

**Maine Revised Statutes**  
**Title 25: INTERNAL SECURITY AND PUBLIC SAFETY**

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# **Title 25: INTERNAL SECURITY AND PUBLIC SAFETY**

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1971, c. 580, §2 (RP).

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1971, c. 580, §2 (RP).

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SECTION HISTORY

1971, c. 580, §2 (RP).

### **Chapter 5: RADIATION**

#### **§50. RADIATION HAZARDS**

Whenever there are actual or potential hazards or dangers to property or to the public from radiation, radioactive materials, nuclear materials or the occurrence of a radiological incident as a result of the presence of, release of or emissions from radioactive materials, radioactivity or nuclear materials in this State, which hazards or dangers arise from the peaceful use of nuclear or atomic materials, the Governor, after consultation with and advice of the Department of Health and Welfare, shall by proclamation declare the fact and that an emergency exists in any or all areas of the State. A copy of such proclamation shall be filed with the Secretary of State and published in such newspapers of the State as the Governor deems appropriate. In such event, the Governor shall have general direction and control of the Bureau of State Police, the Department of Health and Welfare, the National Guard and of any other state department or agency. [1971, c. 592, §37 (AMD). ]

The Governor is authorized and empowered to do all things necessary to protect the public and prevent damage to property. The Governor may order the State Police or National Guard to evacuate any area designated by him and to carry out any other orders he deems necessary and they shall in such event have full authority to carry out his orders. The Governor may delegate any authority vested in him under this provision. [1971, c. 423, §2 (NEW).]

Whenever the Governor is temporarily absent from the State or is otherwise unavailable, the next person who would act as Governor, if the office of Governor were vacant, shall have all the authority, powers, duties and responsibilities of the Governor under this chapter. [1971, c. 423, §2 (NEW).]

Any person who shall violate any lawful order of the Governor or the person acting in that capacity or any person to whom authority has been delegated or any lawful order of the Maine State Police or National Guard shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$100 nor more than \$500. [1971, c. 423, §2 (NEW).]

#### SECTION HISTORY

1971, c. 423, §2 (NEW). 1971, c. 592, §37 (AMD).

## §51. AGREEMENTS

The Governor, the Department of Health and Human Services and other state agencies designated in Title 22, section 676 may enter into agreements, understandings or arrangements with any other department or agency of this State, any federal agency, state, political subdivision or person to provide for mutual aid plans, emergency plans, evacuation plans and their implementation, memoranda of understanding and any other agreements deemed necessary to protect public and property in this State from hazards or dangers from radiation, radioactive materials, nuclear materials or the occurrence of a radiological incident as a result of the presence of, release of or emissions from radioactive materials, radioactivity or nuclear materials in this State. The hazards or dangers referred to in this section are only those arising from the peaceful use, transportation or storage of nuclear or atomic materials. [2007, c. 539, Pt. KK, §11 (AMD).]

#### SECTION HISTORY

1971, c. 423, §2 (NEW). 1971, c. 592, §37 (AMD). 1987, c. 519, §9 (AMD). 2003, c. 689, §B6 (REV). 2007, c. 539, Pt. KK, §11 (AMD).

## §52. STATE NUCLEAR SAFETY ADVISOR

*(REPEALED)*

#### SECTION HISTORY

1987, c. 519, §10 (NEW). 2003, c. 673, §S1 (AMD). 2005, c. 254, §B11 (AMD). 2007, c. 539, Pt. KK, §12 (RP).

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*(REPEALED)*

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1971, c. 580, §2 (RP).

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1971, c. 580, §2 (RP).

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1971, c. 580, §2 (RP).

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1971, c. 580, §2 (RP).

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OATHS***(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).

**§932. DISCHARGE AND RETIREMENT**

*(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).

## Subchapter 2: ENLISTED MEN

**§971. DISCHARGE**

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## SECTION HISTORY

1971, c. 580, §2 (RP).

## Subchapter 3: DRAFTEES AND CIVILIAN EMPLOYEES

**§1001. DRAFT; EXEMPTION FOR PRIOR SERVICE; CONTEMPT**

*(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).

**§1002. CIVILIAN COOKS**

*(REPEALED)*

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1971, c. 580, §2 (RP).

## Subchapter 4: COMPENSATION

**§1041. PAY AND ALLOWANCE**

*(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).

**§1042. SPECIAL ALLOWANCE**

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1971, c. 580, §2 (RP).

## Subchapter 5: DISABILITY COMPENSATION

**§1081. ELIGIBILITY AND AMOUNTS**

*(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).

## Chapter 133: MERIT AWARDS AND PRIZES

### §1121. CERTIFICATE OF MERIT

*(REPEALED)*

SECTION HISTORY

1971, c. 580, §2 (RP).

### §1122. EFFICIENCY AND MARKSMANSHIP

*(REPEALED)*

SECTION HISTORY

1971, c. 580, §2 (RP).

### §1123. HONORABLE SERVICE

*(REPEALED)*

SECTION HISTORY

1969, c. 159, (RPR). 1971, c. 580, §2 (RP).

### §1124. PERFECT ATTENDANCE

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SECTION HISTORY

1969, c. 159, (RPR). 1971, c. 580, §2 (RP).

## Chapter 135: UNIFORMS AND EQUIPMENT

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*(REPEALED)*

SECTION HISTORY

1971, c. 580, §2 (RP).

### §1162. UNIFORM FORBIDDEN TO UNAUTHORIZED PERSONS

*(REPEALED)*

SECTION HISTORY

1971, c. 580, §2 (RP).

### §1163. EQUIPMENT NOT TO BE SOLD

*(REPEALED)*

SECTION HISTORY

1971, c. 580, §2 (RP).

**§1164. SALE OF EQUIPMENT; PENALTY***(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).

**§1165. REPAIR OF EQUIPMENT***(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).

**§1166. INSPECTION AND CONDEMNATION***(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).

**§1167. STATE EQUIPMENT; OBSOLETE PATTERNS MAY BE ISSUED TO MUNICIPALITIES***(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).

**§1168. DESTRUCTION OF EQUIPMENT***(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).

**Chapter 137: COURTS-MARTIAL****§1211. CLASSIFICATION AND JURISDICTION***(REPEALED)*

## SECTION HISTORY

1971, c. 279, §3 (RP).

**§1212. GENERAL COURTS-MARTIAL***(REPEALED)*

## SECTION HISTORY

1971, c. 279, §3 (RP).

**§1213. SPECIAL COURTS-MARTIAL***(REPEALED)*

## SECTION HISTORY

1971, c. 279, §3 (RP).

## **§1214. SUMMARY COURTS-MARTIAL**

*(REPEALED)*

SECTION HISTORY

1971, c. 279, §3 (RP).

## **§1215. RULES OF EVIDENCE; RIGHT OF ACCUSED TO TESTIFY**

*(REPEALED)*

SECTION HISTORY

1971, c. 279, §3 (RP).

## **§1216. PROCESS; RIGHTS OF ACCUSED**

*(REPEALED)*

SECTION HISTORY

1971, c. 279, §3 (RP).

## **§1217. SUMMONING AND ATTENDANCE OF WITNESSES**

*(REPEALED)*

SECTION HISTORY

1971, c. 279, §3 (RP).

## **§1218. CONFINEMENT IN LIEU OF FINE; APPROVAL OF SENTENCE**

*(REPEALED)*

SECTION HISTORY

1971, c. 279, §3 (RP).

## **§1219. CONFINEMENT; PAYMENT OF FINES**

*(REPEALED)*

SECTION HISTORY

1971, c. 279, §3 (RP).

## **§1220. JURISDICTION PRESUMED**

*(REPEALED)*

SECTION HISTORY

1971, c. 279, §3 (RP).

## **§1221. OATHS**

*(REPEALED)*

SECTION HISTORY

1971, c. 279, §3 (RP).

**§1222. REPORT TO ADJUTANT GENERAL***(REPEALED)*

## SECTION HISTORY

1971, c. 279, §3 (RP).

**§1223. APPLICATION TO ALL STATE ARMED FORCES***(REPEALED)*

## SECTION HISTORY

1971, c. 279, §3 (RP).

**Chapter 139: MISCELLANEOUS PROVISIONS****§1261. RULES AND REGULATIONS***(REPEALED)*

## SECTION HISTORY

1971, c. 279, §3 (RP).

**§1262. UNIFORM CODE OF MILITARY JUSTICE APPLICABLE***(REPEALED)*

## SECTION HISTORY

1965, c. 197, (AMD). 1969, c. 515, (AMD). 1971, c. 279, §4 (RP).

**§1263. FEDERAL REGULATIONS TO GOVERN***(REPEALED)*

## SECTION HISTORY

1971, c. 279, §3 (RP).

**§1264. ENLISTMENT OF MINORS INTO THE ARMY***(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).

**§1265. VOLUNTARY SERVICE FORBIDDEN UNLESS AUTHORIZED***(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).

**§1266. NOTICES FOR DUTY***(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).



**§1267. SPECIAL INSPECTION***(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).

**§1268. CLOSING OF LIQUOR AND AMMUNITION STORES***(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).

**§1269. PERMISSION TO LEAVE OR ENTER STATE***(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).

**§1270. OTHER MILITARY ORGANIZATIONS PROHIBITED***(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).

**§1271. RIGHT OF WAY***(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).

**§1272. BOUNDS AND LIMITS OF CAMPS***(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).

**§1273. DEPRIVING MEMBERS OF EMPLOYMENT; LEAVE OF ABSENCE FROM DUTIES***(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).

**§1274. DISCRIMINATION AGAINST MEMBERS***(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).

**§1275. DISCRIMINATION IN PUBLIC PLACES***(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).

**§1276. MOLESTATION OF MEMBERS***(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).

**§1277. PROSECUTION OF OFFENSES BEFORE CIVIL COURTS***(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).

**§1278. NEGLIGENCE OF CIVIL OFFICERS TO PERFORM DUTIES IMPOSED ON THEM***(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).

**§1279. EXEMPTION FROM ARREST***(REPEALED)*

## SECTION HISTORY

1969, c. 236, §6 (AMD). 1971, c. 580, §2 (RP).

**§1280. EXEMPTION FROM JURY DUTY***(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).

**§1281. MILITARY ACCOUNTS***(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).

**§1282. UNAUTHORIZED USE OF CERTAIN BADGES***(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).

**§1283. SALE OR PURCHASE OF MILITARY DECORATIONS PROHIBITED**  
*(REPEALED)*

## SECTION HISTORY

1971, c. 580, §2 (RP).

**Chapter 141: MAINE CODE OF MILITARY JUSTICE****§1301. NAME***(REALLOCATED TO TITLE 37-A, SECTION 1301)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1302. DEFINITIONS***(REALLOCATED TO TITLE 37-A, SECTION 1302)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1303. PERSONS SUBJECT TO CODE***(REALLOCATED TO TITLE 37-A, SECTION 1303)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1304. FRAUDULENT DISCHARGE***(REALLOCATED TO TITLE 37-A, SECTION 1304)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1305. PLACES WHERE APPLICABLE***(REALLOCATED TO TITLE 37-A, SECTION 1305)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1306. STATE JUDGE ADVOCATE***(REALLOCATED TO TITLE 37-A, SECTION 1306)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1307. CUSTODY OF PERSONS***(REALLOCATED TO TITLE 37-A, SECTION 1307)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1308. APPREHENSION**

*(REALLOCATED TO TITLE 37-A, SECTION 1308)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1309. ARREST**

*(REALLOCATED TO TITLE 37-A, SECTION 1309)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1310. ACCUSED MUST BE INFORMED OF CHARGES**

*(REALLOCATED TO TITLE 37-A, SECTION 1310)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1311. CONFINEMENT**

*(REALLOCATED TO TITLE 37-A, SECTION 1311)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1312. REPORT OF PERSONS HELD**

*(REALLOCATED TO TITLE 37-A, SECTION 1312)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1313. APPLICATION OF U.S. MANUAL FOR COURTS-MARTIAL**

*(REALLOCATED TO TITLE 37-A, SECTION 1313)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL). 1971, c. 622, §80 (AMD).

**§1314. NONJUDICIAL PUNISHMENT**

*(REALLOCATED TO TITLE 37-A, SECTION 1314)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1315. COURT-MARTIAL**

*(REALLOCATED TO TITLE 37-A, SECTION 1315)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1316. SENTENCES**

*(REALLOCATED TO TITLE 37-A, SECTION 1316)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1317. JURISDICTION**

*(REALLOCATED TO TITLE 37-A, SECTION 1317)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1318. WHO MAY CONVENE A COURT-MARTIAL**

*(REALLOCATED TO TITLE 37-A, SECTION 1318)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1319. COMPOSITION OF COURT-MARTIAL**

*(REALLOCATED TO TITLE 37-A, SECTION 1319)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1320. MILITARY JUDGE**

*(REALLOCATED TO TITLE 37-A, SECTION 1320)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1321. COUNSEL**

*(REALLOCATED TO TITLE 37-A, SECTION 1321)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1322. COURT REPORTERS**

*(REALLOCATED TO TITLE 37-A, SECTION 1322)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1323. MEMBERS OF COURT-MARTIAL**

*(REALLOCATED TO TITLE 37-A, SECTION 1323)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1324. PRETRIAL PROCEDURES**

*(REALLOCATED TO TITLE 37-A, SECTION 1324)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL). 1971, c. 622, §81 (AMD).

**§1325. LIMITATION OF CHARGES**

*(REALLOCATED TO TITLE 37-A, SECTION 1325)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1326. WITNESSES**

*(REALLOCATED TO TITLE 37-A, SECTION 1326)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1327. PROHIBITED PUNISHMENT**

*(REALLOCATED TO TITLE 37-A, SECTION 1327)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1328. LIMITS OF PUNISHMENT**

*(REALLOCATED TO TITLE 37-A, SECTION 1328)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1329. APPLICATION OF FORFEITURES**

*(REALLOCATED TO TITLE 37-A, SECTION 1329)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1330. CONFINEMENT**

*(REALLOCATED TO TITLE 37-A, SECTION 1330)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1331. RECORD OF TRIAL**

*(REALLOCATED TO TITLE 37-A, SECTION 1331)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1332. STATE JUDGE ADVOCATE OPINION**

*(REALLOCATED TO TITLE 37-A, SECTION 1332)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1333. RECONSIDERATION**

*(REALLOCATED TO TITLE 37-A, SECTION 1333)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1334. DISAPPROVAL OF FINDINGS IN SENTENCE**

*(REALLOCATED TO TITLE 37-A, SECTION 1334)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1335. APPROVAL OF FINDINGS AND SENTENCE**

*(REALLOCATED TO TITLE 37-A, SECTION 1335)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1336. APPEAL**

*(REALLOCATED TO TITLE 37-A, SECTION 1336)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1337. APPROVAL OF GOVERNOR**

*(REALLOCATED TO TITLE 37-A, SECTION 1337)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1338. NEW TRIAL**

*(REALLOCATED TO TITLE 37-A, SECTION 1338)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1339. RESTORATION OF RIGHTS**

*(REALLOCATED TO TITLE 37-A, SECTION 1339)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1340. INCLUDED OFFENSES**

*(REALLOCATED TO TITLE 37-A, SECTION 1340)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

### **§1341. ATTEMPTS**

*(REALLOCATED TO TITLE 37-A, SECTION 1341)*

#### SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

### **§1342. CONSPIRACY**

*(REALLOCATED TO TITLE 37-A, SECTION 1342)*

#### SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

### **§1343. ABSENT WITHOUT LEAVE**

*(REALLOCATED TO TITLE 37-A, SECTION 1343)*

#### SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

### **§1344. FAILURE TO GO TO PLACE OF DUTY**

*(REALLOCATED TO TITLE 37-A, SECTION 1344)*

#### SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

### **§1345. MISSING MOVEMENT**

*(REALLOCATED TO TITLE 37-A, SECTION 1345)*

#### SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

### **§1346. DISRESPECT TO OFFICER**

*(REALLOCATED TO TITLE 37-A, SECTION 1346)*

#### SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

### **§1347. STRIKING OFFICER**

*(REALLOCATED TO TITLE 37-A, SECTION 1347)*

#### SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

### **§1348. STRIKING NONCOMMISSIONED OFFICER**

*(REALLOCATED TO TITLE 37-A, SECTION 1348)*

#### SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).



**§1349. FAILURE TO OBEY ORDER**

*(REALLOCATED TO TITLE 37-A, SECTION 1349)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1350. MUTINY**

*(REALLOCATED TO TITLE 37-A, SECTION 1350)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1351. BREAKING ARREST**

*(REALLOCATED TO TITLE 37-A, SECTION 1351)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1352. UNDER INFLUENCE OF ALCOHOL OR DRUGS ON DUTY**

*(REALLOCATED TO TITLE 37-A, SECTION 1352)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1353. SENTINELS**

*(REALLOCATED TO TITLE 37-A, SECTION 1353)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1354. FEIGNING ILLNESS TO AVOID DUTY**

*(REALLOCATED TO TITLE 37-A, SECTION 1354)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

**§1355. FALSE TESTIMONY**

*(REALLOCATED TO TITLE 37-A, SECTION 1355)*

## SECTION HISTORY

1971, c. 279, §1 (NEW). 1971, c. 580, §3 (RAL).

## Part 4: STATE POLICE

### Chapter 191: ORGANIZATION; POWERS AND DUTIES; UNIFORMS; COMPENSATION; RESERVE CORPS

#### §1501. CHIEF; DEPUTY; MEMBERS OF FORCE; RULES AND REGULATIONS

The Commissioner of Public Safety, with the advice and consent of the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over criminal justice matters and to confirmation by the Legislature, shall appoint a Chief of the State Police, as heretofore appointed, to serve for a term of 4 years unless removed for cause. The appointment must be made from the commissioned officer ranks of the State Police. The Chief of the State Police may be removed by impeachment or by the Governor on the address of both branches of the Legislature. [1997, c. 657, §1 (AMD).]

The Chief of the State Police is the executive head of the Bureau of State Police, as heretofore established, and shall execute the duties of the office under the direction and subject to the approval of the Commissioner of Public Safety. In the absence of the Commissioner of Public Safety, the Chief of the State Police shall assume the duties and has the authority of the commissioner, except that the Chief of the State Police has no authority to change any general rules and regulations unless the Chief of the State Police is serving in the capacity of acting commissioner as a result of the death, removal, extended leave of absence or resignation of the commissioner. [2003, c. 360, §1 (AMD).]

Subject to the approval of the Commissioner of Public Safety, the chief may appoint one commissioned officer of the State Police to act as the chief's deputy and 2 commissioned officers of the State Police to act as the chief's majors, all of whom serve at the pleasure of the chief. Subject to the Civil Service Law, the Chief of the State Police may enlist suitable persons as members of the State Police to enforce the law and employ such other employees as may be necessary. The Chief of the State Police shall make rules, subject to the approval of the State Civil Service Appeals Board, for the discipline and control of the State Police. If a deputy chief or major is removed or fails to be reappointed for any reason other than malfeasance of office and, at that time, does not have at least the number of years of creditable service necessary for a service retirement benefit pursuant to Title 5, section 17851, subsection 4, the deputy chief or major must be reinstated at the commissioned rank held at the time of the appointment with all the rights and privileges as provided by law and personnel rules. [2003, c. 360, §1 (AMD).]

It is the intent of the Legislature that the Governor may in the Governor's discretion appoint the same person to serve as Commissioner of Public Safety and Chief of the Maine State Police. In this event, the Governor shall appoint the Chief of the State Police, subject to review by the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters and to confirmation by the Legislature, to serve at the pleasure of the Governor. Such appointment may be made from the commissioned officer membership of the State Police. In the event that the Commissioner of Public Safety and the Chief of the State Police are the same person, the commissioner may receive only the salary designated for the Commissioner of Public Safety. [2003, c. 360, §1 (AMD).]

#### SECTION HISTORY

1971, c. 592, §§6,37,39 (AMD). 1975, c. 579, §3 (RPR). 1975, c. 771, §§261,262 (AMD). 1983, c. 489, §12 (AMD). 1985, c. 785, §B108 (AMD). 1995, c. 560, §C3 (AMD). 1995, c. 560, §C4 (AFF). 1997, c. 657, §1 (AMD). 2003, c. 360, §1 (AMD).

#### §1502. POWERS AND DUTIES; COOPERATION OF OTHERS

The specific powers and duties of the State Police shall be to patrol the state highways and other important ways, especially outside the compact portion of cities and towns, for the purpose of enforcing the law, and all laws relating to motor-driven and horse-drawn vehicles and all rules and regulations in regard thereto, and of arresting all violators and prosecuting all offenders against the same. The State Police shall

aid the Department of Transportation in the enforcement of its rules and orders and permit regulations. In addition to these duties and powers, the Chief and members of the State Police are vested with the same powers and duties throughout the several counties of the State as sheriffs have in their respective counties to serve criminal processes, to investigate and prosecute violators of any law of this State and to arrest the offenders thereof, and the same power and duty as sheriffs have to arrest without warrant and detain persons found violating or attempting to violate any other penal law of the State until a legal warrant can be obtained. As arresting officers, or aids, or witnesses in any criminal case, they shall be limited to the same fees as complainants under Title 15, section 1363. Fees shall be taxed on a bill of costs and shall be paid promptly each month to the Treasurer of State and credited to the General Highway Fund. They shall have the same rights as sheriffs to require aid in executing the duties of their office. They may serve any subpoenas, notices and processes issued by the Secretary of State or the Department of Transportation under authority of law. They shall at all times be subject to the call of the Governor for emergency purposes at the Governor's discretion. [1989, c. 757, (AMD).]

The State Police, sheriffs and deputy sheriffs, constables, city marshals, deputy marshals and police officers of cities and towns shall, so far as possible, cooperate in the detection of crime, the arrest and prosecution of criminals and the preservation of law and order throughout the State.

The State Police may provide patrol services to the Maine Turnpike. The Chief of the State Police may charge the Maine Turnpike Authority for these services. Revenues received are allocated for the purpose of funding the cost of patrolling the Maine Turnpike. [1985, c. 403, Pt. A, §1 (NEW).]

Upon the request of a federal agency or other person, the State Police may provide assistance for public safety purposes only to the federal agency or other person. The Chief of the State Police may charge the various federal agencies or other persons for these services. Revenues received from these agencies and other persons must be allocated for the purpose of funding the cost of providing the services. The State Police shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters no later than January 15th of each year concerning the assistance provided to federal agencies and other persons during the previous calendar year. The report must contain information about the types of services provided, the number of services and the fees charged by the Chief of the State Police. [2001, c. 483, §1 (AMD).]

The Chief of the State Police may assign one or more state police officers to provide full-time or part-time police services to a municipality, or to no more than 3 adjoining municipalities, lacking an organized police department, if the municipality or municipalities pay the costs of training, compensation, including wages and fringe benefits, equipment and other expenses of the assigned state police officer or officers. The Chief of the State Police shall continue to exercise supervision and direction over a state police officer who is assigned to provide police services to a municipality or municipalities. The Chief of the State Police and the municipality or municipalities are authorized to enter into agreements and contracts for police services for a period not exceeding 3 years per agreement or contract. Revenues received from a municipality must be allocated for the purpose of funding the cost of providing the police services. [2005, c. 53, §1 (AMD).]

Municipal and county jails shall at all times be available for detention of persons arrested by state or any other law enforcement officers. In those municipalities where full-time supervision of the jail is not provided by the municipality, full responsibility for the safekeeping and welfare of any person detained shall rest solely with the arresting officer. Expense of any municipality or any damage to the jail resulting from the use of its jail by any arresting officer shall be reimbursed to the municipality by the law enforcement agency for which the arresting officer is acting. [1989, c. 757, (AMD).]

County commissioners of all the several counties are authorized to provide and pay for liability insurance protection for the keeper of the county jail.

The Bureau of State Police is authorized to establish 2 State Police Sergeant project positions to be temporarily assigned to the Maine Criminal Justice Academy for each training class at the academy. [2005, c. 519, Pt. Q, §1 (NEW).]

#### SECTION HISTORY

1971, c. 423, §3 (AMD). 1971, c. 593, §22 (AMD). 1979, c. 51, §1 (AMD). 1985, c. 403, §A1 (AMD). 1989, c. 757, (AMD). 1993, c. 123, §1 (AMD). 1999, c. 119, §1 (AMD). 1999, c. 653, §1 (AMD). 2001, c. 483, §1 (AMD). 2005, c. 53, §1 (AMD). 2005, c. 519, §Q1 (AMD).

## §1502-A. COOPERATION OF FEDERAL OFFICERS

**1. Definition.** For purposes of this section, "federal officers" means the following persons who are authorized to carry firearms in the performance of their duties as federal law enforcement employees or officers:

A. [2007, c. 209, §1 (RP).]

A-1. [2001, c. 602, §1 (NEW); T. 25, §1502-A, sub-§1, ¶ A-1 (RP).]

B. [2007, c. 209, §1 (RP).]

C. [2007, c. 209, §1 (RP).]

D. [2007, c. 209, §1 (RP).]

E. Any of the officers listed in this subsection who are assigned to or are acting in concert with a task force, but only if that task force meets the following requirements:

(1) The task force is a task force of the Maine Drug Enforcement Agency authorized under this Title; or

(2) The task force is a joint federal-state task force operating primarily within the territorial boundaries of this State and:

(a) An arrest is part of or related to an investigation of that federal-state task force; or

(b) An arrest occurs in a prosecutorial district and either:

(i) The district attorney of that district or the district attorney's written designee actively participates in and oversees the activities of the task force; or

(ii) The arrest occurs anywhere within the State and the Attorney General or the Attorney General's written designee actively participates in and oversees the activities of the task force; [2007, c. 209, §1 (AMD).]

F. Special Agents of the United States Secret Service of the Department of Homeland Security; and [2007, c. 209, §1 (NEW).]

G. An officer of an agency of the United States Department of Homeland Security that has administrative and enforcement jurisdiction over immigration, customs or border security matters. [2007, c. 209, §1 (NEW).]

Federal officers are law enforcement officers for the purposes of Title 17-A, section 2, subsection 17.

