friends, subject to security restrictions, and provides an inmate with less than \$10 in the resident's facility account a free call allowance for 30 minutes for these calls per week.
  - B. It requires a reasonable opportunity to call the resident's attorney and provides an inmate with less than \$10 in the resident's facility account a free call allowance for 30 minutes for these calls per week.
2. With regard to a service provider that contracts with the Department of Corrections to provide calling services for resident, it limits the rates and charges for interstate and intrastate calls to the rates and charges for interstate calls set by the Federal Communications Commission; prohibits charging fees for the free calls to relatives and friends and attorneys; prohibits charging a connection fee; prohibits blocking calls based on the lack of a prior billing relationship; requires disclosure of the provider and rate information; and requires the provider to permit termination prior to connection without charge.
3. Beginning with contracts for telephone services entered into or renewed by a jail on or after October 1, 2022, with regard to calls by a resident of the jail, it limits the rates and charges for interstate and intrastate calls to the rates and charges for interstate calls set by the Federal Communications Commission.

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**LD 1307 An Act Regarding the Sale and Use of Consumer Fireworks**

**ENACTED LAW SUMMARY**

Public Law 2021, chapter 510 requires sellers of consumer fireworks to provide to customers a statement that local ordinances may prohibit or restrict the use of consumer fireworks within a municipality and that information on such prohibitions or restrictions is available through the Office of the State Fire Marshal. It amends litter control law to provide that litter includes all waste materials resulting from the use of consumer fireworks. It amends disorderly conduct law to provide that the making of loud and unreasonable noise, which can be an element of the crime of disorderly conduct, includes loud and unreasonable noise resulting from the use of consumer fireworks.

**LD 1348 Resolve, To Study the Impacts of Consumer Fireworks Use**

**ENACTED LAW SUMMARY**

Resolve 2021, chapter 135 directs the State Fire Marshal to convene a stakeholder group to review matters relating to the impacts of consumer fireworks use. On or before January 15, 2023, the State Fire Marshal is required to submit to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters a report outlining the findings and any recommendations of the stakeholder group, including any proposed legislation, and the committee is authorized to report out legislation relating to the report to the First Regular Session of the 131st Legislature.

**LD 1446 An Act To Aid Municipalities in the Issuance of Concealed Handgun Permits**

**ENACTED LAW SUMMARY**

Public Law 2021, chapter 619 makes the following changes to the law governing permits to carry a concealed handgun.

1. It clarifies the law regarding the designation of the issuing authority by municipalities that have a full-time chief of police and by municipalities that do not have a full-time chief of police. It also provides a definition for “municipal officers.”
2. It authorizes the municipal officers of a municipality, regardless of whether the municipality has a full-time chief of police, to designate as the issuing authority the chief of police of an adjacent municipality or the sheriff of the county in which the municipality is located if the chief or sheriff agrees to that designation.

Public Law 2021, chapter 619 also requires the Department of Public Safety, Bureau of State Police to convene a stakeholder group to review the laws of this State regulating the issuance of permits to carry a concealed handgun and develop findings and recommendations for changes to

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those laws to improve the existing permitting process or to address other identified issues with the process. On or before February 15, 2023, the Bureau of State Police is required to submit to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters a report outlining the findings and recommendations of the stakeholder group, including any proposed legislation, and the committee may report out related legislation.

**LD 1654 An Act to Stabilize State Funding for County Corrections**

**ENACTED LAW SUMMARY**

Public Law 2021, chapter 732 does the following.