[ 2007, c. 209, §1 (AMD) .]

**2. Powers.** Subject to suspension or revocation, without hearing, by the Attorney General or the Board of Trustees of the Maine Criminal Justice Academy, a federal officer has the power to enforce state law when one or more of the following situations exist.

A. The federal officer has an articulable and reasonable suspicion to believe that the person to be stopped has committed, is committing or is about to commit a state crime or has probable cause to believe that the person to be arrested has committed or is committing a state crime. [1995, c. 423, §1 (NEW) .]

B. The federal officer is providing assistance to a state, county or municipal law enforcement officer in an emergency or at the request of the state, county or municipal law enforcement officer. [1995, c. 423, §1 (NEW).]

C. The federal officer has received information from an authoritative source that a state, county or municipal law enforcement officer holds a warrant for the person's arrest. [1995, c. 423, §1 (NEW).]

This section is not intended to limit the authority to enforce state law of any other federally employed, federal law enforcement officer or law enforcement officer of another state who, with the written consent of the Attorney General, has been sworn or otherwise cross-designated or cross-deputized as a state law enforcement officer.

[ 1995, c. 423, §1 (NEW) .]

**3. Discretion to act.** Federal officers may, but are not required to, enforce state law. This section is not intended to limit the existing authority of federal officers under federal law or to interfere with the performance of federal duties by federal officers.

[ 1995, c. 423, §1 (NEW) .]

**4. Liability.** A federal officer who is acting pursuant to this section has the same immunity from and limitation on tort liability as the State Police.

[ 1995, c. 423, §1 (NEW) .]

**5. Training and policies.** Before a federal officer may exercise the powers conferred by this section:

A. The federal officer must receive training in Maine criminal law and Maine law on the use of force; and [1995, c. 423, §1 (NEW).]

B. [2001, c. 602, §2 (AMD); T. 25, §1502-A, sub-§5, ¶ B (RP).]

B-1. The federal agencies of the Department of Homeland Security shall develop policies governing their employees, including training policies. [2007, c. 209, §2 (AMD).]

The policies and training must be approved by, and the policies filed with, the Board of Trustees of the Criminal Justice Academy.

[ 2007, c. 209, §2 (AMD) .]

#### SECTION HISTORY

1995, c. 423, §1 (NEW). 2001, c. 602, §§1-3 (AMD). 2001, c. 602, §4 (AFF). 2007, c. 209, §§1, 2 (AMD).

### §1503. UNIFORM AND EQUIPMENT

Members of the State Police shall be provided at the expense of the State with a distinctive uniform and badge, and with suitable equipment, all of which shall remain the property of the State. When on duty to enforce the laws of the road, and at such other times as the chief may require, state policemen shall be in uniform. It shall be unlawful for any person to wear the prescribed uniform or badge of the State Police or any distinctive part thereof, except on order of the Chief of the State Police. [1985, c. 56, §1 (AMD).]

#### SECTION HISTORY

1985, c. 56, §1 (AMD).

## §1504. SALARIES AND COMPENSATIONS; OATH; NOT TO RECEIVE FEES

The Governor shall determine the salary of the chief and deputy chief. The compensation of the other members of the State Police shall be determined under the Civil Service Law. [1985, c. 785, Pt. B, §109 (AMD).]

Before entering upon the duties of their office they shall be sworn.

No inspector or member of the State Police shall receive any fee as a complainant or witness, in any civil violation or criminal proceeding, or for making an arrest, except that whenever members of the State Police are required by any court or prosecuting official to be in attendance in any proceeding as a complainant or a witness at times other than regular working hours, such members shall receive compensation on an hourly basis equal to their current hourly wage. Such compensation shall be made to the members from the salary account of the State Police with reimbursement to the State Police from the General Fund for appearances before the District Court and from the respective county treasurer for appearances before the Superior Court. Whenever any fines or penalties are imposed by any court other than the District Court in any proceeding in which a member of the State Police is a complainant or a witness, said court may tax costs for such complainant or witness in the usual manner. [1975, c. 770, §109 (AMD).]

### SECTION HISTORY

1975, c. 369, §4 (AMD). 1975, c. 731, §17 (AMD). 1975, c. 770, §109 (AMD). 1975, c. 771, §263 (AMD). 1985, c. 785, §B109 (AMD).

## §1505. RESERVE CORPS

The chief may establish and maintain a State Police Reserve Corps. To be eligible for membership in such reserve corps, applicants shall meet such standards as may be determined by the chief; shall enlist therein for a period of not less than 3 years, and shall take the oath prescribed in Title 37-B, section 833. Upon the issuance by the Governor of the proclamation provided for in Title 37-B, section 742, the chief may order any or all of the members of the reserve corps to active duty as State Police for the duration of the proclaimed emergency or any part thereof. When ordered to active duty, members of the reserve corps shall have the same status as regular members of the State Police. [1983, c. 594, §1 (AMD).]

### SECTION HISTORY

1973, c. 537, §29 (AMD). 1973, c. 625, §164 (AMD). 1983, c. 594, §1 (AMD).

### §1505-A. COLD CASE HOMICIDE SQUAD

**1. Squad established.** The Department of Public Safety shall establish a cold case homicide squad, referred to in this section as the "squad." The purpose of the squad is to work exclusively on unsolved murders in the State.

[ 2001, c. 439, Pt. XXXX, §1 (NEW) .]

**2. Report and sunset.** The Department of Public Safety shall dissolve the squad by October 30, 2004 unless directed by the Legislature to continue the squad. The Commissioner of Public Safety shall provide a report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters by January 1, 2004 evaluating the success of the squad and making recommendations on continuation of the squad.

[ 2001, c. 439, Pt. XXXX, §1 (NEW) .]

### SECTION HISTORY

2001, c. 439, Pt. XXXX, §1 (NEW). 2013, c. 585, §4 (AFF). 2013, c. 585, §2 (RP). 2015, c. 267, Pt. D, §1 (AFF).

## §1506. INJURY OR INCAPACITY

*(REPEALED)*

### SECTION HISTORY

1969, c. 25, (NEW). 1973, c. 788, §108 (AMD). 1975, c. 594, §7 (RP).

## §1507. --CERTAIN STATE EMPLOYEES

*(REPEALED)*

### SECTION HISTORY

1971, c. 193, (NEW). 1971, c. 622, §82 (RP).

## §1508. CRIMINAL JUSTICE TELECOMMUNICATIONS AND RADIO COMMUNICATIONS SYSTEMS

**1. Telecommunications system.** The Bureau of the State Police shall provide for the installation, operation and maintenance of a criminal justice telecommunications system for the purpose of promptly collecting, exchanging and distributing information relating to criminal justice problems of the State, counties and municipalities. The system may be connected, directly or indirectly, with similar systems operated and maintained by other states or the Federal Government.

[ 1999, c. 111, §1 (NEW) . ]

**2. Telecommunications expenses; revenue.** The Chief of the State Police shall provide for the location and maintenance of the central processing system and telecommunications lines. Federal agencies, state departments and agencies, counties and municipalities shall provide, at their own expense, the terminals, personnel and supplies for their proper operation. The Bureau of the State Police may charge the various federal agencies, state departments and agencies, counties and municipalities for the installation and maintenance of the end-user routers and modems necessary to connect to the criminal justice telecommunications system. Revenue received from federal agencies, state departments and agencies, counties and municipalities must be allocated for the purpose of funding the cost of providing the services.

[ 1999, c. 111, §1 (NEW) . ]

**3. Guidelines.** The criminal justice telecommunications system must be installed, operated and maintained in accordance with the rules adopted by the National Law Enforcement Telecommunications System, the National Crime Information Center and the Chief of the State Police or the chief's designee. The character of the communications sent, the time, place and manner of sending messages and all matters connected with the system are under the control and management of the Chief of the State Police or the chief's designee.

[ 1999, c. 111, §1 (NEW) . ]

**4. Radio communications and dispatch.** The Bureau of the State Police may provide, at the request of a municipality or county, radio communications and dispatch services to the municipality or county.

[ 1999, c. 111, §1 (NEW) . ]

**5. Radio communications and dispatch revenue.** The Chief of the State Police may charge the various federal agencies, state departments and agencies, counties and municipalities for the radio communications and dispatch services. Revenue received from federal agencies, state departments and agencies, counties and municipalities must be allocated for the purpose of funding the cost of providing the services.

[ 1999, c. 111, §1 (NEW) .]

SECTION HISTORY

1985, c. 275, §1 (NEW). 1999, c. 111, §1 (RPR).

**§1509. FUNDING**

*(REPEALED)*

SECTION HISTORY

2005, c. 664, §R1 (NEW). 2007, c. 537, §2 (RP).

**§1509-A. FUNDING**

Beginning in fiscal year 2013-14, state funding for the Department of Public Safety, Bureau of State Police must be provided as follows: [2013, c. 354, Pt. F, §1 (AMD); 2013, c. 368, Pt. EEE, §1 (AMD).]

**1. Highway Fund.** Thirty-five percent must be allocated from the Highway Fund pursuant to Title 23, section 1653; and

[ 2013, c. 354, Pt. F, §1 (AMD); 2013, c. 368, Pt. EEE, §1 (AMD) .]

**2. General Fund.** Sixty-five percent must be appropriated from the General Fund.

[ 2013, c. 354, Pt. F, §1 (AMD); 2013, c. 368, Pt. EEE, §1 (AMD) .]

SECTION HISTORY

2007, c. 682, §1 (NEW). 2007, c. 682, §8 (AFF). 2013, c. 354, Pt. F, §1 (AMD). 2013, c. 368, Pt. EEE, §1 (AMD).

**Chapter 192: MAINE COMPUTER CRIMES TASK FORCE**

**§1521. MAINE COMPUTER CRIMES TASK FORCE**

*(REPEALED)*

SECTION HISTORY

2001, c. 439, §QQQ1 (NEW). MRSA T. 25, §1521, sub-§3 (RP).

**Chapter 192-A: MAINE COMPUTER CRIMES TASK FORCE**

**§1521-A. MAINE COMPUTER CRIMES TASK FORCE**

*(REPEALED)*

SECTION HISTORY

2003, c. 673, §T1 (NEW). 2003, c. 673, §T2 (AFF). 2005, c. 676, §2 (RP).



## Chapter 192-B: BUREAU OF CONSOLIDATED EMERGENCY COMMUNICATIONS

### §1531. MAINE COMMUNICATIONS SYSTEM POLICY BOARD

*(REPEALED)*

#### SECTION HISTORY

2003, c. 678, §2 (NEW). 2007, c. 209, §§3-5 (AMD). 2009, c. 617, §§1-4 (AMD). 2013, c. 19, §2 (RP).

### §1532. POWERS AND DUTIES OF BOARD

*(REPEALED)*

#### SECTION HISTORY

2003, c. 678, §2 (NEW). 2013, c. 19, §3 (RP).

### §1533. BUREAU OF CONSOLIDATED EMERGENCY COMMUNICATIONS

The Bureau of Consolidated Emergency Communications, referred to in this chapter as "the bureau," is established within the department for the provision of emergency dispatch and E-9-1-1 call-taking services to municipal, county and state government entities. [2009, c. 317, Pt. C, §1 (RPR).]

**1. Coordination with the Public Utilities Commission.** In accordance with a designation made by the Public Utilities Commission, the department shall provide E-9-1-1 call-taking services.

[ 2009, c. 317, Pt. C, §1 (NEW) .]

**2. Director; duties.** The Commissioner of Public Safety shall hire a Director of the Bureau of Consolidated Emergency Communications, referred to in this chapter as "the director." The director shall establish and carry out policies and procedures. The director shall administer the bureau to safeguard the public safety by the provision of 24-hour per day E-9-1-1 call-taking and dispatching services to first responders.

[ 2013, c. 19, §4 (AMD) .]

#### SECTION HISTORY

2003, c. 678, §2 (NEW). 2009, c. 317, Pt. C, §1 (RPR). 2013, c. 19, §4 (AMD).

### §1534. CONSOLIDATED EMERGENCY COMMUNICATIONS FUND

The Consolidated Emergency Communications Fund is created as an enterprise fund for the deposit of any payments made by municipal, county and state governmental entities. The fund may not lapse but must be carried forward to carry out the purposes of this chapter. [2005, c. 683, Pt. D, §1 (AMD); 2005, c. 683, Pt. D, §3 (AFF).]

#### SECTION HISTORY

2005, c. 519, §001 (NEW). 2005, c. 683, §D1 (AMD). 2005, c. 683, §D3 (AFF).

## §1535. FEES FOR PUBLIC SAFETY ANSWERING POINT SERVICES AND DISPATCH SERVICES

The bureau, in accordance with this section, shall establish the fees that must be paid by political subdivisions for public safety answering point services and dispatch services provided by the department to those political subdivisions, including services provided pursuant to section 2923-A. All political subdivisions that are to be provided public safety answering point services and dispatch services shall provide to the bureau all information the bureau determines necessary in order to establish the fees. [ 2013, c. 19, §5 (AMD) . ]

**1. Fees.** The bureau shall seek to establish fees under this section that are based on the incremental costs of providing public safety answering point services and dispatch services to political subdivisions.

[ 2013, c. 19, §5 (AMD) . ]

**2. Base funding level.** In order to determine incremental costs under subsection 1, the bureau shall first establish a base funding level, consistent with the department's legislatively approved budget for public safety answering point services and dispatch services, required to provide public safety answering point services and dispatch services to State Government entities. The base funding level must be based on services provided by the department prior to the provision of emergency dispatch and E-9-1-1 call-taking services to municipal and county governments as a result of actions taken by the bureau under section 1533. The base funding level must be excluded by the bureau from its determination of incremental costs under subsection 1.

[ 2013, c. 19, §5 (AMD) . ]

**3. Consideration of population.** If a fee established under this section for a political subdivision is based in whole or in part on population, the population of the political subdivision may not include persons held at a correctional facility, as defined in Title 34-A, section 1001, subsection 6, within the political subdivision.

[ 2011, c. 505, §2 (NEW) . ]

### SECTION HISTORY

2007, c. 622, §1 (NEW). 2009, c. 617, §5 (AMD). 2011, c. 505, §2 (AMD). 2013, c. 19, §5 (AMD).

## Chapter 193: STATE BUREAU OF IDENTIFICATION

### §1541. COMMANDING OFFICER

**1. Appointment.** The Chief of the State Police shall appoint a person who has knowledge of the various standard identification systems and Maine court procedure to be commanding officer of the State Bureau of Identification, heretofore established within the Bureau of State Police.

[ 1975, c. 763, §4 (NEW) . ]

**2. Personnel.** The Chief of the State Police may delegate members of the State Police to serve in the bureau upon request of the commanding officer. The commanding officer shall have the authority to hire such civilian personnel, subject to the Civil Service Law and the approval of the Chief of the State Police, as he may deem necessary.

[ 1985, c. 785, Pt. B, §110 (AMD) . ]

**3. Cooperation with other bureaus.** The commanding officer shall cooperate with similar bureaus in other states and with the national bureau in the Department of Justice in Washington, D. C. and he shall develop and carry on an interstate, national and international system of identification.

A. Notwithstanding chapter 199, the commanding officer shall ensure that the fingerprints and descriptive information of any person that have been submitted to the Federal Bureau of Investigation for the purpose of conducting a criminal history record check for noncriminal justice purposes through the interstate identification index system, as defined in section 1703, subsection 12, are not retained by the Federal Bureau of Investigation, are used solely for the purpose of providing a response to the record check and are not disseminated prior to destruction. The commanding officer shall immediately report any retention or dissemination by the Federal Bureau of Investigation of the fingerprints or descriptive information of any person to the joint standing committee of the Legislature having jurisdiction over criminal justice matters, and upon the receipt of such a report, that committee shall meet to consider renunciation, pursuant to section 1710, of the State's participation in the National Crime Prevention and Privacy Compact, chapter 199. [ 2001, c. 372, §1 (NEW) . ]

B. Notwithstanding chapter 199, the fingerprints and descriptive information of any person that have been submitted to the Federal Bureau of Investigation for the purpose of conducting a criminal history record check for noncriminal justice purposes through the interstate identification index system, as defined in section 1703, subsection 12, are not a criminal history record, as defined by section 1703, subsection 5, or criminal history record information, as defined by Title 16, section 703, subsection 3, and such submittal is not an activity related to criminal justice, as defined by section 1703, subsection 6, or the administration of criminal justice, as defined by Title 16, section 703, subsection 1. [ 2013, c. 267, Pt. B, §21 (AMD) . ]

C. The commanding officer shall report to the Federal Bureau of Investigation, National Instant Criminal Background Check System a court's finding, upon the commanding officer's receipt of an abstract from a court that a person has been:

- (1) Committed involuntarily to a hospital pursuant to an order of the District Court under Title 34-B, section 3864 because the person was found to present a likelihood of serious harm, as defined under Title 34-B, section 3801, subsection 4-A, paragraphs A to D;
- (2) Found not criminally responsible by reason of insanity with respect to a criminal charge; or
- (3) Found not competent to stand trial with respect to a criminal charge.

The commanding officer may adopt rules to implement the requirements of this paragraph. Rules adopted pursuant to this paragraph are routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A. [ 2009, c. 651, §2 (AMD) . ]

[ 2007, c. 670, §16 (AMD); 2013, c. 267, Pt. B, §21 (AMD) . ]

**4. Rules and regulations.** The commanding officer shall make and forward to all persons charged with any duty or responsibility under this section and sections 1542-A, 1544, 1547 and 1549 rules, regulations and forms for the taking, filing, preserving and distributing of fingerprints and other juvenile crime and criminal history record information as provided in this chapter. Before becoming effective, such rules, regulations and forms are to be approved by the Attorney General.

[ 1999, c. 260, Pt. B, §1 (AMD); 1999, c. 260, Pt. B, §18 (AFF) . ]

**4-A. Responsibility for the collection and maintenance of criminal history record information and juvenile crime information.** The commanding officer shall collect and maintain:

A. Fingerprints and other criminal history record information pertinent to the identification of individuals who have been arrested as fugitives from justice or who have been arrested or charged with any criminal offense under the laws of this State except a violation of Title 12 or 29-A that is a Class D or E crime other than an alcohol-related or drug-related offense. For purposes of this paragraph, an "alcohol-related or drug-related offense" is a Class D crime that involves hunting while under the influence of

intoxicating liquor or drugs or with an excessive alcohol level or the operation or attempted operation of a motorcraft, all-terrain vehicle, snowmobile or motor vehicle while under the influence of intoxicating liquor or drugs or with an excessive alcohol level. The commanding officer may collect and maintain fingerprints and other criminal history record information that may be related to other criminal offenses or to the performance of the commanding officer's obligations under state laws and under agreements with agencies of the United States or any other jurisdiction; and [2009, c. 447, §23 (AMD).]

B. Fingerprints and other juvenile crime information pertinent to the identification of individuals who have been taken into custody for juvenile crimes under a uniform interstate compact on juveniles or who have been arrested or charged with juvenile crimes under the laws of this State. The commanding officer may collect and maintain fingerprints and other juvenile crime information that may be related to other juvenile crimes or to the performance of the commanding officer's obligations under state laws and under agreements with agencies of the United States or any other jurisdiction. [1999, c. 260, Pt. B, §2 (NEW); 1999, c. 260, Pt. B, §18 (AFF).]

[ 2009, c. 447, §23 (AMD) .]

**5. Apparatus and materials.** The Chief of the State Police shall supply such bureau with the necessary apparatus and materials for collecting, filing, preserving and distributing criminal history record information.

[ 1975, c. 763, §4 (NEW) .]

**6. Establishment of fees.** The State Bureau of Identification may charge a fee to individuals, nongovernmental organizations, governmental organizations that are engaged in licensing and governmental organizations that are not a governmental entity of the State, a county of the State or a municipality of the State for each criminal history record check requested for noncriminal justice purposes pursuant to Title 16, chapter 7. The requestor shall provide a name and date of birth for each record being requested. A request made pursuant to 5 United States Code, Section 9101 must be accompanied by fingerprints. A governmental organization that is engaged in licensing may charge an applicant for the cost of the criminal history record check. The commissioner shall establish a schedule of fees that covers the cost of providing these services. One dollar of each fee generated under this subsection must be deposited to the Other Special Revenue Funds account within the Bureau of State Police to offset the cost of maintenance and replacement of both hardware and software associated with the criminal history record check system. The remaining revenues generated from these fees must be credited to the General Fund.

Notwithstanding any other provision of law, the full fee charged for fingerprint-supported criminal history record checks fees as collected pursuant to Title 20-A, section 6103, subsection 3-A must be deposited in the State Police program, Other Special Revenue Funds account for the purpose of funding the costs of the Department of Public Safety to administer the criminal history record check program. Notwithstanding any provision of law, all fees associated with any criminal history record check requirements established after July 1, 2015 must be deposited in a dedicated revenue account for the purposes of paying costs incurred by the Department of Public Safety, State Bureau of Identification to conduct such checks.

[ 2015, c. 267, Pt. SSS, §4 (AMD) .]

**7. Fees to obtain fingerprints for noncriminal justice background checks.** Unless otherwise provided by law, an applicant shall pay a one-time processing fee of \$25 to the Department of Public Safety to offset the expenses incurred by the department to obtain fingerprints to be used for conducting state and national criminal history record checks for noncriminal justice purposes when the State Bureau of Identification is required to retain the fingerprints.

[ 1999, c. 110, §3 (NEW) .]

**8. Carrying balance.** Any unencumbered balance from funds appropriated from the General Fund to accomplish the purpose of Title 20-A, section 6103 may not lapse but must be carried forward to be used for the same purpose.

[ 1999, c. 791, §6 (NEW) .]

**9. Compact council rules.** The commanding officer shall cause a copy of any rule or procedure adopted by the compact council established under section 1707 that governs the use of the interstate identification index system, as defined in section 1703, subsection 12, to be provided to the joint standing committee of the Legislature having jurisdiction over criminal justice matters.

[ 2001, c. 372, §2 (NEW) .]

#### SECTION HISTORY

1971, c. 592, §37 (AMD). 1975, c. 763, §4 (RPR). 1985, c. 785, §B110 (AMD). 1987, c. 421, (AMD). 1987, c. 512, §1 (AMD). 1995, c. 65, §A73 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1999, c. 110, §3 (AMD). 1999, c. 260, §§B1,2 (AMD). 1999, c. 260, §B18 (AFF). 1999, c. 401, §W1 (AMD). 1999, c. 791, §6 (AMD). 2001, c. 372, §§1,2 (AMD). 2001, c. 552, §1 (AMD). 2003, c. 20, §R8 (AMD). 2003, c. 451, §S1 (AMD). 2007, c. 539, Pt. PPP, §1 (AMD). 2007, c. 670, §16 (AMD). 2009, c. 447, §23 (AMD). 2009, c. 651, §2 (AMD). 2013, c. 267, Pt. B, §§21, 22 (AMD). 2015, c. 267, Pt. SSS, §4 (AMD).

### **§1542. RECORDING OF FINGERPRINTS; PHOTOGRAPHS; PALM PRINTS** *(REPEALED)*

#### SECTION HISTORY

1975, c. 763, §5 (RPR). 1981, c. 493, §2 (AMD). 1987, c. 512, §2 (RP).

### **§1542-A. APPOINTMENT**

*(CONFLICT)*

*(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)*

**1. Duty to take fingerprints.** The law enforcement agency designated in subsection 3 shall take the fingerprints of any person:

A. Charged with the commission of a criminal offense except a violation of Title 12 or 29-A that is a Class D or E crime other than an alcohol-related or drug-related offense, as defined in section 1541, subsection 4-A, paragraph A; [1999, c. 260, Pt. B, §3 (AMD); 1999, c. 260, Pt. B, §18 (AFF).]

B. Arrested as a fugitive from justice or taken into custody for a juvenile crime pursuant to a uniform interstate compact on juveniles; [1999, c. 260, Pt. B, §4 (AMD); 1999, c. 260, Pt. B, §18 (AFF).]

C. Named on a search warrant which directs that such person's fingerprints be taken; [1987, c. 512, §3 (NEW).]

D. Named in a Maine Rules of Unified Criminal Procedure 16A order that directs that such person's fingerprints be taken; [2015, c. 431, §45 (AMD).]

E. Who dies under circumstances of death constituting a medical examiner case under Title 22, section 3025, if sought pursuant to Title 22, section 3028, subsection 3 or at the request of the Chief Medical Examiner or the Attorney General; [1999, c. 790, Pt. A, §30 (RPR).]