1. In Part A, it repeals and replaces the law on the County Jail Operations Fund, effective July 1, 2023, by requiring at least \$20,342,104 in General Fund funding each year, of which at least 25% must be spent on the community corrections and best practices services required in Part C; requiring periodic reporting to the Department of Corrections by the jails and payments to the jails and annual reporting by the department to the legislative committee having jurisdiction over criminal justice and public safety matters; and re-enacting provisions on the distribution formula applicable to the fund and surcharges applicable to fines, forfeitures and penalties. Effective May 5, 2022, Part A also establishes the County Corrections Professional Standards Council to evaluate and advise the Commissioner of Corrections, develop rules on reporting to the commissioner, develop budget and supplemental funding recommendations, consider the need for legislation regarding required programs, services and reporting and submit such legislation to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters.
2. In Part B, effective May 5, 2022, it updates the laws on the base county tax assessments for correctional services and requires legislative approval for a county to adjust its base assessment limit if the amount varies from the adjustments allowed in the law. For fiscal year 2022-23, it requires the Legislature to appropriate from the General Fund \$20,342,104 to the County Jail Operations Fund.
3. In Part C, effective May 5, 2022, it requires the jails to operate in accordance with best practices and mandatory standards, policies and procedures established in rules adopted by the commissioner. The rules are required to cover coordination of transportation and substance use disorder screening, assessment, medication, treatment, recovery and reentry services. The rules are also required to cover mental health treatment, community programs and services and training and technical assistance for facility staff and health care practitioners. It requires the jails to report data in accordance with rules adopted by the County Corrections Professional Standards Council. It provides for the continuing application of current rules and standards until new rules and standards are adopted.
4. In Part D, effective July 1, 2023, it amends references to the County Jail Operations Fund and updates references to reporting by the jails to the legislative committee having jurisdiction over criminal justice and public safety.

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Public Law 2021, chapter 732 was enacted as an emergency measure on May 5, 2022.

**LD 1721 An Act Regarding Dignity for Women in Correctional Facilities**

**ENACTED LAW SUMMARY**

Public Law 2021, chapter 620 does the following.

1. It amends an existing legislative reporting requirement by the Department of Health and Human Services, Office of Child and Family Services regarding the status of children in the department's custody to include in that report information on the number of children in the department's custody known to have one or more incarcerated parents and information on the number of those children for whom the case goal is reunification.
2. It adds to the board of visitors of each county jail a person with knowledge related to the incarceration of women and a woman who has been incarcerated in the State and who has had prior child welfare experience with the Department of Health and Human Services, Office of Child and Family Services.
3. It establishes a board of visitors for women's services to serve with regard to women who are incarcerated in Department of Corrections correctional and detention facilities and requires the Commissioner of Corrections to establish a separate grievance process for complaints regarding compliance with standards for county and municipal detention facilities, jails and other detention housing.
4. It prohibits a correctional or detention facility from billing an indigent client for future payment of services and medications.
5. It adds to the rights of a person who is incarcerated in the custody of the Department of Corrections opportunities and conditions for visitations with the child of the person and specifies the conditions under which such visits are not allowed.
6. It requires the Department of Corrections to report annually to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters on the number of juveniles in the custody of the department as juvenile detainees or juvenile clients or under department supervision on probation whose parents or primary caregivers are known to the department to be in the custody of the department or under the supervision of the department.

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7. It requires a correctional facility or detention facility housing female clients to ensure to the greatest extent practicable the presence of a female corrections officer during the transportation of a female client to and from a medical appointment and to ensure that the client is afforded the greatest amount of privacy practicable during the appointment consistent with safety and security considerations. It also adds a corresponding provision applicable to county jails housing female prisoners.
8. It requires the Department of Corrections to provide any person residing in a correctional or detention facility in the State at no cost to the person with the contact information for the Office of Child and Family Services and information on the relevance of that contact to the family reunification process.
9. It requires the Department of Health and Human Services, Office of Child and Family Services to evaluate options for obtaining publicly available information regarding persons incarcerated at county jail facilities and, by January 31, 2024, submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters regarding its progress in obtaining that information and any findings or recommendations based on the information. After reviewing the report, the joint standing committee may report out legislation related to the report to the 131st Legislature in 2024.