- F. Whose fingerprints have been ordered by a court; [1999, c. 260, Pt. B, §6 (AMD); 1999, c. 260, Pt. B, §18 (AFF).]
- G. Who is a teacher or educational personnel applicant subject to Title 20-A, section 6103; [2001, c. 52, §4 (AMD).]
- H. Charged with the commission of a juvenile crime; [2013, c. 546, §1 (AMD).]
- I. (TEXT EFFECTIVE UNTIL 7/1/19) Who is a prospective adoptive parent not the biological parent as required under Title 18-A, section 9-304, subsection (a-1); [2015, c. 300, Pt. B, §1 (AMD).]
- I. (TEXT EFFECTIVE 7/1/19) Who is a prospective adoptive parent not the biological parent as required under Title 18-C, section 9-304, subsection 1; [2017, c. 402, Pt. C, §77 (AMD); 2017, c. 402, Pt. F, §1 (AFF).]
- J. Who has applied for employment with the Department of Administrative and Financial Services, Bureau of Revenue Services and whose fingerprints have been required by the State Tax Assessor pursuant to Title 36, section 194-B; [2015, c. 300, Pt. B, §2 (AMD).]
- K. Who has applied for employment with the Department of Administrative and Financial Services, Bureau of Revenue Services, Office of Tax Policy and whose fingerprints have been required by the Associate Commissioner for Tax Policy pursuant to Title 36, section 194-B; [2017, c. 204, §3 (AMD); 2017, c. 253, §1 (AMD); 2017, c. 258, Pt. B, §1 (AMD).]
- L. (TEXT EFFECTIVE UNTIL 12/13/18) Who is assigned to provide services to the Department of Administrative and Financial Services, Bureau of Revenue Services pursuant to a contract or subcontract for services to the bureau and whose fingerprints have been required by the State Tax Assessor pursuant to Title 36, section 194-C; or [2017, c. 204, §3 (AMD); 2017, c. 253, §1 (AMD); 2017, c. 258, Pt. B, §1 (AMD).]
- L. (TEXT EFFECTIVE 12/13/18) Who is assigned to provide services to the Department of Administrative and Financial Services, Bureau of Revenue Services pursuant to a contract or subcontract for services to the bureau and whose fingerprints have been required by the State Tax Assessor pursuant to Title 36, section 194-C; [2017, c. 457, §10 (AMD).]
- M. (TEXT EFFECTIVE UNTIL 12/13/18) (CONFLICT: Text as enacted by PL 2017, c. 204, §4) Who has applied for a guide license under Title 12, section 12853. [2017, c. 204, §4 (NEW).]
- M. (TEXT EFFECTIVE UNTIL 12/13/18) (CONFLICT: Text as enacted by PL 2017, c. 253, §2) Who is licensed under Title 32, chapter 36 and has applied for an expedited license under Title 32, section 18506; or [2017, c. 253, §2 (NEW).]
- M. (TEXT EFFECTIVE UNTIL 12/13/18) (CONFLICT: Text as enacted by PL 2017, c. 258, Pt. B, §2) Who is an applicant for licensure with the State Board of Nursing as required under Title 32, section 2111, subsection 1. [2017, c. 258, Pt. B, §2 (NEW).]
- M. (TEXT EFFECTIVE 12/13/18) Who has applied for a guide license under Title 12, section 12853; [2017, c. 457, §11 (RPR).]
- N. (TEXT EFFECTIVE UNTIL 12/13/18) Who is licensed under Title 32, chapter 48 and has applied for an expedited license under Title 32, section 18506. [2017, c. 253, §2 (NEW).]
- N. (TEXT EFFECTIVE 12/13/18) Who is licensed under Title 32, chapter 48 and has applied for an expedited license under Title 32, section 18506; [2017, c. 457, §12 (AMD).]
- O. Who is required to submit to a criminal history record check pursuant to Title 28-B, section 204. [2017, c. 409, Pt. B, §11 (NEW).]
- P. (TEXT EFFECTIVE 12/13/18) (FUTURE CONFLICT: Text as enacted by PL 2017, c. 457, §13) Who is licensed under Title 32, chapter 36 and has applied for an expedited license under Title 32, section 18506; [2017, c. 457, §13 (NEW).]

P. (TEXT EFFECTIVE 12/13/18) (FUTURE CONFLICT: Text as enacted by PL 2017, c. 452, §25) Who is required to have a criminal history record check under Title 22, section 2425-A, subsection 3-A. [2017, c. 452, §25 (NEW).]

Q. (TEXT EFFECTIVE 12/13/18) Who is an applicant for licensure with the State Board of Nursing as required under Title 32, section 2111, subsection 1; or [2017, c. 457, §13 (NEW).]

R. (TEXT EFFECTIVE 12/13/18) Who is required to have a criminal background check under Title 22, section 8302-A or 8302-B. [2017, c. 457, §13 (NEW).]

[2017, c. 204, §3 (AMD); 2017, c. 253, §1 (AMD); 2017, c. 452, §25 (AMD); 2017, c. 457, §§10-13 (AMD).]

**2. Palm prints, footprints and photographs.** Whenever fingerprints are to be taken pursuant to subsection 1, paragraph A, B or G, palm prints, footprints and photographs may also be taken. Whenever palm prints, footprints or photographs are ordered to be obtained pursuant to subsection 1, paragraph C, D or F or are sought pursuant to paragraph E, the palm prints, footprints or photographs must be taken.

[1999, c. 260, Pt. B, §9 (AMD); 1999, c. 260, Pt. B, §18 (AFF).]

**3. Duty to take fingerprints.** The duty to take fingerprints is imposed as follows.

A. The law enforcement agency having primary responsibility for the criminal investigation and prosecution shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph A. If the offender is subjected to a custodial arrest, fingerprints shall be taken prior to that person being released from custody. If the offender is summonsed to appear or, relative to a Class D or Class E crime, released at the scene by a law enforcement officer after taking the personal recognizance of any such person for his appearance, fingerprints shall be taken within 5 days at a time and place specified by the responsible agency. The offender shall appear at the specified time and place and shall submit to the process. To the extent possible, the fingerprinting shall occur prior to arraignment. At the time of arraignment, the court shall inquire as to whether fingerprints have been taken or as to whether arrangements have been made for fingerprinting. If this has not occurred, the court shall instruct both the responsible law enforcement agency and the person charged as to their respective obligations in this regard. [1987, c. 512, §3 (NEW).]

B. The law enforcement agency that arrests a fugitive from justice or takes a person into custody for a juvenile crime pursuant to a uniform interstate compact on juveniles shall take or cause to be taken the fingerprints of that person. [1999, c. 260, Pt. B, §10 (AMD); 1999, c. 260, Pt. B, §18 (AFF).]

C. The law enforcement agency having primary responsibility for the criminal investigation and prosecution shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph D. [1987, c. 512, §3 (NEW).]

D. The law enforcement agency or individual identified in the warrant or order shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph C or F. [1987, c. 512, §3 (NEW).]

E. The law enforcement agency of which the request is made shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph E. [1987, c. 512, §3 (NEW).]

F. The Maine State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph G, at the request of that person and upon payment of the expenses specified under Title 20-A, section 6103, subsection 3-A. [2005, c. 457, Pt. CC, §5 (AMD).]

G. The law enforcement agency that has primary responsibility for the investigation and prosecution of the juvenile offense shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph H. If the juvenile is arrested, fingerprints must be taken prior to that person's being released from custody. If a juvenile court proceeding is commenced against a person without a juvenile arrest

having been made, fingerprints must be taken within 5 days of the filing of the petition at a time and place specified by the responsible agency after consulting with the juvenile community corrections officer. The juvenile shall appear at the specified time and place and shall submit to the process. [2001, c. 667, Pt. A, §44 (AMD).]

H. (TEXT EFFECTIVE UNTIL 7/1/19) The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph I, at the request of that person and upon payment of the expenses specified under Title 18-A, section 9-304, subsection (a-1), paragraph (2), subparagraph (iii). [2001, c. 52, §7 (NEW).]

H. (TEXT EFFECTIVE 7/1/19) The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph I, at the request of that person and upon payment of the expenses specified under Title 18-C, section 9-304, subsection 1, paragraph B, subparagraph (3). [2017, c. 402, Pt. C, §78 (AMD); 2017, c. 402, Pt. F, §1 (AFF).]

I. Trained personnel of the Department of Public Safety, Gambling Control Board shall take fingerprints of a person seeking licensure under Title 8, chapter 31. [2005, c. 663, §14 (NEW).]

J. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph J, at the request of that person and upon payment of the expenses by the Department of Administrative and Financial Services, Bureau of Revenue Services as specified under Title 36, section 194-B, subsection 2. [2013, c. 546, §4 (NEW).]

K. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph K or L at the request of that person and upon payment of the expenses by the Department of Administrative and Financial Services, Bureau of Revenue Services as required by Title 36, section 194-C, subsection 2. [2015, c. 300, Pt. B, §4 (NEW).]

L. (TEXT EFFECTIVE UNTIL 12/13/18) (CONFLICT: Text as enacted by PL 2017, c. 204, §5)  
The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph M at the request of that person and upon payment of the expenses by that person as required by Title 12, section 12853, subsection 4-A, paragraph B. [2017, c. 204, §5 (NEW).]

L. (TEXT EFFECTIVE UNTIL 12/13/18) (CONFLICT: Text as enacted by PL 2017, c. 253, §3)  
The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph M at the request of that person and upon payment of the expenses by that person as required by Title 32, section 2571-A. [2017, c. 253, §3 (NEW).]

L. (TEXT EFFECTIVE UNTIL 12/13/18) (CONFLICT: Text as enacted by PL 2017, c. 258, Pt. B, §3)  
The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph M at the request of that person and upon payment by the person of the fee established in Title 32, section 2111, subsection 1. [2017, c. 258, Pt. B, §3 (NEW).]

L. (TEXT EFFECTIVE 12/13/18) The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph M at the request of that person and upon payment of the expenses by that person as required by Title 12, section 12853, subsection 4-A, paragraph B. [2017, c. 457, §14 (RPR).]

M. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph N at the request of that person and upon payment of the expenses by that person as required by Title 32, section 3275-A. [2017, c. 253, §3 (NEW).]

N. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph O at the request of that person and upon payment of the expenses by that person as provided under Title 28-B, section 204. [2017, c. 409, Pt. B, §12 (NEW).]

O. (TEXT EFFECTIVE 12/13/18) (FUTURE CONFLICT: Text as enacted by PL 2017, c. 452, §26)  
The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph P at the request of that person or the Department of Administrative and Financial Services under Title 22, section 2425-A, subsection 3-A. [2017, c. 452, §26 (NEW).]



O. (TEXT EFFECTIVE 12/13/18) (FUTURE CONFLICT: Text as enacted by PL 2017, c. 457, §15) The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph P at the request of that person and upon payment of the expenses by that person as required by Title 32, section 2571-A. [ 2017, c. 457, §15 (NEW) . ]

P. (TEXT EFFECTIVE 12/13/18) The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph Q at the request of that person and upon payment by the person of the fee established in Title 32, section 2111, subsection 1. [ 2017, c. 457, §15 (NEW) . ]

Q. (TEXT EFFECTIVE 12/13/18) The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph R at the request of that person or the Department of Health and Human Services under Title 22, section 8302-A or 8302-B. [ 2017, c. 457, §15 (NEW) . ]

[ 2017, c. 452, §26 (AMD); 2017, c. 457, §§14, 15 (AMD) . ]

**4. (TEXT EFFECTIVE UNTIL 12/13/18) Duty to submit to State Bureau of Identification.** It is the duty of the law enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B and G to transmit immediately to the State Bureau of Identification the criminal fingerprint record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or pursuant to subsection 5 may not be submitted to the State Bureau of Identification unless an express request is made by the commanding officer of the State Bureau of Identification. Fingerprints taken pursuant to subsection 1, paragraph G must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Education. The bureau may not use the fingerprints for any purpose other than that provided for under Title 20-A, section 6103. The bureau shall retain the fingerprints, except as provided under Title 20-A, section 6103, subsection 9. Fingerprints taken pursuant to subsection 1, paragraph I and subsection 3, paragraph I must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the court and the Department of Public Safety, Gambling Control Board, respectively. Fingerprints taken pursuant to subsection 1, paragraph J, K or L must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Administrative and Financial Services, Bureau of Revenue Services. Fingerprints taken pursuant to subsection 1, paragraph M must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Board of Osteopathic Licensure, established in Title 32, chapter 36. Fingerprints taken pursuant to subsection 1, paragraph N must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Board of Licensure in Medicine, established in Title 32, chapter 48. Fingerprints taken pursuant to subsection 1, paragraph M must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the State Board of Nursing. Fingerprints taken pursuant to subsection 1, paragraph O must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks under Title 28-B, section 204.

[ 2017, c. 409, Pt. B, §13 (RPR) . ]

**4. (TEXT EFFECTIVE 12/13/18) (FUTURE CONFLICT: Text as amended by PL 2017, c. 452, §27) Duty to submit to State Bureau of Identification.** It is the duty of the law enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B and G to transmit immediately to the State Bureau of Identification the criminal fingerprint record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or pursuant to subsection 5 may not be submitted to the State Bureau of Identification unless an express request is made by the commanding officer of the State Bureau of Identification. Fingerprints taken pursuant to subsection 1, paragraph G must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Education. The bureau may not use the fingerprints for any purpose other than that provided for under Title 20-A, section 6103. The bureau shall retain the fingerprints, except as provided under Title 20-A, section 6103, subsection 9. Fingerprints taken pursuant to subsection 1, paragraph I and subsection 3,

paragraph I must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the court and the Department of Public Safety, Gambling Control Board, respectively. Fingerprints taken pursuant to subsection 1, paragraph J, K, L or P must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Administrative and Financial Services. Fingerprints taken pursuant to subsection 1, paragraph M must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Board of Osteopathic Licensure, established in Title 32, chapter 36. Fingerprints taken pursuant to subsection 1, paragraph N must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Board of Licensure in Medicine, established in Title 32, chapter 48. Fingerprints taken pursuant to subsection 1, paragraph M must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the State Board of Nursing. Fingerprints taken pursuant to subsection 1, paragraph O must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks under Title 28-B, section 204.

[ 2017, c. 452, §27 (AMD) .]

4. (TEXT EFFECTIVE 12/13/18) (FUTURE CONFLICT: Text as amended by PL 2017, c. 457, §16) **Duty to submit to State Bureau of Identification.** It is the duty of the law enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B and G to transmit immediately to the State Bureau of Identification the criminal fingerprint record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or pursuant to subsection 5 may not be submitted to the State Bureau of Identification unless an express request is made by the commanding officer of the State Bureau of Identification. Fingerprints taken pursuant to subsection 1, paragraph G must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Education. The bureau may not use the fingerprints for any purpose other than that provided for under Title 20-A, section 6103. The bureau shall retain the fingerprints, except as provided under Title 20-A, section 6103, subsection 9. Fingerprints taken pursuant to subsection 1, paragraph I and subsection 3, paragraph I must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the court and the Department of Public Safety, Gambling Control Board, respectively. Fingerprints taken pursuant to subsection 1, paragraph J, K or L must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Administrative and Financial Services, Bureau of Revenue Services. Fingerprints taken pursuant to subsection 1, paragraph P must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Board of Osteopathic Licensure, established in Title 32, chapter 36. Fingerprints taken pursuant to subsection 1, paragraph N must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Board of Licensure in Medicine, established in Title 32, chapter 48. Fingerprints taken pursuant to subsection 1, paragraph Q must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the State Board of Nursing, established in Title 32, chapter 31. Fingerprints taken pursuant to subsection 1, paragraph O must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks under Title 28-B, section 204. Fingerprints taken pursuant to subsection 1, paragraph R must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Health and Human Services.

[ 2017, c. 457, §16 (AMD) .]

5. **Right to take fingerprints.** A law enforcement officer designated in subsection 7 may take the fingerprints of any person:

A. [1999, c. 260, Pt. B, §18 (AFF); 1999, c. 260, Pt. B, §13 (RP).]

B. Charged with the commission of a criminal offense found in Title 12 or 29-A that is a Class D or E crime but is not an alcohol-related or drug-related offense as defined in section 1541, subsection 4-A, paragraph A; [1999, c. 260, Pt. B, §14 (AMD); 1999, c. 260, Pt. B, §18 (AFF).]

C. Who is in a state correctional facility or county institution or facility in execution of a sentence for a crime or in execution of an order involving an institutional disposition for a juvenile crime; or [1987, c. 512, §3 (NEW).]

D. Who voluntarily submits to fingerprinting for any law enforcement purpose. [1987, c. 512, §3 (NEW).]

[ 1999, c. 260, Pt. B, §§13, 14 (AMD); 1999, c. 260, Pt. B, §18 (AFF) .]

**6. Palm prints, footprints and photographs.** Whenever fingerprints are taken pursuant to subsection 5, paragraph B or C, palm prints, footprints and photographs may also be taken. In addition, palm prints, footprints or photographs may also be taken for any law enforcement purpose when a person voluntarily submits to them.

[ 1999, c. 260, Pt. B, §15 (AMD); 1999, c. 260, Pt. B, §18 (AFF) .]

**7. Upon whom the right to take fingerprints is given.** Any law enforcement officer may take or cause to be taken the fingerprints of any person named in subsection 5. Any corrections officer or the person in charge of a state correctional facility or county institution or facility may take or cause to be taken the fingerprints of any person named in subsection 5, paragraph C or D.

[ 1987, c. 512, §3 (NEW) .]

**8. Fingerprint record forms.** Fingerprints taken pursuant to subsection 1, paragraphs A, B as to a person arrested as a fugitive from justice and D and subsection 5, paragraphs B, C and D must be taken on a form furnished by the State Bureau of Identification, such form to be known as the Criminal Fingerprint Record. Fingerprints taken pursuant to subsection 1, paragraphs E, F and G must be taken on a form furnished by the bureau, such form to be known as the Noncriminal Fingerprint Record. Fingerprints taken pursuant to subsection 1, paragraphs B as to a person taken into custody for a juvenile crime pursuant to a uniform interstate compact on juveniles and H must be taken on a form furnished by the State Bureau of Identification, such form to be known as the Juvenile Crime Fingerprint Record. Fingerprints taken pursuant to subsection 1, paragraph C or F must be taken upon the form appropriate for that purpose.

[ 1999, c. 260, Pt. B, §16 (AMD); 1999, c. 260, Pt. B, §18 (AFF) .]

#### SECTION HISTORY

1987, c. 512, §3 (NEW). 1991, c. 548, §A22 (AMD). 1995, c. 65, §§A74,75 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1999, c. 110, §§4-9 (AMD). 1999, c. 260, §§B3-16 (AMD). 1999, c. 260, §B18 (AFF). 1999, c. 790, §A30 (AMD). 1999, c. 791, §7 (AMD). 2001, c. 52, §§4-8 (AMD). 2001, c. 667, §A44 (AMD). 2005, c. 457, §CC5 (AMD). 2005, c. 663, §§14,15 (AMD). 2013, c. 546, §§1-5 (AMD). 2015, c. 300, Pt. B, §§1-5 (AMD). 2015, c. 431, §45 (AMD). 2017, c. 204, §§3-5 (AMD). 2017, c. 253, §§1-4 (AMD). 2017, c. 258, Pt. B, §§1-4 (AMD). 2017, c. 402, Pt. C, §§77, 78 (AMD). 2017, c. 402, Pt. F, §1 (AFF). 2017, c. 409, Pt. B, §§11-13 (AMD). 2017, c. 452, §§25-27 (AMD). 2017, c. 457, §§10-16 (AMD).

### §1543. OFFICERS TO FURNISH INFORMATION

*(REPEALED)*

## SECTION HISTORY

1973, c. 707, (AMD). 1975, c. 763, §6 (RP).

**§1544. UNIFORM CRIME REPORTING**

It shall be the duty of all state, county and municipal law enforcement agencies, including those employees of the University of Maine System appointed to act as policemen, to submit to the State Bureau of Identification uniform crime reports, to include such information as is necessary to establish a Criminal Justice Information System and to enable the commanding officer to comply with section 1541, subsection 3. It shall be the duty of the bureau to prescribe the form, general content, time and manner of submission of such uniform crime reports. The bureau shall correlate the reports submitted to it and shall compile and submit to the Governor and Legislature annual reports based on such reports. A copy of such annual reports shall be furnished to all law enforcement agencies. [1985, c. 779, §67 (AMD).]

The bureau shall establish a category for abuse by adults of family or household members, a category for cruelty to animals and a category for crimes that manifest evidence of prejudice based on race, religion, disability, sexual orientation or ethnicity that are supplementary to its other reported information. The bureau shall prescribe the information to be submitted in the same manner as for all other categories of the uniform crime reports. [2001, c. 399, §6 (AMD).]

## SECTION HISTORY

1975, c. 763, §7 (RPR). 1979, c. 578, §§6,7 (AMD). 1979, c. 677, §18 (AMD). 1983, c. 583, §26 (AMD). 1985, c. 779, §67 (AMD). 1987, c. 515, §3 (AMD). 1987, c. 695, §6 (AMD). 1991, c. 206, §1 (AMD). 1991, c. 206, §2 (AFF). 1997, c. 47, §1 (AMD). 2001, c. 399, §6 (AMD).

**§1545. COOPERATION WITH LOCAL OFFICIALS**

*(REPEALED)*

## SECTION HISTORY

1975, c. 763, §8 (RP).

**§1546. RULES AND REGULATIONS**

*(REPEALED)*

## SECTION HISTORY

1975, c. 763, §8 (RP).

**§1547. COURTS TO SUBMIT CRIMINAL RECORDS TO THE STATE BUREAU OF IDENTIFICATION**

At the conclusion of a juvenile court proceeding or at the conclusion of a prosecution for a criminal offense except a violation of Title 12 or Title 29-A that is a Class D or E crime other than a Class D crime that involves hunting while under the influence of intoxicating liquor or drugs or with an excessive alcohol level or the operation or attempted operation of a watercraft, all-terrain vehicle, snowmobile or motor vehicle while under the influence of intoxicating liquor or drugs or with an excessive alcohol level, the court shall transmit to the State Bureau of Identification an abstract duly authorized on forms provided by the bureau. [2009, c. 447, §24 (AMD).]

## SECTION HISTORY

1987, c. 281, §3 (RPR). 1995, c. 65, §A76 (AMD). 1995, c. 65, §§A153,C15 (AFF). 1999, c. 260, §B18 (AFF). 1999, c. 260, §B17 (RPR). 2009, c. 447, §24 (AMD).

## **§1548. FINGERPRINTING OF SCHOOL CHILDREN**

*(REPEALED)*

### SECTION HISTORY

1973, c. 5, (RP).

## **§1549. REQUEST FOR FINGERPRINTS; FEE**

The State Police, the sheriffs and the chiefs of police in each of the cities and towns may take or cause to be taken and, upon payment of a \$3 fee, may take or cause to be taken the fingerprints or palm prints, or fingerprints and palm prints, of any person who requests that the person's fingerprints or palm prints, or fingerprints and palm prints, be taken. [2001, c. 552, §2 (AMD).]

Such fingerprints and palm prints must be taken on a form provided by the requesting person or, if the person does not provide a form, upon the Noncriminal Fingerprint Record. Fingerprints, palm prints or demographic information taken or collected pursuant to this section, or copies thereof, may not be retained by the taker. The fingerprints, palm prints or demographic information must be forwarded to the State Bureau of Identification if required by statute or if the requestor requests that the fingerprints, palm prints or demographic information be forwarded to the State Bureau of Identification for the purpose of obtaining a criminal history record check. [2001, c. 552, §2 (AMD).]

### SECTION HISTORY

1973, c. 788, §109 (AMD). 1975, c. 763, §9 (RPR). 1975, c. 771, §264 (AMD). 1977, c. 78, §159 (RPR). 1993, c. 235, §1 (AMD). 2001, c. 552, §2 (AMD).

## **§1550. VIOLATIONS**

Any person who fails to comply with the provisions of section 1542-A, subsection 1 or 3, or with the provisions of section 1542-A, subsection 4, imposing a duty to transmit criminal fingerprint records to the State Bureau of Identification, or with the provisions of sections 1544, 1547 or 1549 commits a civil violation for which a fine of not more than \$100 may be adjudged. [2003, c. 510, Pt. B, §9 (AMD).]

### SECTION HISTORY

1975, c. 763, §10 (NEW). 2003, c. 510, §B9 (AMD).

## **Chapter 194: DNA DATA BASE AND DATA BANK ACT**

## **§1571. SHORT TITLE**

This chapter may be known and cited as the "DNA Data Base and Data Bank Act." [1995, c. 457, §1 (NEW).]

### SECTION HISTORY

1995, c. 457, §1 (NEW).

## **§1572. DEFINITIONS**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1995, c. 457, §1 (NEW).]

**1. CODIS.** "CODIS" means the Federal Bureau of Investigation's national DNA identification index system that allows for storage and exchange of DNA records submitted by state and local forensic DNA laboratories and is derived from the Combined DNA Index System.

[ 1995, c. 457, §1 (NEW) . ]

**2. Crime lab.** "Crime lab" means the Maine State Police Crime Laboratory located in Augusta.

[ 1995, c. 457, §1 (NEW) . ]

**3. DNA.** "DNA" means deoxyribonucleic acid.

[ 1995, c. 457, §1 (NEW) . ]

**4. DNA analysis.** "DNA analysis" means DNA typing tests that derive identification information specific to a person from that person's DNA.

[ 1995, c. 457, §1 (NEW) . ]

**5. DNA record.** "DNA record" means DNA identification information obtained from DNA analysis and stored in the state DNA data base or CODIS.

[ 1995, c. 457, §1 (NEW) . ]

**6. DNA sample.** "DNA sample" means a biological sample provided by a person convicted or a juvenile adjudicated of one of the offenses listed in this chapter or submitted to the crime lab for analysis pursuant to a criminal investigation.

[ 2003, c. 393, §1 (AMD) . ]

**7. FBI.** "FBI" means the Federal Bureau of Investigation of the United States Department of Justice.

[ 1995, c. 457, §1 (NEW) . ]

**7-A. Juvenile.** "Juvenile" means any person who has not attained 18 years of age.

[ 2003, c. 393, §2 (NEW) . ]

**8. State DNA data base.** "State DNA data base" means the DNA identification record system administered by the Chief of the State Police.

[ 1995, c. 457, §1 (NEW) . ]

**9. State DNA data bank.** "State DNA data bank" means the repository of DNA samples maintained by the Chief of the State Police at the crime lab collected pursuant to this chapter.

[ 1995, c. 457, §1 (NEW) . ]

#### SECTION HISTORY

1995, c. 457, §1 (NEW). 2003, c. 393, §§1,2 (AMD).

## §1573. RESPONSIBILITY FOR DNA IDENTIFICATION RECORD SYSTEM; PROCEDURAL COMPATIBILITY WITH THE FBI

**1. Responsibility for system.** The Chief of the State Police is responsible for DNA analysis and establishing, managing and administering the state DNA data base and the state DNA data bank to support law enforcement and for liaison with the FBI regarding the State's participation in CODIS. The state DNA data base must be physically located at the crime lab or at State Police Headquarters in Augusta. The state DNA data bank must be physically located at the crime lab.

[ 1997, c. 608, §1 (AMD) . ]

**2. Procedural compatibility.** The state DNA data base established by the Chief of the State Police must be compatible with procedures specified by the FBI, including use of comparable test procedures, laboratory equipment, supplies and computer software.

[ 1995, c. 457, §1 (NEW) . ]

**3. DNA analysis.** Notwithstanding subsection 1, the Chief of the State Police is not required to collect or analyze DNA samples collected pursuant to section 1574 unless adequate funding is available.

[ 1995, c. 457, §1 (NEW) . ]

### SECTION HISTORY

1995, c. 457, §1 (NEW). 1997, c. 608, §1 (AMD).

## §1574. BIOLOGICAL SAMPLE REQUIRED FOR DNA ANALYSIS UPON CONVICTION OR ADJUDICATION

**1. Conviction subsequent to effective date.** A person convicted, on or after January 1, 1996 and before October 1, 2001, of a crime listed in subsection 4 or a person convicted on or after October 1, 2001, of a crime listed in subsection 5 shall submit to having a DNA sample taken and at the time of sentencing the court shall enter an order directing that the DNA sample be taken. If the convicted person's sentence includes a straight term of imprisonment or a split term of imprisonment, the DNA sample may be taken at any time following the commencement of the straight term or initial unsuspended portion of the term of imprisonment. If the convicted person's sentence includes a period of probation but no immediate imprisonment, the DNA sample may be taken at any time following commencement of the probation period as directed by the probation officer. If the convicted person's sentence includes a period of probation, the court may attach the duty to submit to having a DNA sample taken as a condition of probation.

[ 2003, c. 393, §3 (AMD) . ]

**2. Conviction prior to effective date.** A person convicted and incarcerated prior to January 1, 1996, as a result of a conviction for a crime listed in subsection 4, must have a DNA sample taken before release from the corrections system.

[ 2003, c. 393, §3 (AMD) . ]

### 3. Juvenile offenders.

[ 2001, c. 325, §3 (RP) . ]

**3-A. Juveniles.** A juvenile adjudicated on or after October 1, 2003 of a juvenile crime that, if committed by an adult, would constitute an offense listed in subsection 6 is subject to the requirements of this section.

[ 2003, c. 393, §3 (NEW) .]

**4. Applicable offenses for persons convicted after January 1, 1996 and before October 1, 2001.**

This section applies to a person convicted after January 1, 1996 and before October 1, 2001 of one or more of the following offenses or an attempt of one or more of the following offenses:

- A. Murder or criminal homicide in the first or 2nd degree; [1997, c. 608, §3 (AMD).]
- B. Felony murder; [1995, c. 457, §1 (NEW).]
- C. Manslaughter; [1995, c. 457, §1 (NEW).]
- D. Aggravated assault; [1995, c. 457, §1 (NEW).]
- D-1. Elevated aggravated assault; [1997, c. 608, §3 (NEW).]
- E. Gross sexual assault, including that formerly denominated as gross sexual misconduct; [1997, c. 608, §3 (AMD).]
- E-1. Rape; [1997, c. 608, §3 (NEW).]
- F. Sexual abuse of a minor; [1995, c. 457, §1 (NEW).]
- G. Unlawful sexual contact; [1995, c. 457, §1 (NEW).]
- G-1. Visual sexual aggression against a child; [1997, c. 608, §3 (NEW).]
- G-2. Sexual misconduct with a child under 14 years of age; [1997, c. 608, §3 (NEW).]
- H. Kidnapping; [1995, c. 457, §1 (NEW).]
- I. Criminal restraint; [1995, c. 457, §1 (NEW).]
- J. Burglary; [1995, c. 457, §1 (NEW).]
- K. Robbery; [1995, c. 457, §1 (NEW).]
- L. Arson; [1995, c. 457, §1 (NEW).]
- M. Aggravated criminal mischief; or [1995, c. 457, §1 (NEW).]
- N. Any lesser included offense of any crime identified in paragraphs A to M if the greater offense is initially charged. "Lesser included offense" has the same meaning as in Title 17-A, section 13-A. [1995, c. 457, §1 (NEW).]

[ 2003, c. 1, §23 (COR) .]

**5. Applicable offenses for persons convicted on or after October 1, 2001.** Except as provided in paragraph G-1, this section applies to a person convicted on or after October 1, 2001 of one or more of the following offenses or an attempt of one or more of the following offenses:

- A. Murder; [2001, c. 325, §5 (NEW).]
- B. A Class A, B or C crime; [2001, c. 325, §5 (NEW).]
- C. Sexual abuse of a minor; [2001, c. 325, §5 (NEW).]
- D. Unlawful sexual contact; [2001, c. 325, §5 (NEW).]
- E. Visual sexual aggression against a child; [2001, c. 325, §5 (NEW).]
- F. Sexual contact with a child under 14 years of age; [2001, c. 325, §5 (NEW).]
- G. Solicitation of a child by a computer to commit a prohibited act; [2011, c. 597, §5 (AMD).]



G-1. Solicitation of a child to commit a prohibited act on or after October 1, 2012; or [ 2011, c. 597, §5 (NEW). ]

H. Any lesser included offense of any crime identified in paragraphs A to G if the greater offense is initially charged. "Lesser included offense" has the same meaning as in Title 17-A, section 13-A. [ 2001, c. 325, §5 (NEW). ]

[ 2011, c. 597, §5 (AMD) . ]

**6. Applicable offenses for juveniles adjudicated on or after October 1, 2003.** This section applies to a juvenile adjudicated on or after October 1, 2003 of committing a juvenile crime that, if committed by an adult, would constitute one or more of the following offenses or an attempt of one or more of the following offenses:

A. Murder; [ 2003, c. 393, §3 (NEW). ]

B. Felony murder; [ 2003, c. 393, §3 (NEW). ]

C. Manslaughter; [ 2003, c. 393, §3 (NEW). ]

D. Aggravated assault; [ 2003, c. 393, §3 (NEW). ]

E. Elevated aggravated assault; [ 2003, c. 393, §3 (NEW). ]

F. Gross sexual assault; [ 2003, c. 393, §3 (NEW). ]

G. Unlawful sexual contact; [ 2003, c. 393, §3 (NEW). ]

H. Kidnapping; [ 2003, c. 393, §3 (NEW). ]

I. Criminal restraint; [ 2003, c. 393, §3 (NEW). ]

J. Burglary; [ 2003, c. 393, §3 (NEW). ]

K. Robbery; [ 2003, c. 393, §3 (NEW). ]

L. Arson; [ 2003, c. 393, §3 (NEW). ]

M. Aggravated criminal mischief; or [ 2003, c. 393, §3 (NEW). ]

N. Causing a catastrophe. [ 2003, c. 393, §3 (NEW). ]

[ 2003, c. 1, §24 (COR) . ]

#### SECTION HISTORY

1995, c. 457, §1 (NEW). 1997, c. 608, §§2,3 (AMD). 2001, c. 325, §§1-5 (AMD). RR 2003, c. 1, §§23,24 (COR). 2003, c. 393, §3 (AMD). 2011, c. 597, §5 (AMD).

### **§1574-A. COLLECTION FROM PERSON CONVICTED PRIOR TO JANUARY 1, 1996 WHO REOFFENDS**

***(REPEALED)***

#### SECTION HISTORY

2007, c. 294, §1 (NEW). 2011, c. 221, §1 (RP).

## §1575. PROCEDURE FOR COLLECTION OF BIOLOGICAL SAMPLE FOR DNA ANALYSIS

**1. Collection equipment.** The crime lab shall provide collection equipment or a kit for the collection of a biological sample required by section 1574 to persons authorized to collect samples.

[ 2003, c. 393, §4 (AMD) .]

**2. Person to draw blood sample.** Only a duly licensed physician, physician assistant, registered nurse, licensed practical nurse, person certified by the Department of Health and Human Services or person whose occupational license or training allows that person to draw blood samples may draw a blood sample for DNA analysis.

[ 2003, c. 393, §4 (AMD); 2003, c. 689, Pt. B, §6 (REV) .]

**2-A. Person to collect biological sample.** A person described in subsection 2, a corrections officer or other staff member of a county jail or Department of Corrections facility who is designated by the sheriff or jail administrator of that county jail or by the Commissioner of Corrections and is trained to collect biological samples, a probation officer or a juvenile community corrections officer may collect a biological sample that is not a blood sample.

[ 2005, c. 329, §5 (AMD) .]

**3. Liability.** A person authorized under this section to draw blood or collect other biological samples is not liable for damages or liable for the act of drawing blood or collecting another biological sample for DNA analysis when that person exercises due care in drawing blood or collecting the biological sample.

[ 2003, c. 393, §4 (AMD) .]

**4. Crime lab.** All biological samples collected pursuant to this Act must be forwarded to the crime lab for DNA analysis.

[ 2003, c. 393, §4 (AMD) .]

### SECTION HISTORY

1995, c. 457, §1 (NEW). 1997, c. 608, §4 (AMD). 2003, c. 393, §4 (AMD).  
2003, c. 689, §B6 (REV). 2005, c. 329, §5 (AMD).

## §1576. PROCEDURE FOR COLLECTION; CONDUCTING DNA ANALYSIS

The Chief of the State Police may adopt rules governing the procedures to be used in the collection, submission, identification, analysis and storage of DNA samples and the results of the typing of biological samples submitted pursuant to this Act. The biological sample must be securely stored in the state DNA data bank. The results of the typing of the biological samples must be securely stored in the state DNA data base.

[2003, c. 393, §5 (AMD).]

### SECTION HISTORY

1995, c. 457, §1 (NEW). 2003, c. 393, §5 (AMD).

## §1577. DNA RECORDS

**1. Confidentiality.** All DNA records are confidential and may not be disclosed to any person or agency unless disclosure is authorized by this section.

[ 1995, c. 457, §1 (NEW) . ]

**2. Access to records.** The following persons or agencies may have access to DNA records:

A. Local, county, state and federal criminal justice and law enforcement agencies, including forensic laboratories serving the agencies, for identification purposes that further official criminal investigations; [1995, c. 457, §1 (NEW). ]

B. The FBI for storage and maintenance of CODIS; [1995, c. 457, §1 (NEW). ]

C. Medical examiners and coroners for the purpose of identifying remains; and [1995, c. 457, §1 (NEW). ]

D. A person who has been identified and charged with a criminal offense or a juvenile crime as a result of a search of DNA records stored in the state DNA data base. A person who has been identified and charged with a criminal offense or a juvenile crime has access only to that person's records and any other records that person is entitled to under the Maine Rules of Evidence. [2003, c. 393, §6 (AMD) . ]

[ 2003, c. 393, §6 (AMD) . ]

**3. Statistical interpretation.** Notwithstanding subsections 1 and 2, DNA records may be released to advance DNA analysis methods and support statistical interpretation of DNA analysis, including development of population data bases, if personal identifying information is removed from DNA records prior to the release of those records.

[ 1995, c. 457, §1 (NEW) . ]

**4. Expungement.** A person whose DNA record has been stored in the state DNA data base may petition the Superior Court for expungement on the ground that the conviction or adjudication justifying the inclusion of the DNA record in the state DNA data base has been reversed or dismissed. Upon receipt of an expungement order and a certified copy of the order reversing and dismissing the conviction or adjudication, the Chief of the State Police shall purge from the state DNA data base the DNA record and all identifiable information resulting exclusively from the reversed conviction or adjudication.

[ 2003, c. 393, §7 (AMD) . ]

### SECTION HISTORY

1995, c. 457, §1 (NEW). 2003, c. 393, §§6,7 (AMD).

## §1578. UNLAWFUL DISSEMINATION

**1. Offense.** A person is guilty of unlawful dissemination of a DNA record if the person knowingly disseminates a DNA record in violation of this Act.

[ 1995, c. 457, §1 (NEW) . ]

**2. Penalty.** Unlawful dissemination of a DNA record is a Class E crime.

[ 1995, c. 457, §1 (NEW) . ]

### SECTION HISTORY

1995, c. 457, §1 (NEW).

## Chapter 195: STATE POLICE RETIREMENT SYSTEM

### §1591. SYSTEM; LIMITATION

*(REPEALED)*

#### SECTION HISTORY

1973, c. 395, (RPR). 1973, c. 412, §1 (AMD). 1973, c. 625, §165 (RPR).  
1975, c. 208, §1 (RP).

### §1592. MILITARY LEAVE CREDITS

No credits toward retirement under section 1591 shall be allowed to any member of the State Police in military service beyond the period of first enlistment or induction into the Armed Forces of the United States unless the individual involved is compelled to continue service under some mandatory provision.

### §1593. PROVISION FOR PAYMENT

Funds for the payment of the retirement pay of state police officers shall be included in the annual budget of the Bureau of State Police and the amounts necessary to pay such retirement pay shall be in addition to the regular appropriation for the support of the department. [1975, c. 207, (AMD).]

#### SECTION HISTORY

1971, c. 592, §37 (AMD). 1975, c. 207, (AMD).

### §1594. OCCUPATIONAL DISABILITY

Upon the filing with the Chief of the State Police of an application by a member of the State Police in service and upon the determination by the chief that he has incurred permanent disability as a result of injuries received in the line of duty, such member may be retired on a disability retirement allowance equal to 1/2 of the pay per year that is paid to a member of his grade at the time of his disability. A medical board of 3 physicians, designated by the Chief of the State Police, after a medical examination of such member of the State Police, shall first certify that such member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent and that he should be retired.

This section shall apply only to persons who were members of the State Police on July 9, 1943.

### §1595. RETIREMENT BENEFITS TO WIVES EXTENDED

A surviving widow shall be paid 1/2 of the amount that any member of the State Police, including the Chief of the State Police, is receiving either as a pension or a disability retirement allowance under this chapter, and said payments shall continue for the remainder of her lifetime or until she should remarry. Payments to the member shall cease as of the day of his death and shall begin to his widow on the following day. [1965, c. 387, §1 (NEW).]

This section shall apply to a surviving widow of any member of the State Police who at the time of his death had been eligible to or receiving a pension or a disability retirement allowance under this chapter. Payments to those who were surviving widows on September 3, 1965 shall be based upon the amount of pension or disability retirement that said member would have been entitled to receive as of September 3, 1965 under this chapter. [1967, c. 454, §1 (AMD).]

#### SECTION HISTORY

1965, c. 387, §§1,2 (NEW). 1967, c. 454, (AMD).

## Chapter 195-A: DEATH BENEFITS FOR LAW ENFORCEMENT OFFICERS, FIREFIGHTERS AND EMERGENCY MEDICAL SERVICES PERSONS WHO DIE WHILE IN THE LINE OF DUTY

### §1611. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2001, c. 439, Pt. CCCCC, §4 (NEW).]

**1. Chief.** "Chief" means the Chief of the State Police.

[ 2001, c. 439, Pt. CCCCC, §4 (NEW) .]

**2. Director.** "Director" means the Director of Maine Emergency Medical Services as defined in Title 32, section 83, subsection 10-A.

[ 2001, c. 439, Pt. CCCCC, §4 (NEW) .]

**3. Emergency medical services person.** "Emergency medical services person" has the same meaning as in Title 20-A, section 12552, subsection 1-C.

[ 2001, c. 439, Pt. CCCCC, §4 (NEW) .]

**4. Firefighter.** "Firefighter" means an active municipal firefighter or an active volunteer firefighter, as defined in Title 30-A, section 3151.

[ 2001, c. 439, Pt. CCCCC, §4 (NEW) .]

**5. Law enforcement officer or officer.** "Law enforcement officer" or "officer" means an active state police officer, municipal police officer, county sheriff, deputy sheriff, game warden, an employee of the Office of the State Fire Marshal who has law enforcement powers pursuant to section 2396, subsection 7, fire marshal, judicial marshal, forest ranger, Baxter State Park ranger, a detective employed by the Office of the Attorney General pursuant to Title 5, section 202, a person employed by the Department of Corrections as an investigative officer as defined in Title 34-A, section 1001, subsection 10-A, a juvenile community corrections officer as described in Title 34-A, section 5602, a probation officer, a security officer appointed by the Commissioner of Public Safety pursuant to section 2908, a motor vehicle detective or supervisor appointed by the Secretary of State pursuant to Title 29-A, section 152, a military security police officer appointed by the Adjutant General, a University of Maine System police officer or marine patrol officer in this State.

[ 2017, c. 229, §6 (AMD) .]

#### SECTION HISTORY

2001, c. 439, §CCCCC4 (NEW). 2001, c. 667, §C14 (AMD). 2005, c. 519, §XXX1 (AMD). 2009, c. 421, §2 (AMD). 2013, c. 147, §2 (AMD). 2017, c. 229, §6 (AMD).

### §1612. DEATH BENEFIT

**1. Amount; recipients.** In a case in which the chief determines under rules adopted pursuant to this section that a law enforcement officer has died while in the line of duty or in a case in which the State Fire Marshal determines under rules adopted pursuant to this section that a firefighter has died while in the line

of duty or in a case in which the director determines under rules adopted pursuant to this section that an emergency medical services person has died while in the line of duty, the State shall pay a benefit of \$50,000 as follows:

- A. If there is no surviving child of the firefighter, law enforcement officer or emergency medical services person, to the surviving spouse of the person; [2001, c. 439, Pt. CCCCC, §4 (NEW).]
- B. If there is a surviving child or children and a surviving spouse of the firefighter, law enforcement officer or emergency medical services person, 1/2 to the surviving child or children in equal shares and 1/2 to the surviving spouse; [2001, c. 439, Pt. CCCCC, §4 (NEW).]
- C. If there is no surviving spouse of the firefighter, law enforcement officer or emergency medical services person, to the child or children in equal shares; or [2001, c. 439, Pt. CCCCC, §4 (NEW).]
- D. If there is no surviving child or spouse, to the parent or parents of the firefighter, law enforcement officer or emergency medical services person in equal shares. [2001, c. 439, Pt. CCCCC, §4 (NEW).]

[ 2001, c. 439, Pt. CCCCC, §4 (NEW) .]

**2. Interim benefit payment.** Interim benefits may be paid as follows.

- A. When the State Fire Marshal determines upon showing of need and prior to final action that the death of a firefighter is a death for which a benefit will probably be paid, the State Fire Marshal may make an interim benefit payment not exceeding \$3,000 to the individual or individuals entitled to receive a benefit under subsection 1 in the manner set out in subsection 1. [2001, c. 439, Pt. CCCCC, §4 (NEW).]
- B. When the chief determines upon showing of need and prior to final action that the death of an officer is a death for which a benefit will probably be paid, the chief may make an interim benefit payment not exceeding \$3,000 to the individual or individuals entitled to receive a benefit under subsection 1 in the manner set out in subsection 1. [2001, c. 439, Pt. CCCCC, §4 (NEW).]
- C. When the director determines upon showing of need and prior to final action that the death of an emergency medical services person is a death for which a benefit will probably be paid, the director may make an interim benefit payment not exceeding \$3,000 to the individual or individuals entitled to receive a benefit under subsection 1 in the manner set out in subsection 1. [2001, c. 439, Pt. CCCCC, §4 (NEW).]

[ 2001, c. 439, Pt. CCCCC, §4 (NEW) .]

**3. Deduction of interim payment.** The State Fire Marshal, the chief or the director, as the case may be, shall deduct the amount of an interim payment made pursuant to subsection 2 from the amount of any final benefit paid to the individual or individuals entitled to receive a benefit under subsection 1.

[ 2001, c. 439, Pt. CCCCC, §4 (NEW) .]

**4. Repayment of interim payment; waiver.** If a final benefit is not paid, the recipient or recipients of any interim payment under subsection 2 are liable for repayment of the amount received. The State Fire Marshal in the case of a firefighter, the chief in the case of a law enforcement officer or the director in the case of an emergency medical services person may waive all or part of the repayment if that official determines that undue hardship would result from that repayment.

[ 2001, c. 439, Pt. CCCCC, §4 (NEW) .]

**5. Execution or attachment prohibited.** A benefit paid under this section is not subject to execution or attachment.

[ 2001, c. 439, Pt. CCCCC, §4 (NEW) .]

**6. Other benefits.** The \$50,000 benefit payable under this section may not be considered a benefit paid under "similar law" for purposes of Title 5, sections 18005 and 18605 and may not be used to reduce any accidental death benefit amount payable under those provisions or under any other provision of law.

[ 2001, c. 439, Pt. CCCCC, §4 (NEW) .]

**7. Payment from the Maine Budget Stabilization Fund.** Benefits are payable from the Maine Budget Stabilization Fund as provided in Title 5, section 1532, subsection 6. If funds in the Maine Budget Stabilization Fund are insufficient to pay a death benefit when due, the benefit must be paid as soon as a sufficient balance exists.

[ 2009, c. 421, §3 (AMD) .]

**8. Rulemaking.** The State Fire Marshal, the chief and the Emergency Medical Services' Board shall adopt rules to carry out the purposes of this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

[ 2001, c. 439, Pt. CCCCC, §4 (NEW) .]

#### SECTION HISTORY

2001, c. 439, §CCCC4 (NEW). 2003, c. 451, §X13 (AMD). 2005, c. 2, §A12 (AMD). 2005, c. 2, §A14 (AFF). 2009, c. 421, §3 (AMD).

## Chapter 197: RECORDS

### §1631. RECORDS CONFIDENTIAL

*(REPEALED)*

#### SECTION HISTORY

1971, c. 592, §37 (AMD). 1991, c. 729, §§4,5 (AMD). 1993, c. 376, §3 (RP).

## Chapter 198: NEW ENGLAND STATE POLICE COMPACT

### §1665. COMPACT ENTERED INTO BY STATE

The New England State Police Compact is hereby entered into and enacted into law with any and all of the states legally joining therein in the form substantially as follows. [1965, c. 435, (NEW) .]

#### SECTION HISTORY

1965, c. 435, (NEW) .

### §1666. PURPOSES -- ARTICLE I

The purposes of this compact are to: [1965, c. 435, (NEW) .]

**1. Detection and apprehension.** Provide close and effective cooperation and assistance in detecting and apprehending those engaged in organized criminal activities; and

[ 1965, c. 435, (NEW) .]

**2. Criminal intelligence bureau.** Establish and maintain a central criminal intelligence bureau to gather, evaluate and disseminate to the appropriate law enforcement officers of the party states information concerning organized crime, its leaders and their associates;

[ 1965, c. 435, (NEW) .]

**3. Emergency assistance.** Provide mutual aid and assistance in the event of police emergencies, and to provide for the powers, duties, rights, privileges and immunities of police personnel when rendering such aid.

[ 1965, c. 435, (NEW) .]

#### SECTION HISTORY

1965, c. 435, (NEW) .

## §1667. ENTRY INTO FORCE AND WITHDRAWAL -- ARTICLE II

**1. Force and effect.** This compact shall enter into force when enacted into law by any 3 of the States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont. Thereafter, this compact shall become effective as to any other of the aforementioned states upon its enactment thereof.

[ 1965, c. 435, (NEW) .]

**2. Withdrawal.** Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal, and any records, files or information obtained by officers or employees of a withdrawing state shall continue to be kept, used and disposed of only in such manner as is consistent with this compact and any rules or regulations pursuant thereto.

[ 1965, c. 435, (NEW) .]

#### SECTION HISTORY

1965, c. 435, (NEW) .

## §1668. THE CONFERENCE -- ARTICLE III

**1. New England State Police Administrators' Conference.** There is established the "New England State Police Administrators' Conference", in this chapter called the "conference", to be composed of the administrative head of the state police department of each party state.

[ 1965, c. 435, (NEW) .]



**2. Alternates.** If authorized by the laws of his party state, the administrative head of the state police department of a party state may provide for the discharge of his duties and the performance of his functions on the conference, for periods none of which shall exceed 15 days, by an alternate. No such alternate shall be entitled to serve unless notification of his identity and appointment shall have been given to the conference in such form as the conference may require.

[ 1965, c. 435, (NEW) . ]

**3. Selection of alternates.** An alternate serving pursuant to subsection 2 shall be selected only from among the officers and employees of the state police department, the head of which such alternate is to represent.

[ 1965, c. 435, (NEW) . ]

**4. Vote.** The members of the conference shall be entitled to one vote each. No action of the conference shall be binding unless taken at a meeting at which a majority of the total number of votes on the conference are cast in favor thereof. Action of the conference shall be only at a meeting at which a majority of the members of the conference, or their alternates, are present.

[ 1965, c. 435, (NEW) . ]

**5. Seal.** The conference shall have a seal.

[ 1965, c. 435, (NEW) . ]

**6. Officers.** The conference shall elect annually, from among its members, a chairman, who shall not be eligible to succeed himself, a vice-chairman and a treasurer. The conference shall appoint an executive secretary and fix his duties and compensation. Such executive secretary shall serve at the pleasure of the conference, and together with the treasurer shall be bonded in such amount as the conference shall determine. The executive secretary also shall serve as general secretary of the conference.

[ 1965, c. 435, (NEW) . ]

**7. Personnel.** Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive secretary, subject to the direction of the conference, shall appoint, remove or discharge such personnel as may be necessary for the performance of the conference functions and shall fix the duties and compensation of such personnel.

[ 1965, c. 435, (NEW) . ]

**8. Employee benefits.** The conference may establish and maintain independently or in conjunction with any one or more of the party states, a suitable retirement system for its full-time employees. Employees of the conference shall be eligible for social security coverage in respect of old age and survivor's insurance, provided that the conference takes such steps as may be necessary pursuant to the laws of the United States, to participate in such program of insurance as a governmental agency or unit. The conference may establish and maintain or participate in such additional programs of employee benefits as may be appropriate. Employment by the conference of a retired officer or employee of a party state shall not affect the pension or other retirement-connected benefits paid to such officer or employee by a party state.

[ 1965, c. 435, (NEW) . ]

**9. Utilization of services.** The conference may borrow, accept or contract for the services of personnel from any party state, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of 2 or more of the party states or their subdivisions.

[ 1965, c. 435, (NEW) . ]

**10. Acceptance of aid.** The conference may accept for any of its purposes and functions under this compact any and all donations, grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States or any other governmental agency, or from any person, firm or corporation and may receive, utilize and dispose of the same. The conference shall publish in its annual report the terms, conditions, character and amount of any resources accepted by it pursuant hereto together with the identity of the donor.