**LD 1797 An Act to Amend the Laws Governing the Maine Length of Service Award Program**

**ENACTED LAW SUMMARY**

Public Law 2021, chapter 556 expands the Maine Length of Service Award Program to apply to eligible volunteers and defines eligible volunteer as a bona fide volunteer performing qualified services in a fire department, ambulance service or non-transporting emergency medical service if that volunteer is an active part-time or on-call member of a fire department, a volunteer firefighter, an emergency medical services person or a qualified licensed emergency medical services ambulance operator. It expands the Maine Length of Service Award Program Board of Trustees to include two licensed emergency medical services persons.

**LD 1803 An Act to Attract and Retain Firefighters and Emergency Medical Services Personnel through the Maine Length of Service Award Program**

**ENACTED LAW SUMMARY**

Public Law 2021, chapter 721 appropriates from the General Fund to the Maine Fire Protection Services Commission \$500,000 in fiscal year 2022-23 to provide one-time funding for the Maine Length of Service Award Program to provide awards to eligible volunteer firefighters and emergency medical services personnel.

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**LD 1859 An Act to Establish the Maine Emergency Medical Services Community Grant Program**

**ENACTED LAW SUMMARY**

Public Law 2021, chapter 700 establishes the Maine Emergency Medical Services Community Grant Program as a pilot program to provide grants to communities for the review and consideration of the provision of effective and efficient emergency medical services. The grant program is administered by the Emergency Medical Services' Board which is authorized to adopt rules establishing the application and selection process and the requirements for reporting to the board. It appropriates \$200,000 in fiscal year 2022-23 in one-time, non-lapsing funding from the General Fund for the purposes of the Maine Emergency Medical Services Community Grant Program.

**LD 1861 An Act to Establish the Safe Homes Program**

**ENACTED LAW SUMMARY**

Public Law 2021, chapter 575 designates the month of September as Safe Homes Awareness Month and requires the Governor to annually issue a proclamation to raise awareness of the importance of safety in the home and of the existence of and assistance that is available from the Safe Homes Program. It establishes the Safe Homes Program to support the safe storage of prescription drugs, firearms and dangerous weapons in homes or public places by providing grants for purchasing safety devices. It authorizes providing grants to designated groups and nonprofit and community organizations serving designated groups. It establishes the Safe Homes Program Fund, a non-lapsing fund to receive funds from private and public sources. It allows the Department of Public Safety to use a small portion of the funding to administer the grant program. It provides an allocation of \$500 in fiscal year 2022-23 in Federal Expenditures Funds and \$500 in fiscal year 2022-23 in Other Special Revenue Funds.

**LD 1862 An Act to Strengthen Maine's Good Samaritan Laws Concerning Drug-related Medical Assistance**

**ENACTED LAW SUMMARY**

Public Law 2021, chapter 724 repeals and reenacts the law that protects from certain criminal legal consequences certain persons when a person calls for a medical professional or law enforcement officer for assistance when a person is suspected of having experienced a drug-related overdose.

Prior law protected the person who in good faith seeks medical assistance for or administers naloxone hydrochloride to a person experiencing a drug-related overdose as well as the person who is experiencing a drug-related overdose and is in need of medical assistance. Prior law provided protection from arrest or prosecution for unlawful possession of scheduled drugs, acquiring drugs by deception, illegal possession of hypodermic apparatuses, use of drug

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paraphernalia, or a violation of probation if the grounds for arrest or prosecution were obtained as a result of the person’s needing seeking medical assistance, administering naloxone hydrochloride or experiencing a drug-related overdose.

Public Law 2021, chapter 724 does the following.