[ 1965, c. 435, (NEW) . ]

**11. Facilities.** The conference may establish and maintain such facilities as may be necessary for the transacting of its business. The conference may acquire, hold and convey real and personal property and any interest therein.

[ 1965, c. 435, (NEW) . ]

**12. Bylaws.** The conference shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The conference shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states. The bylaws shall provide for appropriate notice to the conference members of all conference meetings.

[ 1965, c. 435, (NEW) . ]

**13. Annual report.** The conference annually shall make to the governor and legislature of each party state a report covering the activities of the conference for the preceding year, and embodying such recommendations as may have been issued by the conference. The conference may make such additional reports as it may deem desirable.

[ 1965, c. 435, (NEW) . ]

#### SECTION HISTORY

1965, c. 435, (NEW) .

## §1669. CONFERENCE POWERS -- ARTICLE IV

The conference shall have power to: [1965, c. 435, (NEW) . ]

**1. New England Criminal Intelligence Bureau.** Establish and operate a New England Criminal Intelligence Bureau, in this chapter called "the bureau", in which shall be received, assembled and kept case histories, records, data, personal dossiers and other information concerning persons engaged or otherwise associated with organized crime.

[ 1965, c. 435, (NEW) . ]

**2. Identification.** Consider and recommend means of identifying leaders and emerging leaders of organized crime and their associates.

[ 1965, c. 435, (NEW) . ]

**3. Mutual assistance arrangements.** Facilitate mutual assistance among the state police of the party states pursuant to Article VII of this compact.

[ 1965, c. 435, (NEW) . ]

**4. Claims and reimbursements.** Formulate procedures for claims and reimbursements, pursuant to Article VII of this compact.

[ 1965, c. 435, (NEW) . ]

**5. Promote cooperation.** Promote cooperation in law enforcement and make recommendations to the party states and other appropriate law enforcement authorities for the improvement of such cooperation.

[ 1965, c. 435, (NEW) . ]

**6. Other powers.** Do all things which may be necessary and incidental to the exercise of the foregoing powers.

[ 1965, c. 435, (NEW) . ]

SECTION HISTORY

1965, c. 435, (NEW).

## §1670. DISPOSITION OF RECORDS AND INFORMATION -- ARTICLE V

The bureau established and operated pursuant to Article IV, subsection 1, of this compact is designated and recognized as the instrument for the performance of a central criminal intelligence service to the state police departments of the party states. The files, records, data and other information of the bureau and, when made pursuant to the bylaws of the conference, any copies thereof shall be available only to duly designated officers and employees of the state police departments of the party states acting within the scope of their official duty. In the possession of the aforesaid officers and employees, such records, data and other information shall be subject to use and disposition in the same manner and pursuant to the same laws, rules and regulations applicable to similar records, data and information of the officer's or employee's agency and the provision of this compact. [1965, c. 435, (NEW) . ]

SECTION HISTORY

1965, c. 435, (NEW) .

## §1671. ADDITIONAL MEETINGS AND SERVICES -- ARTICLE VI

The members of the conference from any 2 or more party states, upon notice to the chairman as to the time and purpose of the meeting, may meet as a section for the discussion of problems common to their states. Any 2 or more party states may designate the conference as a joint agency to maintain for them such additional common services as they may deem desirable for combating organized crime. Except in those cases where all party states join in such designation for common services, the representative of any group of such designating states in the conference shall constitute a separate section of such conference for the performance of the common service or services so designated provided that, if any additional expense is involved, the state so acting shall provide the necessary funds for this purpose. The creation of such a section or joint agency shall not affect the privileges, powers, responsibilities or duties of the states participating therein as embodied in the other articles of this compact. [1965, c. 435, (NEW) . ]

SECTION HISTORY

1965, c. 435, (NEW) .

## §1672. MUTUAL AID -- ARTICLE VII

### 1. Definitions. As used in this article:

A. "Emergency" means an occurrence or condition, temporary in nature, in which the state police department of a party state is, or may reasonably be expected to be, unable to cope with substantial and imminent danger to the public safety, and in which the cooperation of or aid from local police forces within the state is, or may be reasonably expected to be insufficient. Also "emergency" shall mean a situation in which an investigation of an aspect of organized crime, or events connected with organized crime require augmentation, for a limited time, of the investigative personnel of the state police department from without the State. [1965, c. 435, (NEW).]

B. "Requesting state" means the state whose state police department requests assistance in coping with an emergency. [1965, c. 435, (NEW).]

C. "Responding state" means the state furnishing aid, or requested to furnish aid, pursuant to this article. [1965, c. 435, (NEW).]

[ 1965, c. 435, (NEW) .]

**2. Request for emergency aid.** In case of emergency, upon the request of the administrative head of the state police department of a party state, the administrative head of the state police department of each responding state shall order such part of his state police forces as he, in his discretion, may find necessary, to aid the state police forces of the requesting state in order to carry out the purposes set forth in this compact. In such case, it shall be the duty of the administrative head of the state police department of each responding state to issue the necessary orders for such use of state police forces of his state without the borders of his state, and to direct such forces to place themselves under the operational control of the administrative head of the state police department of the requesting state.

[ 1965, c. 435, (NEW) .]

**3. Participation of personnel.** The administrative head of the state police department of any party state, in his discretion, may withhold or recall the police forces of his state or any part or any member thereof, serving without its borders.

[ 1965, c. 435, (NEW) .]

**4. Rights and immunities.** Whenever any of the state police forces of any party state are engaged outside their own state in carrying out the purposes of this compact, the individual members so engaged shall have the same powers, duties, rights, privileges and immunities as members of the state police department of the state in which they are engaged, but in any event, a requesting state shall save harmless any member of a responding state police department serving within its borders for any act or acts done by him in the performance of his duty while engaged in carrying out the purposes of this compact.

[ 1965, c. 435, (NEW) .]

**5. Liability.** All liability that may arise under the laws of the requesting state or under the laws of the responding state or under the laws of a 3rd state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

[ 1965, c. 435, (NEW) .]

**6. Reimbursement.** Any responding state rendering aid pursuant to this compact shall be reimbursed by the requesting state for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of the materials, transportation and maintenance of state police personnel and equipment incurred in connection with such request; provided, that nothing herein contained shall prevent any responding state from assuming such loss, damage, expense or other cost.

[ 1965, c. 435, (NEW) . ]

**7. Pay and allowances.** Each party state shall provide, in the same amounts and manner as if they were on duty within their state, for the pay and allowances of the personnel of its state police department while engaged without the state pursuant to this compact and while going to and returning from such duty pursuant to this compact.

[ 1965, c. 435, (NEW) . ]

**8. Compensation and death benefits.** Each party state providing for the payment of compensation and death benefits to injured members and the representatives of deceased members of its state police department in case such members sustain injuries or are killed within their own state, shall provide for the payment of compensation and death benefits in the same manner and on the same terms in case such members sustain injury or are killed while rendering aid pursuant to this compact.

[ 1965, c. 435, (NEW) . ]

#### SECTION HISTORY

1965, c. 435, (NEW) .

## §1673. FINANCE -- ARTICLE VIII

**1. Budget.** The conference shall submit to the governor or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that party state for presentation to the legislature thereof.

[ 1965, c. 435, (NEW) . ]

**2. Appropriations.** Each of the conference's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. The total amount of appropriations under any such budget shall be apportioned among the party states as follows: One-third in equal shares; one-third divided among the party states in the proportions that their populations bear to the total population of all the party states; and one-third divided among the party states in the proportions that the major crimes committed in each party state bear to the total number of major crimes committed in all the party states. In determining population pursuant to this subsection, the most recent decennial census compiled by the United States Government shall be used. Numbers of major crimes shall be as reported in the most recent annual "Uniform Crime Report" compiled by the Federal Bureau of Investigation of the United States Department of Justice, or by any agency which may assume responsibility for such compilation in the place of such bureau. In the event that any source of information required to be used for the purpose of this subsection shall be discontinued, the conference shall make its calculations on the basis of the best alternative sources of information and shall identify the sources used.

[ 1965, c. 435, (NEW) . ]

**3. Pledge of credit.** The conference shall not pledge the credit of any party state. The conference may meet any of its obligations in whole or in part with funds available to it under Article III, subsection 10 of this compact, provided that the conference takes specific action setting aside such funds prior to incurring

any obligation to be met in whole or in part in such manner. Except where the conference makes use of funds available to it under Article III, subsection 10 hereof, the conference shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

[ 1965, c. 435, (NEW) . ]

**4. Receipts and disbursements.** The conference shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the conference shall be subject to the audit and accounting procedures established under its rules. However, all receipts and disbursements of funds handled by the conference shall be audited yearly by a qualified, public accountant and the report of the audit shall be included in and become part of the annual report of the conference.

[ 1965, c. 435, (NEW) . ]

**5. Inspection of accounts.** The accounts of the conference shall be open at any reasonable time for inspection by duly constituted officers of the party states and any persons authorized by the conference.

[ 1965, c. 435, (NEW) . ]

**6. Audit.** Nothing contained herein shall be construed to prevent conference compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the conference.

[ 1965, c. 435, (NEW) . ]

#### SECTION HISTORY

1965, c. 435, (NEW) .

## §1674. CONSTRUCTION AND SEVERABILITY -- ARTICLE IX

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating herein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters. [1965, c. 435, (NEW) . ]

#### SECTION HISTORY

1965, c. 435, (NEW) .

## §1675. DESIGNATION OF ALTERNATE

The Chief of the State Police is authorized to designate an alternate to serve in the chief's place and stead on the New England State Police Administrators' Conference as permitted by Article III, subsections 2 and 3 of the compact. However, it is the intention of the Legislature that such Chief of the State Police attend and participate in the work of the conference in person to the maximum extent practicable. [1991, c. 2, §95 (COR) . ]

#### SECTION HISTORY

1965, c. 435, (NEW) . RR 1991, c. 2, §95 (COR) .

## §1676. RETIREMENT COVERAGE

The employees of the New England State Police Administrators' Conference may, upon the concluding of an agreement for coverage with the State Retirement System, be eligible for and covered by such system. Any such agreement shall provide, as nearly as may be, for the same ratio of employee contribution to total contribution as pertains for members of the State Retirement System generally. [1965, c. 435, (NEW).]

The State Retirement System shall not conclude a retirement agreement pursuant to Article III, subsection 8, of the compact if the New England State Police Administrators' Conference has in force a retirement agreement with any other party state. [1965, c. 435, (NEW).]

### SECTION HISTORY

1965, c. 435, (NEW).

## Chapter 199: NATIONAL CRIME PREVENTION AND PRIVACY COMPACT

### §1701. COMPACT ADOPTED

The National Crime Prevention and Privacy Compact, referred to in this chapter as the "compact," is adopted and entered into with all jurisdictions legally joining in the compact in the form substantially as set forth in this chapter. [2001, c. 372, §3 (NEW).]

### SECTION HISTORY

2001, c. 372, §3 (NEW).

### §1702. PURPOSES

The purposes of this compact are to: [2001, c. 372, §3 (NEW).]

**1. Legal framework.** Provide a legal framework for the establishment of a cooperative federal-state system for the interstate and federal-state exchange of criminal history records for noncriminal justice uses;

[ 2001, c. 372, §3 (NEW) .]

**2. FBI.** Require the FBI to permit use of the national indices by each party state and to provide, in a timely fashion, federal and state criminal history records to requesting states in accordance with the terms of this compact and with rules, procedures and standards established by the council pursuant to section 1707;

[ 2001, c. 372, §3 (NEW) .]

**3. Party states.** Require party states to provide information and criminal history records for the national indices and to provide criminal history records, in a timely fashion, to criminal history record repositories of other states and the Federal Government for noncriminal justice purposes in accordance with the terms of this compact and with rules, procedures and standards established by the council pursuant to section 1707;

[ 2001, c. 372, §3 (NEW) .]

**4. Council.** Provide for the establishment of a council to monitor III system operations and to prescribe system rules and procedures for the effective and proper operation of the III system for noncriminal justice purposes; and

[ 2001, c. 372, §3 (NEW) .]

**5. III system standards.** Require the FBI and each party state to adhere to III system standards concerning criminal history record dissemination and use, response times, system security, data quality and other duly established standards, including those that enhance the accuracy and privacy of such criminal history records.

[ 2001, c. 372, §3 (NEW) .]

#### SECTION HISTORY

2001, c. 372, §3 (NEW) .

## §1703. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2001, c. 372, §3 (NEW) .]

**1. Attorney General.** "Attorney General" means the Attorney General of the United States.

[ 2001, c. 372, §3 (NEW) .]

**2. Compact officer.** "Compact officer" means:

A. With respect to the Federal Government, an official so designated by the Director of the FBI; or  
[2001, c. 372, §3 (NEW) .]

B. With respect to a party state, the chief administrator of the state's criminal history record repository or a designee of the chief administrator who is a regular full-time employee of the repository. [2001, c. 372, §3 (NEW) .]

[ 2001, c. 372, §3 (NEW) .]

**3. Council.** "Council" means the compact council established under section 1707.

[ 2001, c. 372, §3 (NEW) .]

**4. Criminal history record repository.** "Criminal history record repository" means the state agency designated by the governor or other appropriate executive official or the legislature of a state to perform centralized recordkeeping functions for criminal history records and services in the state.

[ 2001, c. 372, §3 (NEW) .]

**5. Criminal history records.** "Criminal history records" means information, collected by criminal justice agencies on individuals, consisting of identifiable descriptions and notations of arrests, detentions, indictments or other formal criminal charges and any disposition arising therefrom, including acquittal, sentencing, correctional supervision or release. "Criminal history records" does not include identification information such as fingerprint records if the information does not indicate involvement of the individual with the criminal justice system.

[ 2001, c. 372, §3 (NEW) .]

**6. Criminal justice.** "Criminal justice" means activities relating to the detection, apprehension, detention, pretrial release, posttrial release, prosecution, adjudication, correctional supervision or rehabilitation of accused persons or criminal offenders. The administration of criminal justice includes criminal identification activities and the collection, storage and dissemination of criminal history records.

[ 2001, c. 372, §3 (NEW) .]



**7. Criminal justice agency.** "Criminal justice agency" means:

A. A court; and [ 2001, c. 372, §3 (NEW) . ]

B. A governmental agency or any subunit of an agency that performs the administration of criminal justice pursuant to a law or executive order and allocates a substantial part of its annual budget to the administration of criminal justice. "Criminal justice agency" includes federal and state inspector general offices. [ 2001, c. 372, §3 (NEW) . ]

[ 2001, c. 372, §3 (NEW) . ]

**8. Criminal justice services.** "Criminal justice services" means services provided by the FBI to criminal justice agencies in response to a request for information about a particular individual or as an update to information previously provided for criminal justice purposes.

[ 2001, c. 372, §3 (NEW) . ]

**9. Direct access.** "Direct access" means access to the national identification index by computer terminal or other automated means not requiring the assistance of or intervention by another party or agency.

[ 2001, c. 372, §3 (NEW) . ]

**10. Executive order.** "Executive order" means an order of the President of the United States or the chief executive officer of a state that has the force of law and that is promulgated in accordance with applicable law.

[ 2001, c. 372, §3 (NEW) . ]

**11. FBI.** "FBI" means the Federal Bureau of Investigation.

[ 2001, c. 372, §3 (NEW) . ]

**12. III system.** "III system" means the interstate identification index system that is the cooperative federal-state system for the exchange of criminal history records. "III system" includes the national indices and, to the extent of their participation in the system, the criminal history record repositories of the states and the FBI.

[ 2001, c. 372, §3 (NEW) . ]

**13. National fingerprint file.** "National fingerprint file" means a database of fingerprints or of other uniquely personal identifying information that relates to an arrested or charged individual and that is maintained by the FBI to provide positive identification of subjects indexed in the III system.

[ 2001, c. 372, §3 (NEW) . ]

**14. National identification index.** "National identification index" means an index maintained by the FBI consisting of names, identifying numbers and other descriptive information relating to subjects who have criminal history records in the III system.

[ 2001, c. 372, §3 (NEW) . ]

**15. National indices.** "National indices" means the national identification index and the national fingerprint file.

[ 2001, c. 372, §3 (NEW) . ]

**16. Noncriminal justice purposes.** "Noncriminal justice purposes" means uses of criminal history records for purposes authorized by federal or state law other than purposes relating to criminal justice activities, including employment suitability, licensing determinations, immigration and naturalization matters and national security clearances.

[ 2001, c. 372, §3 (NEW) . ]

**17. Nonparty state.** "Nonparty state" means a state that has not ratified this compact.

[ 2001, c. 372, §3 (NEW) . ]

**18. Party state.** "Party state" means a state that has ratified this compact.

[ 2001, c. 372, §3 (NEW) . ]

**19. Positive identification.** "Positive identification" means a determination, based upon a comparison of fingerprints or other equally reliable biometric identification techniques, that the subject of a criminal history record search is the same person as the subject of a criminal history record or records indexed in the III system. Identifications based solely upon a comparison of subjects' names or other nonunique identification characteristics or numbers or combinations thereof does not constitute positive identification.

[ 2001, c. 372, §3 (NEW) . ]

**20. Sealed criminal history record information.** "Sealed criminal history record information" means:

A. With respect to adults, that portion of a criminal history record that is:

- (1) Not available for criminal justice uses;
- (2) Not supported by fingerprints or other accepted means of positive identification; or
- (3) Subject to restrictions on dissemination for noncriminal justice purposes pursuant to a court order related to a particular subject or pursuant to a federal or state statute that requires action on a sealing petition filed by a particular subject; and [ 2001, c. 372, §3 (NEW) . ]

B. With respect to minors, whatever each state determines is a sealed criminal history record under its own law and procedure. [ 2001, c. 372, §3 (NEW) . ]

[ 2001, c. 372, §3 (NEW) . ]

**21. State.** "State" means any state, territory or possession of the United States.

[ 2001, c. 372, §3 (NEW) . ]

#### SECTION HISTORY

2001, c. 372, §3 (NEW) .

## §1704. RESPONSIBILITIES OF COMPACT PARTIES

**1. Director of the FBI.** The Director of the FBI shall:

A. Appoint an FBI compact officer who shall:

- (1) Administer this compact within the United States Department of Justice for federal agencies and other agencies and organizations that submit search requests to the FBI pursuant to section 1706, subsection 3;

- (2) Ensure that compact provisions and rules, procedures and standards prescribed by the council under section 1707 are complied with by the United States Department of Justice and the federal agencies and other agencies and organizations referred to in subparagraph (1); and
- (3) Regulate the use of criminal history records received by means of the III system from party states when those criminal history records are supplied by the FBI directly to other federal agencies; [2001, c. 372, §3 (NEW).]

B. Provide to federal agencies and to state criminal history record repositories criminal history records maintained in its database for the noncriminal justice purposes described in section 1705, including:

- (1) Information from nonparty states; and
- (2) Information from party states that is available from the FBI through the III system but is not available from the party state through the III system; [2001, c. 372, §3 (NEW).]

C. Provide a telecommunications network and maintain centralized facilities for the exchange of criminal history records for both criminal justice purposes and the noncriminal justice purposes described in section 1705 and ensure that the exchange of the criminal history records for criminal justice purposes has priority over exchange for noncriminal justice purposes; and [2001, c. 372, §3 (NEW).]

D. Modify or enter into user agreements with nonparty state criminal history record repositories to require them to establish criminal history record request procedures conforming to those prescribed in section 1706. [2001, c. 372, §3 (NEW).]

[ 2001, c. 372, §3 (NEW) .]

**2. Party state.** Each party state shall:

A. Appoint a compact officer who shall:

- (1) Administer this compact within that state;
- (2) Ensure that compact provisions and rules, procedures and standards established by the council under section 1707 are complied with in the state; and
- (3) Regulate the in-state use of criminal history records received by means of the III system from the FBI or from other party states; [2001, c. 372, §3 (NEW).]

B. Establish and maintain a criminal history record repository that must provide:

- (1) Information and criminal history records for the national indices; and
- (2) The state's III system-indexed criminal history records for noncriminal justice purposes described in section 1705; [2001, c. 372, §3 (NEW).]

C. Participate in the national fingerprint file; and [2001, c. 372, §3 (NEW).]

D. Provide and maintain telecommunications links and related equipment necessary to support the criminal justice services set forth in this compact. [2001, c. 372, §3 (NEW).]

[ 2001, c. 372, §3 (NEW) .]

**3. Compliance with III system requirements.** In carrying out their responsibilities under this compact, the FBI and each party state shall comply with III system rules, procedures and standards duly established by the council concerning criminal history record dissemination and use, response times, data quality, system security, accuracy, privacy protection and other aspects of III system operation.

[ 2001, c. 372, §3 (NEW) .]

**4. Noncriminal justice users.** Use of the III system for noncriminal justice purposes authorized in this compact must be managed so as not to diminish the level of services provided in support of criminal justice purposes. Administration of compact provisions may not reduce the level of service available to authorized noncriminal justice users on the effective date of this compact.

[ 2001, c. 372, §3 (NEW) . ]

#### SECTION HISTORY

2001, c. 372, §3 (NEW) .

## §1705. AUTHORIZED CRIMINAL HISTORY RECORD DISCLOSURES

**1. Release by FBI to state criminal history record repositories.** To the extent authorized by the Privacy Act of 1974, 5 United States Code, Section 552a, the FBI shall provide on request criminal history records, excluding sealed criminal history record information, to state criminal history record repositories for noncriminal justice purposes allowed by federal statute, federal executive order or a state statute that has been approved by the Attorney General to ensure that the state statute explicitly authorizes national indices checks.

[ 2001, c. 372, §3 (NEW) . ]

**2. Release by FBI and state criminal history record repositories to other agencies.** The FBI, to the extent authorized by the Privacy Act of 1974, 5 United States Code, Section 552a and state criminal history record repositories, shall provide criminal history records, excluding sealed criminal history record information, to criminal justice agencies and other governmental or nongovernmental agencies for noncriminal justice purposes allowed by federal statute, federal executive order or a state statute that has been approved by the Attorney General to ensure that the state statute explicitly authorizes national indices checks.

[ 2001, c. 372, §3 (NEW) . ]

**3. Use for official purposes.** Any criminal history record obtained under this compact may be used only for the official purposes for which the criminal history record was requested. Each compact officer shall establish procedures, consistent with this compact and with rules, procedures and standards established by the council under section 1707, that protect the accuracy and privacy of the criminal history records and:

A. Ensure that criminal history records obtained under this compact are used only by authorized officials for authorized purposes; [2001, c. 372, §3 (NEW) . ]

B. Require that subsequent criminal history record checks are requested to obtain current information whenever a new need arises; and [2001, c. 372, §3 (NEW) . ]

C. Ensure that criminal history record entries that may not legally be used for a particular noncriminal justice purpose are deleted from the response and, if no information authorized for release remains, an appropriate "no record" response is communicated to the requesting official. [2001, c. 372, §3 (NEW) . ]

[ 2001, c. 372, §3 (NEW) . ]

#### SECTION HISTORY

2001, c. 372, §3 (NEW) .

## §1706. CRIMINAL HISTORY RECORD REQUEST PROCEDURES

**1. Positive identification.** Subject fingerprints or other approved forms of positive identification must be submitted with all requests for criminal history record checks for noncriminal justice purposes.

[ 2001, c. 372, §3 (NEW) . ]

**2. Interstate request.** Each request for a criminal history record check utilizing the national indices made under any approved state statute must be submitted through that state's criminal history record repository. A state criminal history record repository shall process an interstate request for noncriminal justice purposes through the national indices only if the request is transmitted through another state criminal history record repository or the FBI.

[ 2001, c. 372, §3 (NEW) . ]

**3. Federal agency request.** Each request for criminal history record checks utilizing the national indices made under federal authority must be submitted through the FBI or, if the state criminal history record repository consents to process fingerprint submissions, through the criminal history record repository in the state in which the request originated. Direct access to the national identification index by entities other than the FBI and state criminal history record repositories may not be permitted for noncriminal justice purposes.

[ 2001, c. 372, §3 (NEW) . ]

**4. Fee.** A state criminal history record repository or the FBI:

A. May charge a fee, in accordance with applicable law, for handling a request involving fingerprint processing for noncriminal justice purposes; and [ 2001, c. 372, §3 (NEW) . ]

B. May not charge a fee for providing criminal history records in response to an electronic request for a record that does not involve a request to process fingerprints. [ 2001, c. 372, §3 (NEW) . ]

[ 2001, c. 372, §3 (NEW) . ]

**5. Procedure; unable to identify.** If a state criminal history record repository can not positively identify the subject of a record request made for noncriminal justice purposes, the request, together with fingerprints or other approved identifying information, must be forwarded to the FBI for a search of the national indices. If, with respect to a request forwarded by a state criminal history record repository under subsection 3, the FBI positively identifies the subject as having a III system-indexed record or records:

A. The FBI shall so advise the state criminal history record repository; and [ 2001, c. 372, §3 (NEW) . ]

B. The state criminal history record repository is entitled to obtain the additional criminal history record information from the FBI or other state criminal history record repositories. [ 2001, c. 372, §3 (NEW) . ]

[ 2001, c. 372, §3 (NEW) . ]

#### SECTION HISTORY

2001, c. 372, §3 (NEW).

## §1707. ESTABLISHMENT OF COMPACT COUNCIL

**1. Compact council.** There is established a compact council that has the authority to promulgate rules and procedures governing the use of the III system for noncriminal justice purposes, not to conflict with FBI administration of the III system for criminal justice purposes. The council is located for administrative purposes within the FBI and continues in existence as long as this compact remains in effect. The council shall hold its first meeting as soon as practicable after the effective date of this compact.

[ 2001, c. 372, §3 (NEW) . ]

**2. Membership.** The council is comprised of 15 members, each of whom must be appointed by the Attorney General, as follows:

A. Nine members, each of whom shall serve a 2-year term and who must be selected from among the compact officers of party states based on the recommendation of the compact officers of all party states, except that in the absence of the requisite number of compact officers available to serve, the chief administrators of the criminal history record repositories of nonparty states are eligible to serve on an interim basis; [2001, c. 372, §3 (NEW).]

B. Two at-large members, nominated by the Director of the FBI, each of whom shall serve a 3-year term and:

(1) One of whom must be a representative of the criminal justice agencies of the Federal Government and may not be an employee of the FBI; and

(2) One of whom must be a representative of the noncriminal justice agencies of the Federal Government; [2001, c. 372, §3 (NEW).]

C. Two at-large members, nominated by the chair of the council once the chair is elected pursuant to subsection 3, each of whom shall serve a 3-year term and:

(1) One of whom must be a representative of state or local criminal justice agencies; and

(2) One of whom must be a representative of state or local noncriminal justice agencies; [2001, c. 372, §3 (NEW).]

D. One member who serves a 3-year term and who is simultaneously a member of the FBI's advisory policy board on criminal justice information services, nominated by the membership of that policy board; and [2001, c. 372, §3 (NEW).]

E. One member, nominated by the Director of the FBI, who serves a 3-year term and who is an employee of the FBI. [2001, c. 372, §3 (NEW).]

[2001, c. 372, §3 (NEW).]

**3. Chair.** From its membership, the council shall elect a chair and a vice-chair, who shall serve as chair in the absence of the chair, of the council. Both the chair and vice-chair of the council:

A. Must be compact officers, unless there is no compact officer on the council who is willing to serve, in which case the chair may be an at-large member; and [2001, c. 372, §3 (NEW).]

B. Serve 2-year terms and may be reelected to only one additional 2-year term. [2001, c. 372, §3 (NEW).]

[2001, c. 372, §3 (NEW).]

**4. Meetings.** The council shall meet at least once each year at the call of the chair. Each meeting of the council must be open to the public. The council shall provide prior public notice in the Federal Register of each meeting of the council, including the matters to be addressed at the meeting. A majority of the council or any committee of the council constitutes a quorum of the council or of a committee, respectively, for the conduct of business. A lesser number may meet to hold hearings, take testimony or conduct any business not requiring a vote.

[2001, c. 372, §3 (NEW).]

**5. Rules.** The council shall make available for public inspection and copying at the council office within the FBI and shall publish in the Federal Register any rules, procedures or standards established by the council.

[2001, c. 372, §3 (NEW).]

**6. FBI assistance.** The council may request from the FBI reports, studies, statistics or other information or materials that the council determines to be necessary to enable the council to perform its duties under this compact. The FBI, to the extent authorized by law, may provide assistance or information upon a request.

[ 2001, c. 372, §3 (NEW) .]

**7. Committees.** The chair may establish committees as necessary to carry out this compact and may prescribe the committees' membership, responsibilities and duration.

[ 2001, c. 372, §3 (NEW) .]

#### SECTION HISTORY

2001, c. 372, §3 (NEW).

## §1708. RATIFICATION OF COMPACT

This compact takes effect upon being entered into by 2 or more states as between those states and the Federal Government. When additional states subsequently enter into this compact, it becomes effective among those states and the Federal Government and each party state that has previously ratified the compact. When ratified, this compact has the full force and effect of law within the ratifying jurisdictions. The form of ratification must be in accordance with the laws of the ratifying state. [2001, c. 372, §3 (NEW) .]

#### SECTION HISTORY

2001, c. 372, §3 (NEW).

## §1709. MISCELLANEOUS PROVISIONS

**1. FBI authority.** Administration of this compact may not interfere with the management and control of the Director of the FBI over the FBI's collection and dissemination of criminal history records and the advisory function of the FBI's advisory policy board chartered under the Federal Advisory Committee Act, 5 United States Code, Appx. I, for all purposes other than noncriminal justice.

[ 2001, c. 372, §3 (NEW) .]

**2. FBI expenditure of funds.** This compact does not require the FBI to obligate or expend funds beyond those appropriated to the FBI.

[ 2001, c. 372, §3 (NEW) .]

**3. State authority.** This compact does not diminish or lessen the obligations, responsibilities or authorities of any state, whether a party state or a nonparty state, or of any criminal history record repository or other subdivision or component thereof, under the federal Departments of State, Justice, and Commerce, the Judiciary and Related Agencies Appropriation Act, 1973, Public Law 92-544, or regulations and guidelines promulgated thereunder, including the rules and procedures promulgated by the council under section 1707, regarding the use and dissemination of criminal history records and information.

[ 2001, c. 372, §3 (NEW) .]

#### SECTION HISTORY

2001, c. 372, §3 (NEW).

## §1710. RENUNCIATION

This compact binds each party state until renounced by the party state. Any renunciation of this compact by a party state must: [2001, c. 372, §3 (NEW) .]

**1. How effected.** Be effected in the same manner by which the party state ratified this compact; and

[ 2001, c. 372, §3 (NEW) .]

**2. Notice.** Become effective 180 days after written notice of renunciation is provided by the party state to each other party state and to the Federal Government.

[ 2001, c. 372, §3 (NEW) .]

#### SECTION HISTORY

2001, c. 372, §3 (NEW) .

## §1711. ADJUDICATION OF DISPUTES

**1. Dispute resolution.** The council:

A. Has initial authority to make determinations with respect to any dispute regarding:

- (1) Interpretation of this compact;
- (2) Any rule or standard established by the council pursuant to section 1707; and
- (3) Any dispute or controversy between any parties to this compact; and [ 2001, c. 372, §3 (NEW) .]

B. Shall hold a hearing concerning any dispute described in paragraph A at a regularly scheduled meeting of the council and only render a decision based upon a majority vote of the members of the council. The decision must be published pursuant to the requirements of section 1707, subsection 5. [ 2001, c. 372, §3 (NEW) .]

[ 2001, c. 372, §3 (NEW) .]

**2. III system.** The FBI shall exercise immediate and necessary action to preserve the integrity of the III system, maintain system policy and standards, protect the accuracy and privacy of criminal history records and prevent abuses until the council holds a hearing on the disputes pursuant to subsection 1.

[ 2001, c. 372, §3 (NEW) .]

**3. Appeal process.** The FBI or a party state may appeal any decision of the council to the Attorney General and after that appeal may file suit in the appropriate district court of the United States that has original jurisdiction of all cases or controversies arising under this compact. Any suit arising under this compact and initiated in a state court must be removed to the appropriate district court of the United States in the manner provided in 28 United States Code, Section 1446 or other statutory authority.

[ 2001, c. 372, §3 (NEW) .]

#### SECTION HISTORY

2001, c. 372, §3 (NEW) .



## Part 5: PUBLIC SAFETY

### Chapter 251: TRAMWAYS

#### Subchapter 1: GENERAL PROVISIONS

##### **§1901. DECLARATION OF POLICY**

*(REPEALED)*

SECTION HISTORY

1977, c. 543, §2 (RP).

##### **§1902. DEFINITIONS**

*(REPEALED)*

SECTION HISTORY

1973, c. 625, §167 (AMD). 1977, c. 543, §2 (RP).

##### **§1903. APPLICATION OF PROVISIONS**

*(REPEALED)*

SECTION HISTORY

1977, c. 543, §2 (RP).

##### **§1904. PROVISIONS IN LIEU OF OTHERS**

*(REPEALED)*

SECTION HISTORY

1973, c. 788, §110 (AMD). 1977, c. 543, §2 (RP).

##### **§1905. PENALTY**

*(REPEALED)*

SECTION HISTORY

1977, c. 543, §2 (RP).

#### Subchapter 2: SAFETY BOARD

##### **§1941. MEMBERSHIP**

*(REPEALED)*

SECTION HISTORY

1977, c. 78, §160 (AMD). 1977, c. 543, §2 (RP).

##### **§1942. TERM OF OFFICE**

*(REPEALED)*

SECTION HISTORY

1977, c. 543, §2 (RP).

**§1943. COMPENSATION***(REPEALED)*

## SECTION HISTORY

1977, c. 543, §2 (RP).

**§1944. EXPENDITURE OF FUNDS***(REPEALED)*

## SECTION HISTORY

1977, c. 543, §2 (RP).

**§1945. RULES, REGULATIONS AND CODES***(REPEALED)*

## SECTION HISTORY

1977, c. 543, §2 (RP).

**§1946. INSPECTIONS***(REPEALED)*

## SECTION HISTORY

1977, c. 543, §2 (RP).

**§1947. -COSTS PAID BY OPERATORS***(REPEALED)*

## SECTION HISTORY

1971, c. 573, (AMD). 1973, c. 79, §1 (AMD). 1977, c. 543, §2 (RP).

**§1948. INSPECTION REPORTS***(REPEALED)*

## SECTION HISTORY

1977, c. 543, §2 (RP).

**§1949. INVESTIGATION OF COMPLAINTS***(REPEALED)*

## SECTION HISTORY

1977, c. 543, §2 (RP).

**§1950. DISPOSAL OF FEES***(REPEALED)*

## SECTION HISTORY

1977, c. 543, §2 (RP).

**§1951. EMERGENCY SHUTDOWNS***(REPEALED)*

## SECTION HISTORY

1977, c. 543, §2 (RP).

**§1952. ORDERS**

*(REPEALED)*

## SECTION HISTORY

1977, c. 543, §2 (RP).

**§1953. FORBIDDING OPERATION**

*(REPEALED)*

## SECTION HISTORY

1977, c. 543, §2 (RP).

**§1954. HEARINGS**

*(REPEALED)*

## SECTION HISTORY

1977, c. 543, §2 (RP).

**Subchapter 3: REGISTRATION****§1991. REGISTRATION REQUIRED**

*(REPEALED)*

## SECTION HISTORY

1977, c. 543, §2 (RP).

**§1992. APPLICATION**

*(REPEALED)*

## SECTION HISTORY

1977, c. 543, §2 (RP).

**§1993. FEES**

*(REPEALED)*

## SECTION HISTORY

1977, c. 543, §2 (RP).

**§1994. CERTIFICATE**

*(REPEALED)*

## SECTION HISTORY

1973, c. 79, §2 (AMD). 1977, c. 543, §2 (RP).

**§1995. SUSPENSION OF REGISTRATION**

*(REPEALED)*

## SECTION HISTORY

1977, c. 543, §2 (RP).

**§1996. DUTIES OF SKIERS; ACTS PROHIBITED**

*(REPEALED)*

## SECTION HISTORY

1975, c. 154, (NEW). 1977, c. 543, §2 (RP).

**§1997. PENALTIES**

*(REPEALED)*

## SECTION HISTORY

1975, c. 154, (NEW). 1977, c. 543, §2 (RP).

**Chapter 252: PERMITS TO CARRY CONCEALED HANDGUNS****§2001. THREATENING DISPLAY OF OR CARRYING A CONCEALED WEAPON**

*(REPEALED)*

## SECTION HISTORY

1985, c. 478, §2 (NEW). 1987, c. 602, §1 (AMD). 1989, c. 917, §§3-6 (AMD). 1997, c. 360, §1 (AMD). 2001, c. 459, §§1,2 (AMD). 2003, c. 414, §§B36,37 (AMD). 2003, c. 414, §D7 (AFF). 2003, c. 452, §X2 (AFF). 2003, c. 452, §N1 (RP). 2003, c. 614, §9 (AFF). 2007, c. 695, Pt. A, §31 (RP).

**§2001-A. THREATENING DISPLAY OF OR CARRYING CONCEALED WEAPON**

**1. Display or carrying prohibited.** A person may not, unless excepted by a provision of law:

A. Display in a threatening manner a firearm, slungshot, knuckles, bowie knife, dirk, stiletto or other dangerous or deadly weapon usually employed in the attack on or defense of a person; or [2003, c. 452, Pt. N, §2 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. Wear under the person's clothes or conceal about the person's person a firearm, slungshot, knuckles, bowie knife, dirk, stiletto or other dangerous or deadly weapon usually employed in the attack on or defense of a person. [2003, c. 452, Pt. N, §2 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. N, §2 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Exceptions.** The provisions of this section concerning the carrying of concealed weapons do not apply to:

A. A handgun carried by a person to whom a valid permit to carry a concealed handgun has been issued as provided in this chapter; [2011, c. 691, Pt. A, §24 (RPR).]

A-1. A handgun carried by a person who is 21 years of age or older and is not otherwise prohibited from carrying a firearm or is 18 years of age or older and under 21 years of age and is on active duty in the Armed Forces of the United States or the National Guard or is an honorably discharged veteran of the Armed Forces of the United States or the National Guard and is not otherwise prohibited from carrying a firearm; [2015, c. 327, §2 (NEW).]

B. Disabling chemicals as described in Title 17-A, section 1002; [2011, c. 691, Pt. A, §24 (RPR).]

C. Knives used to hunt, fish or trap as defined in Title 12, section 10001; [2011, c. 691, Pt. A, §24 (RPR).]

D. A handgun carried by a law enforcement officer, a corrections officer or a corrections supervisor as permitted in writing by the officer's or supervisor's employer; [2011, c. 691, Pt. A, §24 (RPR).]

E. A firearm carried by a person engaged in conduct for which a state-issued hunting or trapping license is required and possessing the required license, or a firearm carried by a resident person engaged in conduct expressly authorized by Title 12, section 11108 and section 12202, subsection 1. This paragraph does not authorize or permit the carrying of a concealed or loaded firearm in a motor vehicle; [2011, c. 691, Pt. A, §24 (RPR).]

F. A handgun carried by a person to whom a valid permit to carry a concealed handgun has been issued by that person's state of residence if that person's state of residence honors a permit to carry a concealed handgun issued under this chapter; [2015, c. 144, §1 (RPR).]

G. A handgun carried by an authorized federal, state or local law enforcement officer in the performance of the officer's official duties; [2011, c. 691, Pt. A, §24 (RPR).]

H. A handgun carried by a qualified law enforcement officer pursuant to 18 United States Code, Section 926B. The qualified law enforcement officer must have in the law enforcement officer's possession photographic identification issued by the law enforcement agency by which the person is employed as a law enforcement officer; and [2011, c. 691, Pt. A, §24 (RPR).]

I. A handgun carried by a qualified retired law enforcement officer pursuant to 18 United States Code, Section 926C. The qualified retired law enforcement officer must have in the retired law enforcement officer's possession:

(1) Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer that indicates that the person has, not less recently than one year before the date the person carries the concealed handgun, been tested or otherwise found by that agency to meet the standards established by that agency for training and qualification for an active law enforcement officer to carry a handgun of the same type as the concealed handgun; or

(2) Photographic identification issued by the law enforcement agency from which the person retired from service as a law enforcement officer and a certification issued by the state in which the person resides that indicates that the person has, not less recently than one year before the date the person carries the concealed handgun, been tested or otherwise found by that state to meet the standards established by that state for training and qualification for an active law enforcement officer to carry a handgun of the same type as the concealed handgun. [2011, c. 691, Pt. A, §24 (RPR).]

[2007, c. 555, §1 (AMD); 2011, c. 298, §§4, 5 (AMD); 2011, c. 396, §§1-3 (AMD); 2015, c. 144, §1 (AMD); 2015, c. 327, §2 (AMD).]

**3. Firearm safety brochure.** Upon purchase of a handgun, a person exempt under subsection 2, paragraph A-1 shall sign in the presence of the firearm dealer an acknowledgment that the person was provided a basic firearm safety brochure in accordance with section 2012, subsection 2, paragraph A. The purchaser shall retain the acknowledgment. The Department of Public Safety shall post on the department's

publicly accessible website a basic firearm safety brochure, an acknowledgment form and a list of safety programs certified by a national nonprofit membership organization that provides a volunteer safety program, including the training of people in the safe handling and use of handguns.

[ 2015, c. 327, §3 (NEW) .]

#### SECTION HISTORY

2003, c. 452, §N2 (NEW). 2003, c. 452, §X2 (AFF). 2005, c. 488, §7 (AMD). 2007, c. 555, §1 (AMD). 2011, c. 298, §§4, 5 (AMD). 2011, c. 394, §3 (AMD). 2011, c. 396, §§1-3 (AMD). 2011, c. 691, Pt. A, §24 (AMD). 2015, c. 144, §1 (AMD). 2015, c. 327, §§2, 3 (AMD).

## §2002. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1985, c. 478, §2 (NEW).]

**1. Corrections officer.** "Corrections officer" has the same meaning as set forth in section 2801-A, subsection 2.

[ 2013, c. 147, §3 (AMD) .]

**1-A. Conviction.** "Conviction" means the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty, or the equivalent in a juvenile case, by a court of competent jurisdiction.

[ 2003, c. 341, §1 (NEW) .]

**1-B. Corrections supervisor.** "Corrections supervisor" has the same meaning as set forth in Title 17-A, section 2, subsection 5-B.

[ 2005, c. 2, §21 (COR) .]

**2. Dependency-related drug.** "Dependency-related drug" has the same meaning as set forth in Title 5, section 20003, subsection 7.

[ 1993, c. 524, §1 (AMD) .]

**3. Drug user.** "Drug user" has the same meaning as set forth in Title 5, section 20003, subsection 10.

[ 2017, c. 407, Pt. A, §100 (AMD) .]

**4. Person with substance use disorder.** "Person with substance use disorder" has the same meaning as set forth in Title 5, section 20003, subsection 17-A.

[ 2017, c. 407, Pt. A, §100 (AMD) .]

**5. Drug-dependent person.**

[ 2017, c. 407, Pt. A, §101 (RP) .]

**6. Firearm.** "Firearm" has the same meaning as set forth in Title 17-A, section 2, subsection 12-A.

[ 1985, c. 478, §2 (NEW) .]

**7. Formal charging instrument.** "Formal charging instrument" means a complaint, indictment, information, juvenile petition or other formal written accusation against a person for some criminal or juvenile offense.

[ 1985, c. 478, §2 (NEW) . ]

**8. Fugitive from justice.** "Fugitive from justice" has the same meaning as set forth in Title 15, section 201, subsection 4.

[ 1985, c. 478, §2 (NEW) . ]

**8-A. Handgun.** "Handgun" means a type of firearm commonly referred to as a pistol or revolver originally designed to be fired by the use of a single hand and that is designed to fire or is capable of firing fixed cartridge ammunition. "Handgun" does not include a shotgun or rifle that has been altered by having its stock or barrel cut or shortened or an automatic firearm that may be held with a single hand.

[ 2011, c. 298, §6 (NEW) . ]

**9. Issuing authority.** "Issuing authority" means the following:

A. To a legal resident of a municipality:

(1) The mayor and municipal officers or councilors of a city, the municipal officers or councilors of a town or the assessors of a plantation or, if they so choose, their full-time chief of police as their designee; or

(2) The Chief of the State Police as the designee of the municipal officers under section 2002-A; [1993, c. 524, §2 (NEW) . ]

B. To a resident of an unorganized territory:

(1) The Chief of the State Police; [1997, c. 360, §2 (AMD) . ]

C. To a nonresident:

(1) The Chief of the State Police; and [1997, c. 360, §2 (AMD) . ]

D. To a professional investigator licensed under Title 32, chapter 89:

(1) The Chief of the State Police. [2011, c. 366, §5 (AMD) . ]

[ 2011, c. 366, §5 (AMD) . ]

**10. Law enforcement officer.** "Law enforcement officer" has the same meaning as set forth in Title 17-A, section 2, subsection 17.

[ 1985, c. 478, §2 (NEW) . ]

**10-A. Not criminally responsible by reason of mental disease or defect.** "Not criminally responsible by reason of mental disease or defect" has the same meaning as used in Title 17-A, section 39 and includes the former finding in this State under former provisions of Title 15, section 103 of "not guilty by reason of mental disease or defect excluding responsibility" as well as any comparable finding under the laws of the United States or any other state.

[ 2003, c. 341, §2 (NEW) . ]

**11. Reckless or negligent conduct.** "Reckless or negligent conduct" means that the applicant, either consciously disregarding or failing to be aware of a risk that his conduct would cause such a result, engaged in conduct which in fact created a substantial risk of death, serious bodily injury or bodily injury to another

human being and the applicant's disregard or failure to be aware of that risk, when viewed in light of the nature and purpose of the applicant's conduct and the circumstances known to him, involved a deviation from the standard of conduct that a reasonable and prudent person would observe in the same situation.

[ 1985, c. 478, §2 (NEW) .]

**12. Bodily injury.** "Bodily injury" has the same meaning as set forth in Title 17-A, section 2, subsection 5.

[ 1993, c. 524, §3 (NEW) .]

**13. State and state.** "State" means the State of Maine and "state" means any other state of the United States and includes the District of Columbia, the Commonwealth of Puerto Rico and the possessions of the United States.

[ 2003, c. 341, §2 (NEW) .]

**14. Use of a dangerous weapon.** "Use of a dangerous weapon" has the same meaning as in Title 17-A, section 2, subsection 9, paragraph A.

[ 2003, c. 341, §2 (NEW) .]

#### SECTION HISTORY

1985, c. 478, §2 (NEW). 1989, c. 917, §7 (AMD). 1993, c. 524, §§1-3 (AMD). 1997, c. 360, §§2,3 (AMD). 2003, c. 341, §§1,2 (AMD). RR 2005, c. 2, §21 (COR). 2005, c. 488, §8 (AMD). 2011, c. 298, §6 (AMD). 2011, c. 366, §5 (AMD). 2013, c. 147, §3 (AMD). 2017, c. 407, Pt. A, §§100, 101 (AMD).

## §2002-A. ASSIGNMENT OF AUTHORITY

The municipal officers of a municipality without a full-time chief of police may designate, if the Chief of the State Police agrees, the State Police as the issuing authority for that municipality. The designation must be made by written agreement with the Chief of the State Police. The agreement must include provisions for termination of the agreement. During the term of an agreement, the State Police shall perform all the functions of the issuing authority, including suspension and revocation of permits. The State Police are entitled to receive any fees authorized for performing the functions of an issuing authority. The Chief of the State Police continues to serve as the issuing authority until the chief receives from the municipal officers written notice of cancellation or revocation of the designation. [1993, c. 524, §4 (AMD).]

#### SECTION HISTORY

1991, c. 440, (NEW). 1993, c. 340, §1 (AMD). 1993, c. 524, §4 (AMD).

## §2003. PERMITS TO CARRY CONCEALED HANDGUNS

*(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)*

**1. Criteria for issuing permit.** The issuing authority shall, upon written application, issue a permit to carry concealed handguns to an applicant over whom it has issuing authority and who has demonstrated good moral character and who meets the following requirements:

A. Is 18 years of age or older; [1985, c. 478, §2 (NEW).]

B. Is not disqualified to possess a firearm pursuant to Title 15, section 393, is not disqualified as a permit holder under that same section and is not disqualified to possess a firearm based on federal law as a result of a criminal conviction; [2011, c. 298, §7 (AMD).]



C. [1993, c. 368, §4 (RP).]

D. Submits an application that contains the following:

- (1) Full name;
- (2) Full current address and addresses for the prior 5 years;
- (3) The date and place of birth, height, weight, color of eyes, color of hair, sex and race;
- (4) A record of previous issuances of, refusals to issue and revocations of a permit to carry concealed firearms, handguns or other concealed weapons by any issuing authority in the State or any other jurisdiction. The record of previous refusals alone does not constitute cause for refusal and the record of previous revocations alone constitutes cause for refusal only as provided in section 2005; and
- (5) Answers to the following questions:
  - (a) Are you less than 18 years of age?
  - (b) Is there a formal charging instrument now pending against you in this State for a crime under the laws of this State that is punishable by imprisonment for a term of one year or more?
  - (c) Is there a formal charging instrument now pending against you in any federal court for a crime under the laws of the United States that is punishable by imprisonment for a term exceeding one year?
  - (d) Is there a formal charging instrument now pending against you in another state for a crime that, under the laws of that state, is punishable by a term of imprisonment exceeding one year?
  - (e) If your answer to the question in division (d) is "yes," is that charged crime classified under the laws of that state as a misdemeanor punishable by a term of imprisonment of 2 years or less?
  - (f) Is there a formal charging instrument pending against you in another state for a crime punishable in that state by a term of imprisonment of 2 years or less and classified by that state as a misdemeanor, but that is substantially similar to a crime that under the laws of this State is punishable by imprisonment for a term of one year or more?
  - (g) Is there a formal charging instrument now pending against you under the laws of the United States, this State or any other state or the Passamaquoddy Tribe or Penobscot Nation in a proceeding in which the prosecuting authority has pleaded that you committed the crime with the use of a firearm against a person or with the use of a dangerous weapon as defined in Title 17-A, section 2, subsection 9, paragraph A?
  - (h) Is there a formal charging instrument now pending against you in this or any other jurisdiction for a juvenile offense that, if committed by an adult, would be a crime described in division (b), (c), (d) or (f) and involves bodily injury or threatened bodily injury against another person?
  - (i) Is there a formal charging instrument now pending against you in this or any other jurisdiction for a juvenile offense that, if committed by an adult, would be a crime described in division (g)?
  - (j) Is there a formal charging instrument now pending against you in this or any other jurisdiction for a juvenile offense that, if committed by an adult, would be a crime described in division (b), (c), (d) or (f), but does not involve bodily injury or threatened bodily injury against another person?
  - (k) Have you ever been convicted of committing or found not criminally responsible by reason of mental disease or defect of committing a crime described in division (b), (c), (f) or (g)?
  - (l) Have you ever been convicted of committing or found not criminally responsible by reason of mental disease or defect of committing a crime described in division (d)?