1. It provides immunity from arrest or prosecution and from revocation or termination proceedings, with some listed exceptions, for a “protected person” for crimes except certain listed “excluded crimes” from the time the medical professional or law enforcement officer arrives at the location to the time that person leaves the location. It defines “protected person” as a person who in good faith calls for assistance for another person experiencing a suspected drug-related overdose and any person rendering aid at the location. (Note: Public Law 2021, chapter 759, section C-1 further amends the definition of “protected person” to add “any person who is experiencing a suspected drug-related overdose.”) It defines “rendering aid” to include looking after the person needing assistance and giving first aid or administering or assisting in the administration of naloxone hydrochloride. The list of excluded crimes includes offenses against a person; sexual assaults; sexual exploitation of a minor; kidnapping, criminal restraint and criminal forced labor; robbery; arson; aggravated sex trafficking; sex trafficking; aggravated attempted murder; abandonment of a child; endangering the welfare of a child under Title 17-A, section 554, subsection 1, paragraph A; unlawful transfer of a firearm other than a handgun to a minor; unlawful transfer of a handgun to a minor; endangering the welfare of a dependent person under Title 17-A, section 555, subsection, paragraph A or B; incest; patronizing prostitution of a minor or a person with mental disability; violation of a protection from harassment order, a protective order in crimes between family members or a protection from abuse order; a crime committed against a person who was less than 18 years of age; criminal conspiracy to commit a listed crime; criminal attempt to commit a listed crime; and criminal solicitation to commit a listed crime.
2. It provides a process by which a criminal defendant may move the court prior to trial to determine whether the defendant is immune from prosecution or revocation or termination proceedings under the law. Once the defendant has filed a motion and has presented evidence to establish immunity, the prosecution has the burden of proving that the grounds for immunity do not apply. The law allows the court to hear testimony and requires the court to make factual and legal findings as necessary to determine immunity.

**LD 1886 An Act to Repeal the Law Regarding the County Jail Reimbursement Fee**

**ENACTED LAW SUMMARY**

Public Law 2021, chapter 591 repeals the county jail reimbursement fee and repeals two corresponding cross-references to the fee in other sections of Title 17-A. The county jail reimbursement fee is a fee that a court may impose on a person who is sentenced to incarceration in a county jail that may not exceed the lower of the actual cost of incarceration or \$80 per day. The purpose of the fee is to help defray the expenses of the person’s room and board in the county jail.



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**LD 1903 An Act to Update Criminal and Related Statutes and Respond to Decisions of the Law Court**

**ENACTED LAW SUMMARY**

Public Law 2021, chapter 608 makes the following changes in the criminal and other laws.

1. In Part A, in response to *State v. Weddle*, 2020 ME 12, it repeals the Maine Revised Statutes, Title 29-A, section 2522, which was found to be unconstitutional in that it required the driver’s blood to be taken without consent and without probable cause to believe that the driver was impaired by alcohol or drugs at the time the driver’s blood was taken. It also moves the statutory allocation of the one-year period of suspension for refusal to take a chemical test when there is probable cause to believe that death occurred or will occur as a result of an accident to the law on implied consent to a chemical test and makes the language consistent with existing law.
2. In Part B, it amends Title 15, section 393 to recognize that convictions in the tribal courts of federally recognized Indian tribes are disqualifying convictions for the purposes of the prohibition against purchasing or possessing firearms created by Title 15, section 393. It makes Title 15, section 393 more consistent with the Maine Criminal Code by using the phrase “another jurisdiction” to reference the courts identified by that term.
3. In Part C, in response to *State v. LeBlanc-Simpson*, 2018 ME 109, it clarifies that a judicial officer in issuing a written release order under Title 15, section 1026, subsection 2-A or 3 must inform a defendant of the conditions of release, that the conditions take effect and are fully enforceable immediately and that failure to appear or comply with conditions may result in revocation of bail and additional criminal penalties. It provides that a condition of release takes effect and is fully enforceable immediately as of the time the judicial officer sets the condition, unless the release order expressly excludes a condition of release from immediate applicability, if the defendant is advised of the conditions and that failure to appear or comply with the conditions may subject the defendant to revocation of bail and additional criminal penalties. It provides that the notice required in order for a condition of release to take effect immediately may be provided by a judicial officer, a law enforcement officer or an employee of a county or regional jail or a correctional facility having custody of the defendant.
4. In Part D, it amends the laws governing probation to reflect the current practice of the Department of Corrections with respect to calculating the period of probation. A probationer receives credit for a full day of probation on the day probation commences, regardless of the time of day, and receives no credit for a day on which probation is tolled. The period of probation ends when the final day of the probation period ends.
5. In Part E, it amends the law to respond to the issue identified by the Law Court in *State v. Asaad*, 2020 ME 11, specifically the absence of a mens rea requirement in the Class C crime of gross sexual assault under Title 17-A, section 253, subsection 2, paragraph M. It requires the State to prove, as an element of that crime of gross sexual assault, that the defendant who engaged in the prohibited conduct was criminally negligent with regard to whether the other

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person had expressly or impliedly acquiesced. It makes the same amendment to the laws on unlawful sexual contact and unlawful sexual touching, the Class C and Class D crimes of unlawful sexual contact and the Class D crime of unlawful sexual touching.

**LD 1953 An Act to Fix Inconsistencies within the Sex Offender Registration and Notification Act of 2013**

**ENACTED LAW SUMMARY**

Public Law 2021, chapter 527 fixes inconsistencies in the Sex Offender Registration and Notification Act of 2013 introduced when that Act was recently amended. It also provides that a violation of the statute prohibiting the promotion of prostitution of certain minors, added in 2021, is a Tier III offense.

Public Law 2021, chapter 527 was enacted as an emergency measure effective March 31, 2022.

**LD 1988 An Act to Establish that the Provision of Emergency Medical Services by an Ambulance Service is an Essential Service and To Establish the Blue Ribbon Commission To Study Emergency Medical Services in the State**

**ENACTED LAW SUMMARY**

Public Law 2021, chapter 749 amends the statement of purpose of the Maine Emergency Medical Services Act of 1982 to add a legislative finding that emergency medical services provided by an ambulance service are essential services. It establishes the Blue Ribbon Commission To Study Emergency Medical Services in the State. The commission must examine and make recommendations on the structure, support of and delivery of emergency medical services in the State and may look at all aspects of emergency medical services, including but not limited to workforce development, training, compensation, retention, costs, reimbursement rates, organization and local and state support. No later than December 7, 2022, the commission must submit a report that includes its findings and recommendations, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over public safety matters.

Public Law 2021, chapter 749 was enacted as an emergency measure effective May 8, 2022.

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**LD 2024 An Act to Allow County and Regional Communications Centers to Request Polygraph Examinations for Employees and Applicants for Employment**

**ENACTED LAW SUMMARY**

Public Law 2021, chapter 574 amends the law on employers requiring employees and applicants for employment to submit to polygraph examinations. Under current law, law enforcement employees and applicants for positions with law enforcement agencies are subject to polygraph examinations as a condition of obtaining or holding employment; this includes persons who operate as dispatchers. Other emergency service dispatch employees or applicants for employment as emergency service dispatch employees are not subject to polygraph examinations, even though those employees may have access to confidential information. This law allows county and regional communications centers, which are dispatch centers for all emergency services, to require employees and applicants for employment to submit to a polygraph examination. It does not allow an employer to require a polygraph examination if the employer is a dispatch center that dispatches only fire services or emergency medical services and does not apply to an entity that is operated by or under the control of a law enforcement agency.

Public Law 2021, chapter 574 was enacted as an emergency measure effective April 7, 2022.

**LD 2040 An Act to Maintain a Comprehensive Substance Use Disorder Treatment Program for Maine’s Incarcerated Population**

**ENACTED LAW SUMMARY**

Public Law 2021, chapter 706 directs the Commissioner of Corrections to maintain a comprehensive substance use disorder treatment program in all state correctional facilities. The program must include, but is not limited to, screening, assessment and treatment of persons residing in correctional facilities for substance use disorder, including alcohol use disorder. The program must provide initial and ongoing training and technical assistance for correctional facility staff and health care practitioners in each correctional facility. The program must include coordination with community-based treatment and recovery organizations. The law requires the Department of Corrections to report annually regarding the program to the legislative committee having jurisdiction over criminal justice and public safety matters.