- (m) If your answer to the question in division (l) is "yes," was that crime classified under the laws of that state as a misdemeanor punishable by a term of imprisonment of 2 years or less?
- (n) Have you ever been adjudicated as having committed a juvenile offense described in division (h) or (i)?
- (o) Have you ever been adjudicated as having committed a juvenile offense described in division (j)?
- (p) Are you currently subject to an order of a Maine court or an order of a court of the United States or another state, territory, commonwealth or tribe that restrains you from harassing, stalking or threatening your intimate partner, as defined in 18 United States Code, Section 921(a), or a child of your intimate partner, or from engaging in other conduct that would place your intimate partner in reasonable fear of bodily injury to that intimate partner or the child?
- (q) Are you a fugitive from justice?
- (r) Are you a drug user or a person with substance use disorder?
- (s) Do you have a mental disorder that causes you to be potentially dangerous to yourself or others?
- (t) (TEXT EFFECTIVE UNTIL 7/1/19) Have you been adjudicated to be an incapacitated person pursuant to Title 18-A, Article 5, Parts 3 and 4 and not had that designation removed by an order under Title 18-A, section 5-307, subsection (b)?
- (t) (TEXT EFFECTIVE 7/1/19) Do you currently have a guardian or conservator who was appointed for you under Title 18-C, Article 5, Part 3 or 4?
- (u) Have you been dishonorably discharged from the military forces within the past 5 years?
- (v) Are you an illegal alien?
- (w) Have you been convicted in a Maine court of a violation of Title 17-A, section 1057 within the past 5 years?
- (x) Have you been adjudicated in a Maine court within the past 5 years as having committed a juvenile offense involving conduct that, if committed by an adult, would be a violation of Title 17-A, section 1057?
- (y) To your knowledge, have you been the subject of an investigation by any law enforcement agency within the past 5 years regarding the alleged abuse by you of family or household members?
- (z) Have you been convicted in any jurisdiction within the past 5 years of 3 or more crimes punishable by a term of imprisonment of less than one year or of crimes classified under the laws of a state as a misdemeanor and punishable by a term of imprisonment of 2 years or less?
- (aa) Have you been adjudicated in any jurisdiction within the past 5 years to have committed 3 or more juvenile offenses described in division (o)?
- (bb) To your knowledge, have you engaged within the past 5 years in reckless or negligent conduct that has been the subject of an investigation by a governmental entity?
- (cc) Have you been convicted in a Maine court within the past 5 years of any Title 17-A, chapter 45 drug crime?
- (dd) Have you been adjudicated in a Maine court within the past 5 years as having committed a juvenile offense involving conduct that, if committed by an adult, would have been a violation of Title 17 A, chapter 45?
- (ee) Have you been adjudged in a Maine court to have committed the civil violation of possession of a useable amount of marijuana, butyl nitrite or isobutyl nitrite in violation of Title 22, section 2383 within the past 5 years?

(ff) Have you been adjudicated in a Maine court within the past 5 years as having committed the juvenile crime defined in Title 15, section 3103, subsection 1, paragraph B of possession of a useable amount of marijuana, as provided in Title 22, section 2383?; and [ . ]

[PL 2017, c. 407, Pt. A, § 102 (AMD).]

E. Does the following:

- (1) At the request of the issuing authority, takes whatever action is required by law to allow the issuing authority to obtain from the Department of Health and Human Services, limited to records of patient committals to Riverview Psychiatric Center and Dorothea Dix Psychiatric Center, the courts, law enforcement agencies and the military information relevant to the following:
  - (a) The ascertainment of whether the information supplied on the application or any documents made a part of the application is true and correct;
  - (b) The ascertainment of whether each of the additional requirements of this section has been met; and
  - (c) Section 2005;
- (2) If a photograph is an integral part of the permit to carry concealed handguns adopted by an issuing authority, submits to being photographed for that purpose;
- (3) If it becomes necessary to resolve any questions as to identity, submits to having fingerprints taken by the issuing authority;
- (4) Submits an application fee along with the written application to the proper issuing authority pursuant to the following schedule:
  - (a) Resident of a municipality or unorganized territory, \$35 for an original application and \$20 for a renewal, except that a person who paid \$60 for a concealed firearms permit or renewal during 1991 or 1992 is entitled to a credit toward renewal fees in an amount equal to \$30 for a person who paid \$60 for an original application and \$45 for a person who paid \$60 for a permit renewal. The credit is valid until fully utilized; and
  - (b) Nonresident, \$60 for an original or renewal application; and
- (5) Demonstrates to the issuing authority a knowledge of handgun safety. The applicant may fully satisfy this requirement by submitting to the issuing authority, through documentation in accordance with this subparagraph, proof that the applicant has within 5 years prior to the date of application completed a course that included handgun safety offered by or under the supervision of a federal, state, county or municipal law enforcement agency or a firearms instructor certified by a private firearms association recognized as knowledgeable in matters of handgun safety by the issuing authority or by the state in which the course was taken. A course completion certificate or other document, or a photocopy, is sufficient if it recites or otherwise demonstrates that the course meets all of the requirements of this subparagraph.

As an alternative way of fully satisfying this requirement, an applicant may personally demonstrate knowledge of handgun safety to an issuing authority, if the issuing authority is willing to evaluate an applicant's personal demonstration of such knowledge. The issuing authority is not required to offer this 2nd option.

The demonstration of knowledge of handgun safety to the issuing authority may not be required of any applicant who holds a valid state permit to carry a concealed firearm as of April 15, 1990 or of any applicant who was or is in any of the Armed Forces of the United States and has received at least basic firearms training. [ 2011, c. 298, §7 (AMD) . ]

[ 2007, c. 194, §5 (AMD); 2017, c. 402, Pt. C, §79 (AMD); 2017, c. 402, Pt. F, §1 (AFF); 2017, c. 407, Pt. A, §102 (AMD) . ]

**2. Complete application; certification by applicant.** The requirements set out in subsection 1, constitute a complete application. By affixing the applicant's signature to the application, the applicant certifies the following:

A. That the statements the applicant makes in the application and any documents the applicant makes a part of the application are true and correct; [1993, c. 524, §9 (AMD).]

A-1. That the applicant understands that an affirmative answer to the question in subsection 1, paragraph D, subparagraph (5), division (l) or (o) is cause for refusal unless the applicant is nonetheless authorized to possess a firearm under Title 15, section 393; [2003, c. 341, §5 (AMD).]

A-2. That the applicant understands that an affirmative answer to subsection 1, paragraph D, subparagraph (5), division (p) is cause for refusal if the order of the court meets the preconditions contained in Title 15, section 393, subsection 1, paragraph D. If the order of the court does not meet the preconditions, the conduct underlying the order may be used by the issuing authority, along with other information, in judging good moral character under subsection 4; [2003, c. 341, §6 (NEW).]

B. That the applicant understands that an affirmative answer to one or more of the questions in subsection 1, paragraph D, subparagraph (5), divisions (a), (k), (n) or (q) to (x) is cause for refusal; [2003, c. 341, §7 (AMD).]

B-1. That the applicant understands that an affirmative answer to one or more of the questions in subsection 1, paragraph D, subparagraph (5), divisions (b) to (j), (m), (y), (z) or (aa) to (ff) is used by the issuing authority, along with other information, in judging good moral character under subsection 4; and [2003, c. 341, §8 (AMD).]

C. That the applicant understands any false statements made in the application or in any document made a part of the application may result in prosecution as provided in section 2004. [1993, c. 524, §9 (AMD).]

[ 2003, c. 341, §§5-8 (AMD) .]

**3. Copy of laws furnished to applicant.** A copy of this chapter and the definitions from other chapters that are used in this chapter must be provided to every applicant.

[ 2011, c. 298, §7 (AMD) .]

**3-A. Model forms.** The Attorney General shall develop model forms for the following:

A. An application for a resident permit to carry concealed handguns; [2011, c. 298, §7 (AMD).]

B. An application for a nonresident permit to carry concealed handguns; [2011, c. 298, §7 (AMD).]

C. A resident permit to carry concealed handguns of which a photograph is an integral part; [2011, c. 298, §7 (AMD).]

D. A resident permit to carry concealed handguns of which a photograph is not an integral part; [2011, c. 298, §7 (AMD).]

E. A nonresident permit to carry concealed handguns; and [2011, c. 298, §7 (AMD).]

F. Authority to release information to the issuing authority for the purpose of evaluating information supplied on the application. [1989, c. 917, §12 (NEW).]

Each issuing authority shall utilize only the model forms.

[ 2011, c. 298, §7 (AMD) .]

**4. Good moral character.** The issuing authority in judging good moral character shall make its determination in writing based solely upon information recorded by governmental entities within 5 years of receipt of the application, including, but not limited to, the following matters:

A. Information of record relative to incidents of abuse by the applicant of family or household members, provided pursuant to Title 19-A, section 4012, subsection 1; [1995, c. 694, Pt. D, §51 (AMD); 1995, c. 694, Pt. E, §2 (AFF).]

B. Information of record relative to 3 or more convictions of the applicant for crimes punishable by less than one year imprisonment or one or more adjudications of the applicant for juvenile offenses involving conduct that, if committed by an adult, is punishable by less than one year imprisonment; [1989, c. 924, §14 (AMD).]

C. Information of record indicating that the applicant has engaged in reckless or negligent conduct; or [1989, c. 924, §14 (AMD).]

D. Information of record indicating that the applicant has been convicted of or adjudicated as having committed a violation of Title 17-A, chapter 45 or Title 22, section 2383, or adjudicated as having committed a juvenile crime that is a violation of Title 22, section 2383 or a juvenile crime that would be defined as a criminal violation under Title 17-A, chapter 45 if committed by an adult. [1989, c. 924, §15 (NEW).]

[ 1995, c. 694, Pt. D, §51 (AMD); 1995, c. 694, Pt. E, §2 (AFF) .]

**5. Access to confidential records.** Notwithstanding that certain records retained by governmental entities are by law made confidential, the records pertaining to patient committals to Riverview Psychiatric Center and Dorothea Dix Psychiatric Center, and records compiled pursuant to Title 19-A, section 4012, subsection 1, that are necessary to the issuing authority's determination of the applicant's good moral character and compliance with the additional requirements of this section and of section 2005 must, at the request of the issuing authority, be made available for inspection by and dissemination to the issuing authority.

[ 1995, c. 694, Pt. D, §52 (AMD); 1995, c. 694, Pt. E, §2 (AFF); 2005, c. 236, §§3, 4 (REV) .]

**6. Unorganized territory.**

[ 1993, c. 524, §10 (RP) .]

**7. Nonresident.**

[ 1993, c. 524, §11 (RP) .]

**8. Term of permit.** All concealed handgun permits are valid for 4 years from the date of issue, unless sooner revoked for cause by the issuing authority. If a permit renewal is issued before the expiration date of the permit being renewed or within 6 months of the expiration date of the permit being renewed, the permit renewal is valid for 4 years from the expiration date of the permit being renewed.

[ 2011, c. 298, §7 (AMD) .]

**9. Information contained in permit.** Each permit to carry concealed handguns issued must contain the following: The name, address and physical description of the permit holder; the holder's signature; the date of issuance; and the date of expiration. A permit to carry concealed handguns may additionally contain a photograph of the permit holder if the issuing authority makes a photograph an integral part of the permit to carry concealed handguns.

[ 2011, c. 298, §7 (AMD) .]

**10. Validity of permit throughout the State.** Permits issued authorize the person to carry those concealed handguns throughout the State.

[ 2011, c. 298, §7 (AMD) . ]

**11. Permit to be in permit holder's immediate possession.** Every permit holder, including a nonresident who holds a permit issued by the nonresident's state of residence, shall have the holder's permit in the holder's immediate possession at all times when carrying a concealed handgun and shall display the same on demand of any law enforcement officer. A person charged with violating this subsection may not be adjudicated as having committed a civil violation if that person produces in court the concealed handgun permit that was valid at the time of the issuance of a summons to court or, if the holder exhibits the permit to a law enforcement officer designated by the summoning officer not later than 24 hours before the time set for the court appearance, a complaint may not be issued.

[ 2015, c. 144, §2 (AMD) . ]

**12. Permit for a resident of 5 or more years to be issued or denied within 30 days; permit for a nonresident and resident of less than 5 years to be issued or denied within 60 days.** The issuing authority, as defined in this chapter, shall issue or deny, and reply in writing as to the reason for any denial, within 30 days of the application date in the case of a resident of 5 or more years and within 60 days of the application date in the case of a nonresident or in the case of a resident of less than 5 years. If the issuing authority does not issue or deny a request for a permit renewal within the time limits specified in this subsection, the validity of the expired permit is extended until the issuing authority issues or denies the renewal.

[ 1991, c. 865, §3 (AMD) . ]

**13. Fee waiver.** An issuing authority may waive the permit fee for a permit issued to a law enforcement officer certified by the Maine Criminal Justice Academy.

[ 1991, c. 865, §4 (NEW) . ]

**14. Lapsed permit.** A person may apply for renewal of a permit at the permit renewal rate at any time within 6 months after expiration of a permit. A person who applies for a permit more than 6 months after the expiration date of the permit last issued to that person must submit an original application and pay the original application fee.

[ 1991, c. 865, §5 (NEW) . ]

**15. Duty of issuing authority; application fees.** The application fees submitted by the applicant as required by subsection 1, paragraph E, subparagraph (4) are subject to the following.

A. If the issuing authority is other than the Chief of the State Police, \$25 of the fee for an original application and \$15 of the fee for a renewal must be paid over to the Treasurer of State. [1993, c. 524, §12 (NEW) . ]

B. If the Chief of the State Police is the issuing authority as the designee of a municipality under section 2002-A, \$25 of the fee for an original application and \$15 of the fee for a renewal must be paid over to the Treasurer of State. [1993, c. 524, §12 (NEW) . ]

C. If the Chief of the State Police is the issuing authority because the applicant is a resident of an unorganized territory, a nonresident or an applicant under subsection 18, the application fee must be paid over to the Treasurer of State. The fee must be applied to the expenses of administration incurred by the State Police. [2015, c. 123, §1 (AMD) . ]

[ 2015, c. 123, §1 (AMD) . ]

**16. Application fee; use.** The application fee submitted by the applicant as required by subsection 1, paragraph E, subparagraph (4) covers the cost of processing the application by the issuing authority and the cost of the permit to carry concealed handguns issued by the issuing authority.

[ 2011, c. 298, §7 (AMD) .]

**17. Waiver of law enforcement agency record and background check fees.** Notwithstanding any other provision of law, a law enforcement agency may not charge an issuing authority a fee in association with the law enforcement agency's conducting a concealed handgun permit applicant record check or background check for the issuing authority.

[ 2011, c. 298, §7 (NEW) .]

**18. Certain persons on active duty in United States Armed Forces.** A person on active duty in the United States Armed Forces who qualifies as a resident of the State under the Department of Administrative and Financial Services, Bureau of Revenue Services rules and is otherwise qualified to be issued a permit under this section is eligible for a permit under this section issued by the Chief of the State Police upon payment of the application fee for a resident specified in subsection 1, paragraph E, subparagraph (4), division (a).

[ 2015, c. 123, §2 (NEW) .]

#### SECTION HISTORY

1985, c. 478, §2 (NEW). 1989, c. 917, §§8-12 (AMD). 1989, c. 924, §§14,15 (AMD). 1991, c. 528, §§EE1,2 (AMD). 1991, c. 528, §RRR (AFF). 1991, c. 591, §§EE1,2 (AMD). 1991, c. 622, §§PP2,3 (AMD). 1991, c. 624, §§2,3 (AFF). 1991, c. 865, §§1-5 (AMD). 1993, c. 289, §1 (AMD). 1993, c. 340, §§2,3 (AMD). 1993, c. 368, §§4-7 (AMD). 1993, c. 524, §§5-12 (AMD). 1995, c. 560, §K82 (AMD). 1995, c. 560, §K83 (AFF). 1995, c. 694, §§D51,52 (AMD). 1995, c. 694, §E2 (AFF). 2001, c. 354, §3 (AMD). 2001, c. 549, §§6,7 (AMD). 2003, c. 341, §§3-8 (AMD). 2003, c. 689, §B6 (REV). 2005, c. 236, §§3,4 (REV). 2007, c. 194, §5 (AMD). 2011, c. 298, §7 (AMD). 2015, c. 123, §§1, 2 (AMD). 2015, c. 144, §2 (AMD). 2017, c. 402, Pt. C, §79 (AMD). 2017, c. 402, Pt. F, §1 (AFF). 2017, c. 407, Pt. A, §102 (AMD).

## §2003-A. DUTY TO INFORM LAW ENFORCEMENT

When an individual who is carrying a concealed handgun pursuant to the authority of this chapter and who does not have a valid permit to carry a concealed handgun that has been issued as provided in this chapter first comes into contact with any law enforcement officer of this State or its political subdivisions or a federal law enforcement officer during the course of any arrest, detainment or routine traffic stop, that individual shall immediately inform that law enforcement officer of the fact that the individual is carrying a concealed handgun. [2015, c. 327, §4 (NEW).]

#### SECTION HISTORY

2015, c. 327, §4 (NEW).

## §2004. PENALTY

**1. False statements.** A person who intentionally or knowingly makes a false statement in the written application for a permit to carry a concealed handgun or any documents made a part of the application commits a Class D crime.

[ 2011, c. 298, §8 (AMD) .]

**2. Carries or conceals dangerous weapon.** A person who violates section 2001-A commits a Class D crime.

[ 2003, c. 452, Pt. N, §3 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**3. Failure to possess permit.** A person who fails to comply with section 2003, subsection 11 commits a civil violation for which a fine of not more than \$100 may be adjudged.

[ 2003, c. 452, Pt. N, §3 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**4. Violation of confidentiality.** A person who intentionally or knowingly violates the confidentiality provisions of section 2006 commits a Class E crime.

[ 2003, c. 452, Pt. N, §3 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**5. Failure to inform law enforcement.** A person who fails to comply with section 2003-A commits a civil violation for which a fine of not more than \$100 may be adjudged.

[ 2015, c. 327, §5 (NEW) .]

### SECTION HISTORY

1985, c. 478, §2 (NEW). 2003, c. 452, §X2 (AFF). 2003, c. 452, §N3 (RPR). 2011, c. 298, §8 (AMD). 2015, c. 327, §5 (AMD).

## §2005. REVOCATION; CHANGE OF RESIDENCE

**1. Revocation.** The issuing authority shall revoke a permit on the basis of one or more of the following determinations:

- A. The application or any documents made part of the application contained a material misstatement; [1985, c. 478, §2 (NEW).]
- B. The permit holder has been convicted of a violation of section 2001-A; [2003, c. 452, Pt. N, §4 (AMD); 2003, c. 452, Pt. X, §2 (AFF).]
- C. The permit holder becomes ineligible to possess a permit under this chapter. Ineligibility is determined on the basis of the criteria contained in section 2003; [1989, c. 917, §13 (AMD).]
- D. For conduct that occurred after a permit was issued, that the permit holder was convicted of operating a motor vehicle, snowmobile, ATV or watercraft while under the influence of intoxicating liquor or drugs or with an excessive alcohol level and, by a preponderance of the evidence, that at the time of the offense the permit holder was in possession of a loaded firearm; or [2009, c. 447, §25 (AMD) .]
- E. For conduct that occurred after a permit was issued, that the permit holder was convicted of any violation of Title 17-A, chapter 45. [1989, c. 917, §13 (NEW) .]

[ 2009, c. 447, §25 (AMD) .]



**2. Change of residence.** Except as provided in paragraph A, change of legal residence from one municipality to another during the term of the permit renders the permit invalid starting 30 days after the change is made. An invalid permit is not considered revoked for the purposes of subsection 3.

A. If the permit holder changes the permit holder's legal residence from one municipality to another during the term of the permit, the permit remains valid if the permit holder provides the permit holder's new address to the issuing authority of the permit holder's new residence within 30 days of making that change. The issuing authority of the new residence shall immediately reissue the permit with the corrected address for a fee of not more than \$2. [2011, c. 298, §9 (AMD).]

B. If the issuing authority of the permit holder's new residence so requests, the previous issuing authority shall provide a photocopy of the permit holder's application, documents made a part of the application and any information of record collected by that previous issuing authority. [1989, c. 917, §14 (NEW).]

[ 2011, c. 298, §9 (AMD) .]

**3. Reapplication.** If a permit has been revoked solely under subsection 1, paragraph D, the former permit holder may reapply upon successful completion of a substance use disorder treatment program approved by the Department of Health and Human Services as appropriate for the permit holder's problem or condition. Except as specified in this subsection, a person, otherwise eligible, who has had a permit revoked, is not eligible for reapplication until the expiration of 5 years from the date of revocation.

[ 2017, c. 407, Pt. A, §103 (AMD) .]

#### SECTION HISTORY

1985, c. 478, §2 (NEW). 1989, c. 917, §§13-15 (AMD). 2003, c. 452, §N4 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 689, §B6 (REV). 2009, c. 447, §25 (AMD). 2011, c. 298, §9 (AMD). 2017, c. 407, Pt. A, §103 (AMD).

## §2005-A. SUSPENSION OF PERMIT UPON REFUSAL

**1. Immediate suspension.** If the permit holder is required by law to submit to chemical testing for the presence of intoxicating liquor or drugs pursuant to Title 17-A, section 1057 or for conduct that occurs while the permit holder is in possession of a loaded firearm, and the permit holder refuses to submit to the required testing, the permit to carry a concealed handgun issued to that person is immediately suspended and must be surrendered at that time by the permit holder to the law enforcement officer.

[ 2011, c. 298, §10 (AMD) .]

**2. Notice to issuing authority.** The law enforcement officer who has probable cause to require chemical testing shall promptly notify the issuing authority, in writing, of the permit holder's refusal and shall return the surrendered permit to the issuing authority.

[ 1989, c. 917, §16 (NEW) .]

**3. Suspension in effect during pendency.** The suspension remains in effect until the entry of judgment if charges are filed of violating Title 17-A, section 1057 or of operating a motor vehicle, snowmobile, ATV, or watercraft under the influence of intoxicating liquor or drugs, unless it is determined by the court in which the criminal charge or civil violation is pending, or by the Secretary of State if a hearing is held pursuant to Title 29-A, section 2521, 2522 or 2523, that the law enforcement officer did not have probable cause to require the permit holder to submit to chemical testing.

[ 1995, c. 65, Pt. A, §77 (AMD); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF) .]

**4. Suspension terminated.** If the permit holder is acquitted of the criminal charges to which the refusal pertains, if the charges are dismissed by the State or by the court or if a determination of no probable cause is made, the suspension is terminated and the court or the State shall promptly notify the issuing authority in writing. Upon receipt of the written notice the issuing authority shall return the permit.

[ 1989, c. 917, §16 (NEW) .]

#### SECTION HISTORY

1989, c. 917, §16 (NEW). 1995, c. 65, §A77 (AMD). 1995, c. 65, §§A153,C15 (AFF). 2011, c. 298, §10 (AMD).

## §2006. ACCESS TO INFORMATION AND PROCEEDINGS

**1. Application, refusals and collected information; proceedings.** All applications for a permit to carry concealed handguns and documents made a part of the application, refusals and any information of record collected by the issuing authority during the process of ascertaining whether an applicant is of good moral character and meets the additional requirements of sections 2003 and 2005 are confidential and are not public records for the purposes of Title 1, chapter 13, subchapter 1. The applicant may waive this confidentiality by written notice to the issuing authority. All proceedings relating to the issuance, refusal, suspension or revocation of a permit to carry concealed handguns are not public proceedings under Title 1, chapter 13, unless otherwise requested by the applicant.

[ 2013, c. 54, §1 (NEW) .]

**2. Permanent record of permit.** The issuing authority shall make a permanent record of each permit to carry concealed handguns in a suitable book or file kept for that purpose. The record must include the information contained in the permit itself. The record is confidential except that the following information about each permit holder is not confidential and is a public record:

- A. The municipality of residence; [2013, c. 54, §1 (NEW) .]
- B. The date the permit was issued; and [2013, c. 54, §1 (NEW) .]
- C. The date the permit expires. [2013, c. 54, §1 (NEW) .]

This subsection does not limit disclosure of confidential information for criminal justice purposes or permitting purposes to law enforcement officers and issuing authorities.

[ 2013, c. 54, §1 (NEW) .]

#### SECTION HISTORY

1985, c. 478, §2 (NEW). RR 1999, c. 2, §28 (COR). 2011, c. 298, §11 (AMD). 2011, c. 662, §15 (AMD). 2013, c. 54, §1 (RPR).

## Chapter 252-A: FIREARMS REGULATION

### §2011. STATE PREEMPTION

**1. Preemption.** The State intends to occupy and preempt the entire field of legislation concerning the regulation of firearms, components, ammunition and supplies. Except as provided in subsection 3, any existing or future order, ordinance, rule or regulation in this field of any political subdivision of the State is void.

[ 1989, c. 359, (NEW) .]

**2. Regulation restricted.** Except as provided in subsection 3, no political subdivision of the State, including, but not limited to, municipalities, counties, townships and village corporations, may adopt any order, ordinance, rule or regulation concerning the sale, purchase, purchase delay, transfer, ownership, use, possession, bearing, transportation, licensing, permitting, registration, taxation or any other matter pertaining to firearms, components, ammunition or supplies.

[ 1989, c. 359, (NEW) . ]

**3. Exception.** This section does not prohibit an order, ordinance, rule or regulation of any political subdivision which, with the exception of appropriate civil penalty provisions, conforms exactly with any applicable provision of state law or which regulates the discharge of firearms within a jurisdiction.

[ 1989, c. 359, (NEW) . ]

**4. Law enforcement agency.** Nothing in this section limits the power of any law enforcement agency to regulate the type and use of firearms issued or authorized by that agency for use by its employees. For the purposes of this section "law enforcement agency" has the same meaning as set forth in section 3701.

[ 1989, c. 502, Pt. D, §19 (NEW) . ]

**5. Restrictions on firearms and ammunition prohibited during state of emergency.** The provisions of this subsection apply to restrictions on firearms and ammunition during a state of emergency, as declared by the Governor pursuant to Title 37-B, section 742, subsection 1.

A. During a state of emergency, notwithstanding any provision of law to the contrary, a person acting on behalf or under the authority of the State or a political subdivision of the State may not:

(1) Prohibit or restrict the otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition. The provisions of this paragraph regarding the lawful transfer of a firearm or ammunition do not apply to the commercial sale of a firearm or ammunition if an authorized person has ordered an evacuation or general closure of businesses in the area of the business engaged in the sale of firearms or ammunition;

(2) Seize or confiscate, or authorize the seizure or confiscation of, an otherwise lawfully possessed firearm or ammunition unless the person acting on behalf of or under the authority of the State is:

(a) Acting in self-defense against an assault;

(b) Defending another person from an assault;

(c) Arresting a person in actual possession of a firearm or ammunition for a violation of law; or

(d) Seizing or confiscating the firearm or ammunition as evidence of a crime; or

(3) Require registration of a firearm or ammunition for which registration is not otherwise required by state law. [2011, c. 626, §1 (NEW).]

B. An individual aggrieved by a violation of this subsection may seek relief in an action at law or in equity for redress against any person who subjects that individual, or causes that individual to be subjected, to an action prohibited by this subsection. [2011, c. 626, §1 (NEW).]

C. In addition to any other remedy at law or in equity, an individual aggrieved by the seizure or confiscation of a firearm or ammunition in violation of this subsection may bring an action for the return of the firearm or ammunition in the Superior Court of the county in which that individual resides or in which the firearm or ammunition is located. [2011, c. 626, §1 (NEW).]

D. In an action or proceeding to enforce this subsection, the court shall award a prevailing plaintiff costs and reasonable attorney's fees. [2011, c. 626, §1 (NEW).]

[ 2011, c. 626, §1 (NEW) .]

#### SECTION HISTORY

1989, c. 359, (NEW). 1989, c. 502, §D19 (AMD). 2011, c. 626, §1 (AMD).

## §2012. SALE OF FIREARMS TO INCLUDE SAFETY BROCHURE

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Basic firearm safety brochure" means a brochure, produced by a national, nonprofit membership organization that provides a comprehensive voluntary safety program including the training of people in the safe handling and use of firearms or by any other organization, that contains the following information relating to firearms:

- (1) Rules for safe handling, storage and use of firearms;
- (2) Nomenclature and descriptions of various types of firearms;
- (3) Responsibilities of firearm ownership; and
- (4) The following information developed by the Department of Public Safety:
  - (a) A list of locations where handguns are prohibited; and
  - (b) Information concerning the use of handguns for self-defense. [2015, c. 327, §6 (AMD) .]

B. "Firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A. [1991, c. 127, (NEW) .]

C. "Firearm dealer" means a person who is licensed as a dealer under 18 United States Code, Section 923, or who is required to be licensed as a dealer under that section. [1991, c. 127, (NEW) .]

[ 2015, c. 327, §6 (AMD) .]

**2. Requirement.** A firearm dealer must:

A. Include a basic firearm safety brochure with every firearm sold at retail in this State, except that the brochure need not be supplied by the firearm dealer if the firearm manufacturer provides a basic firearm safety brochure with the firearm. The dealer may collect a charge for the brochure, which may not be greater than the dealer's cost to obtain the brochure; [1991, c. 127, (NEW) .]

B. Offer to demonstrate to the purchaser the use of a trigger locking device; and [1991, c. 127, (NEW) .]

C. Post in a conspicuous place information relating to the availability of known local voluntary firearm safety programs. [1991, c. 127, (NEW) .]

[ 1991, c. 127, (NEW) .]

**3. No liability.** Organizations that produce basic firearm safety brochures for distribution to firearm dealers for subsequent distribution to purchasers of firearms and firearm dealers are not liable for injuries resulting from the accidental discharge of nondefective firearms purchased from any dealer.

[ 1991, c. 127, (NEW) .]

#### SECTION HISTORY

1991, c. 127, (NEW). 2015, c. 327, §6 (AMD).

## §2013. CHIEF LAW ENFORCEMENT OFFICER'S CERTIFICATION; CERTAIN FIREARMS

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Certification" means the participation and assent of a chief law enforcement officer necessary under federal law for the approval of an application to transfer or make a firearm. [2015, c. 262, §3 (NEW).]

B. "Chief law enforcement officer" means an official or the official's designee who the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives or successor agency identifies as eligible to provide certification. [2015, c. 262, §3 (NEW).]

C. "Firearm" has the same meaning as in the National Firearms Act, 26 United States Code, Section 5845(a). [2015, c. 262, §3 (NEW).]

[2015, c. 262, §3 (NEW).]

**2. Chief law enforcement officer's certification.** Within 15 days of receipt of an application for certification, the chief law enforcement officer shall provide the certification unless the chief law enforcement officer has information that prevents the chief law enforcement officer from providing the certification.

A. If the chief law enforcement officer denies an application for certification under this section, the chief law enforcement officer shall provide the applicant with a written notification of the denial and the reason for the denial, which may not be based upon a generalized objection to a private person's possessing, making or transferring a firearm or to a certain type of firearm that is otherwise lawful. [2015, c. 262, §3 (NEW).]

B. The denial of an application for certification or a failure or refusal to provide a certification in accordance with this section by a chief law enforcement officer may be appealed by an applicant in the following manner:

(1) If the chief law enforcement officer is employed by a state agency, the denial may be appealed pursuant to Title 5, section 11001 and the Maine Rules of Civil Procedure, Rule 80C; and

(2) If the chief law enforcement officer is not employed by a state agency, the denial may be appealed pursuant to the Maine Rules of Civil Procedure, Rule 80B. [2015, c. 262, §3 (NEW).]

[2015, c. 262, §3 (NEW).]

**3. Criminal history record check; search of premises.** In making a certification required by subsection 2, a chief law enforcement officer may require the applicant to provide only such information as required by federal or state law to identify the applicant and conduct a criminal history record check or to determine the disposition of an arrest or proceeding relevant to the applicant's eligibility to lawfully possess or receive a firearm. A chief law enforcement officer may not require access to or consent for an inspection of any private premises as a condition of making a certification under this section.

[2015, c. 262, §3 (NEW).]

### SECTION HISTORY

2015, c. 262, §3 (NEW).

## **§2014. GOVERNMENT FIREARMS OR FIREARMS OWNERS REGISTRY PROHIBITED**

Notwithstanding any other provision of law to the contrary, a government agency of this State or a political subdivision of this State may not keep or cause to be kept a comprehensive registry of privately owned firearms and the owners of those firearms within its jurisdiction. [2017, c. 175, §1 (NEW).]

### SECTION HISTORY

2017, c. 175, §1 (NEW).

## **Chapter 253: LICENSES TO CARRY WEAPONS**

## **§2031. THREATENING DISPLAY OF OR CARRYING A CONCEALED WEAPON (REPEALED)**

### SECTION HISTORY

1967, c. 368, (AMD). 1971, c. 293, (AMD). 1973, c. 396, (AMD). 1975, c. 449, §§1,2 (AMD). 1981, c. 119, §1 (RPR). 1985, c. 478, §3 (RP).

## **§2032. PERMITS TO CARRY CONCEALED WEAPONS (REPEALED)**

### SECTION HISTORY

1981, c. 119, §2 (NEW). 1983, c. 267, §§1,2 (AMD). 1985, c. 478, §3 (RP).

## **§2033. PENALTY (REPEALED)**

### SECTION HISTORY

1981, c. 119, §2 (NEW). 1985, c. 478, §3 (RP).

## **§2034. REVOCATION (REPEALED)**

### SECTION HISTORY

1981, c. 119, §2 (NEW). 1985, c. 478, §3 (RP).

## **§2035. CONFIDENTIALITY OF APPLICATION (REPEALED)**

### SECTION HISTORY

1981, c. 119, §2 (NEW). 1985, c. 478, §3 (RP).

## **Chapter 254: PURCHASE OF WEAPONS**

## **§2041. PURCHASE BY MAINE RESIDENTS IN ANOTHER STATE (REPEALED)**

## SECTION HISTORY

1969, c. 239, (NEW). 1987, c. 402, §A152 (RP).

## §2042. PURCHASE BY NONRESIDENTS IN MAINE (REPEALED)

## SECTION HISTORY

1969, c. 239, (NEW). 1987, c. 402, §A152 (RP).

## Chapter 255: SAFETY GLAZING

### §2051. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings. [1973, c. 237, (NEW).]

**1. Hazardous locations.** "Hazardous locations" means those installations, glazed or to be glazed in commercial and public buildings, known as framed or unframed glass entrance doors; and those installations, glazed or to be glazed in residential buildings and other structures used as dwellings, commercial buildings and public buildings, known as sliding glass doors, storm doors, shower doors, bathtub enclosures and fixed glazed panels adjacent to entrance and exit doors which because of their location present a barrier in the normal path traveled by persons going into or out of these buildings, and because of their size and design may be mistaken as means of ingress or egress; and any other installation, glazed or to be glazed, wherein the use of other than safety glazing materials would constitute an unreasonable hazard as the Commissioner of Public Safety may determine after notice and hearings, whether or not the glazing in such doors, panels, enclosures and other installations is transparent.

[ 1973, c. 237, (NEW) .]

**2. Safety glazing material.** "Safety glazing material" means any glazing material, such as tempered glass, laminated glass, wire glass or rigid plastic, which meets the test requirements of the then current ANSI Standard Z97.1 and such further requirements as may be adopted by the Department of Public Safety after notice and hearing and which are so constructed, treated or combined with other materials as to minimize the likelihood of cutting and piercing injuries resulting from human contact with the glazing material.

[ 1973, c. 656, (AMD) .]

## SECTION HISTORY

1973, c. 237, (NEW). 1973, c. 656, (AMD).

### §2052. LABELING REQUIRED

Each light of safety glazing material manufactured, distributed, imported or sold for use in hazardous locations or installed in such a location within the State of Maine shall be permanently labeled by such means as etching, sandblasting, firing of ceramic material on the safety glazing material or by other suitable means. The label shall identify the labeler, whether manufacturer, fabricator or installer, and the nominal thickness and the type of safety glazing material and the fact that said material meets the test requirements of ANSI Standard Z-97.1-1966 and such further requirements as may be adopted by the Department of Public Safety. [1973, c. 237, (NEW).]

The label must be legible and visible after installation. [1973, c. 237, (NEW).]

Such safety glazing labeling shall not be used on other than safety glazing materials. [1973, c. 237, (NEW).]

**SECTION HISTORY**

1973, c. 237, (NEW).

**§2053. SAFETY GLAZING MATERIALS REQUIRED**

It shall be unlawful within the State of Maine to knowingly sell, fabricate, assemble, glaze, install, consent or cause to be installed glazing materials other than safety glazing materials in, or for use in, any hazardous location. This section shall apply only to new construction contracted for, or to replacement of glass in place, after January 1, 1974. [1973, c. 237, (NEW).]

**SECTION HISTORY**

1973, c. 237, (NEW).

**§2054. EMPLOYEES NOT COVERED**

No liability under this chapter shall be created as to workmen who are employees of a contractor, subcontractor or other employer responsible for compliance with this chapter. [1973, c. 237, (NEW).]

**SECTION HISTORY**

1973, c. 237, (NEW).

**§2055. PENALTY**

A person who violates this chapter commits a Class E crime. Except as otherwise specifically provided, violation of this chapter is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [2003, c. 452, Pt. N, §5 (RPR); 2003, c. 452, Pt. X, §2 (AFF).]

**SECTION HISTORY**

1973, c. 237, (NEW). 2003, c. 452, §X2 (AFF). 2003, c. 452, §N5 (RPR).

**§2056. LOCAL ORDINANCES**

This chapter shall supersede any local, municipal or county ordinance or parts thereof relating to the subject matter. [1973, c. 237, (NEW).]

**SECTION HISTORY**

1973, c. 237, (NEW).

**Chapter 256: HAZARDOUS MATERIALS CONTROL****§2101. POLICY**

It is declared to be the policy of the State to protect its citizens adequately against the risks to life and property which are inherent in the transportation of hazardous materials in commerce. [1977, c. 622, (NEW).]

**SECTION HISTORY**

1977, c. 622, (NEW).



## §2102. DEFINITIONS

*(REPEALED)*

### SECTION HISTORY

1977, c. 622, (NEW). 1983, c. 736, §1 (RP).

## §2102-A. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1983, c. 736, §2 (NEW).]

**1. Commerce.** "Commerce" means trade, traffic, commerce or transportation within or through the jurisdiction of the State."Commerce" does not mean movement of hazardous materials by a farmer for his own use to and from the farm or field within a 20-mile radius.

[ 1983, c. 736, §2 (NEW) .]

**2. Hazardous material.** "Hazardous material" means a substance or material which has been determined by the United States Secretary of Transportation to be capable of posing an unreasonable risk to health, safety and property when transported in commerce, and which has been so designated in 49 Code of Federal Regulations, Part 172.

[ 1983, c. 736, §2 (NEW) .]

**3. Person.** "Person" means an individual, firm copartnership, corporation, company, association or joint-stock association, and includes any trustee, receiver, assignee or personal representative thereof.

[ 1983, c. 736, §2 (NEW) .]

**4. Transport or transportation.** "Transport" or "transportation" means any movement of hazardous material by any mode and any loading, unloading or storage incidental thereto.

[ 1983, c. 736, §2 (NEW) .]

### SECTION HISTORY

1983, c. 736, §2 (NEW).

## §2103. DESIGNATION OF HAZARDOUS MATERIALS

*(REPEALED)*

### SECTION HISTORY

1977, c. 622, (NEW). 1983, c. 736, §3 (RP).

## §2103-A. ADOPTION OF RULES

The Commissioner of Public Safety shall adopt state rules to adopt by reference the federal regulations as found in 49 Code of Federal Regulations, Parts 107, 171, 172, 173, 174, 177, 178, 179, 180, 387 and 397, as amended, and subsequently shall adopt state rules to adopt by reference every subsequent amendment to those federal regulations. Except as provided in this section, the Maine Administrative Procedure Act, Title 5, chapter 375, does not apply to those adoptions. [1997, c. 653, §1 (AMD).]

**1. Content of state rules.** Any state rule adopted under this section must contain instructions for obtaining a copy or a certified copy of referenced federal regulations or amendments from the appropriate federal agency.

[ 2003, c. 633, §1 (AMD) .]

**2. Filing, publication and availability of rules.** For every state rule adopted under this section:

A. The commissioner shall file with the Secretary of State:

- (1) A certified copy of the state rule adopting by reference that federal regulation or a subsequent amendment;
- (2) A published copy of the federal regulation or amendment as printed in the Federal Register; and
- (3) Annually, a published copy of the updated volume of the Code of Federal Regulations containing the federal regulations in question; [1989, c. 754, Pt. C, §1 (NEW) .]

B. The commissioner shall supply, without cost or at actual cost, copies of each state rule to any person who has filed with the agency within the past year a written request to be supplied with all copies of the agency's rules, and to any other person on request. The commissioner shall also make available for inspection at no charge, and for copying at actual cost, a current published copy of the referenced federal regulations, but requests for purchase of copies or certified copies of the federal regulations may be directed to the appropriate federal agency; [1989, c. 754, Pt. C, §1 (NEW) .]

C. The Secretary of State shall publish, pursuant to the procedures set forth in Title 5, section 8053, subsection 5, a notice containing the following information:

- (1) A statement that the state rule has been adopted and its effective date;
- (2) A brief description of the substance of the state rule and the referenced federal regulations or amendments; and
- (3) The addresses where copies of the state rule and the federal regulations and amendments may be obtained; and [1989, c. 754, Pt. C, §1 (NEW) .]

D. The Secretary of State shall maintain and make available at the Secretary of State's office, for inspection at no charge and for copying or purchase at actual cost, current copies of those state rules as filed in accordance with paragraph A and include them within the compilations subject to Title 5, section 8056, subsection 3, paragraphs A-1 and B. The Secretary of State shall also make available at the Secretary of State's office, for inspection at no charge, and for copying at actual cost, a current published copy of the referenced federal regulations and amendments, but requests for purchase of copies or certified copies of the federal regulations or amendments may be directed to the appropriate federal agency. [1989, c. 754, Pt. C, §1 (NEW) .]

[ 1989, c. 754, Pt. C, §1 (NEW) .]

**3. Effective date; emergency rules.** A rule adopted under this section may not take effect until at least 5 days after filing with the Secretary of State under subsection 2, paragraph A, except that, if the commissioner finds that immediate adoption of the rule is necessary to avoid an immediate threat to public health, safety or general welfare, the commissioner may adopt the rule as an emergency rule in accordance with Title 5, section 8054, and that rule takes effect immediately.

[ 1989, c. 754, Pt. C, §1 (NEW) .]

#### SECTION HISTORY

1983, c. 736, §4 (NEW). 1987, c. 789, §1 (AMD). 1989, c. 754, §C1 (AMD). 1997, c. 653, §1 (AMD). 2003, c. 633, §1 (AMD).

## **§2104. HANDLING OF HAZARDOUS MATERIALS**

*(REPEALED)*

### SECTION HISTORY

1977, c. 622, (NEW). 1983, c. 474, §§1,2 (AMD). 1983, c. 736, §5 (RP).

### **§2104-A. REPORTING SYSTEM**

In addition to the reporting requirements of 49 Code of Federal Regulations, Part 171, any person who transports a hazardous material within this State involved in an accident resulting in death, serious illness or serious personal injury, or resulting in a discharge of a hazardous material, shall report the accident, as provided for hazardous matter, Title 38, section 1318-B. [1983, c. 736, §6 (NEW).]

### SECTION HISTORY

1983, c. 736, §6 (NEW).

## **§2105. REPORTING SYSTEM**

*(REPEALED)*

### SECTION HISTORY

1977, c. 622, (NEW). 1983, c. 736, §7 (RP).

### **§2105-A. ENFORCEMENT**

It is the responsibility of the State Police, sheriffs and their deputies and all other police officers to investigate any alleged violations of this chapter and any rules adopted by reference thereto. Prior to taking enforcement action, a law enforcement officer shall have met minimum training requirements established by the Criminal Justice Academy with respect to hazardous materials. [1983, c. 736, §8 (NEW).]

### SECTION HISTORY

1983, c. 736, §8 (NEW).

## **§2106. EXEMPTIONS**

*(REPEALED)*

### SECTION HISTORY

1977, c. 622, (NEW). 1983, c. 736, §9 (RP).

### **§2106-A. PENALTIES**

A person who violates this chapter or a rule adopted pursuant to this chapter commits a Class D crime, except that if the violation is discovered during a routine compliance review as defined in 49 Code of Federal Regulations, Part 385.3, the violation is a civil violation. [2013, c. 112, §1 (NEW).]

A civil violation under this section is subject to a fine, which must be determined with due consideration of the Federal Motor Carrier Safety Administration's uniform fine assessment program. [2013, c. 112, §1 (NEW).]

### SECTION HISTORY

1983, c. 736, §10 (NEW). 1983, c. 862, §73 (AMD). 2013, c. 112, §1 (RPR).

**§2107. PENALTY***(REPEALED)*

## SECTION HISTORY

1977, c. 622, (NEW). 1983, c. 736, §11 (RP).

**§2108. ADVISORY BOARD***(REPEALED)*

## SECTION HISTORY

1977, c. 622, (NEW). 1979, c. 672, §A63 (RP). 1979, c. 730, §1 (RP).

**§2109. NOTIFICATION***(REPEALED)*

## SECTION HISTORY

1983, c. 88, §5 (NEW). 1983, c. 736, §12 (RP).

**§2110. FINANCIAL RESPONSIBILITY**

**1. Requirement.** A person who transports a division 1.1, 1.2 or 1.3 explosive intrastate in a vehicle with a gross vehicle weight rating of less than 10,000 pounds shall maintain a financial responsibility policy of liability insurance or a surety bond in an amount of not less than \$1,000,000. The Commissioner of Public Safety may not adopt a rule requiring a person transporting a division 1.1, 1.2 or 1.3 explosive intrastate in a vehicle with a gross vehicle weight rating of less than 10,000 pounds to maintain a financial responsibility policy of liability insurance or a surety bond in excess of \$1,000,000.

For purposes of this section, division 1.1, 1.2 and 1.3 explosives have the same meanings as found in 49 Code of Federal Regulations, Part 173.50.

[ 1995, c. 67, §1 (NEW) .]

**2. Exception.** This section does not apply to a farmer who transports a division 1.1, 1.2 or 1.3 explosive for the farmer's own use to and from the farm or field within a 20-mile radius.

[ 1995, c. 67, §1 (NEW) .]

## SECTION HISTORY

1995, c. 67, §1 (NEW).

**Chapter 257: MISSING CHILDREN****§2151. MISSING CHILDREN; INFORMATION SENT TO NATIONAL CRIME INFORMATION CENTER***(REPEALED)*

## SECTION HISTORY

1985, c. 275, §2 (NEW). 1991, c. 201, (AMD). 1993, c. 425, §1 (RP).

## §2152. SHORT TITLE

This chapter may be known and cited as the "Missing Children Act." [1993, c. 425, §2 (NEW).]

### SECTION HISTORY

1993, c. 425, §2 (NEW).

## §2153. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1993, c. 425, §2 (NEW).]

**1. Clearinghouse.** "Clearinghouse" means the Missing Children Information Clearinghouse established pursuant to section 2155.

[ 1993, c. 425, §2 (NEW) .]

**2. Commissioner.** "Commissioner" means the Commissioner of Public Safety.

[ 1993, c. 425, §2 (NEW) .]

**3. Department.** "Department" means Department of Public Safety.

[ 1993, c. 425, §2 (NEW) .]

**4. Director.** "Director" means the Director of the Missing Children Information Clearinghouse.

[ 1993, c. 425, §2 (NEW) .]

**5. Missing child.** "Missing child" means an individual:

A. Who is under 18 years of age; [1993, c. 425, §2 (NEW).]

B. Whose temporary or permanent residence is in or is believed to be in this State; [1993, c. 425, §2 (NEW).]

C. Whose location is not determined; and [1993, c. 425, §2 (NEW).]

D. Who has been reported as missing to a law enforcement agency. [1993, c. 425, §2 (NEW).]

[ 1993, c. 425, §2 (NEW) .]

**6. Missing child report.** "Missing child report" means a report prepared on a form designated by the department for use by private citizens and law enforcement agencies to report information about missing children to the clearinghouse.

[ 1993, c. 425, §2 (NEW) .]

### SECTION HISTORY

1993, c. 425, §2 (NEW).

## §2154. MISSING CHILD REPORTS

**1. Duty of law enforcement agency.** Upon the filing of a missing child report by the child's parents, guardian or legal custodian, the law enforcement agency receiving written notification shall immediately:

A. Inform all on-duty law enforcement officers of the missing child report; [1993, c. 425, §2 (NEW).]

B. Communicate the report to every other law enforcement agency having jurisdiction in the county in which the report was filed; [1993, c. 425, §2 (NEW).]

C. Enter or cause the report to be entered for inclusion in the State Police and National Crime Information Center computer files on missing children; and [1997, c. 608, §5 (AMD).]

D. Submit information in the missing child report to the clearinghouse. [1993, c. 425, §2 (NEW).]

[ 1997, c. 608, §5 (AMD) .]

**2. Report status.** A missing child report filed with a law enforcement agency having jurisdiction is sufficient documentation for entering a juvenile in the missing persons file maintained by the clearinghouse and the National Crime Information Center or its successor.

[ 1993, c. 425, §2 (NEW) .]

**3. Parental kidnapping.** In the case of parental kidnapping, the law enforcement agency shall obtain, when possible, a certified copy of the custody papers from the reporting parent, guardian or legal custodian.

[ 1993, c. 425, §2 (NEW) .]

**4. Medical and dental records.** Within 60 days after a law enforcement agency enters the report of a missing child into the State Police and National Crime Information Center computers, that law enforcement agency shall verify and update the record with any additional information, including, when available, medical and dental records.

[ 1997, c. 608, §6 (NEW) .]

#### **5. Child missing from interim care.**

[ 2003, c. 443, §1 (NEW); T. 25, §2154, sub-§5 (RP) .]

#### SECTION HISTORY

1993, c. 425, §2 (NEW). 1997, c. 608, §§5,6 (AMD). 2003, c. 443, §1 (AMD). 2003, c. 689, §B6 (REV).

## **§2154-A. CHILDREN MISSING INVOLUNTARILY**

**1. Duty of law enforcement agency.** A law enforcement agency that receives a missing child report shall immediately inform the following agencies if the missing child is considered a victim or possible victim of a crime under Title 17-A, chapter 13:

A. The child's school, if the child attended school in this State; [1997, c. 468, §1 (NEW).]

B. The municipality in which the child's birth records are kept; and [1997, c. 468, §1 (NEW).]

C. The Vital Records Unit of the Division of Data, Research and Vital Statistics in the Department of Health and Human Services. [2007, c. 240, Pt. RR, §4 (AMD).]

[ 2007, c. 240, Pt. RR, §4 (AMD) .]

**2. Duties of notified agencies.** An agency that receives information from a law enforcement agency under subsection 1 shall identify the files and records of the missing child that are in the agency's custody as pertaining to a child considered a victim or possible victim of a crime under Title 17-A, chapter 13. If a request for those files or records is made, the agency shall immediately notify the law enforcement agency of the request and, when possible, the address of the person making the request.

[ 1997, c. 468, §1 (NEW) . ]

#### SECTION HISTORY

1997, c. 468, §1 (NEW). 2003, c. 689, §B6 (REV). 2007, c. 240, Pt. RR, §4 (AMD).

## §2155. MISSING CHILDREN INFORMATION CLEARINGHOUSE

**1. Establishment; purpose.** The Missing Children Information Clearinghouse is established within the department as a central repository of information regarding missing children. That information must be collected and disseminated.

[ 1993, c. 425, §2 (NEW) . ]

**2. Commissioner; duties.** The commissioner shall appoint a director who shall supervise the clearinghouse. The commissioner shall establish services determined appropriate to aid in the location of missing children.

[ 1993, c. 425, §2 (NEW) . ]

**3. Director; duties.** The director shall:

A. Establish a system of intrastate communication of information related to missing children who are determined missing by their parents, guardians, legal custodians or by a law enforcement agency; [1993, c. 425, §2 (NEW) . ]

B. Provide a centralized file for the exchange of information on missing children within the State; [1993, c. 425, §2 (NEW) . ]

C. Interface with the National Crime Information Center, or its successor, for the exchange of information; and [1993, c. 425, §2 (NEW) . ]

D. Collect, process, maintain and disseminate information on missing children and strive to maintain or disseminate accurate and complete information. [1993, c. 425, §2 (NEW) . ]

[ 1993, c. 425, §2 (NEW) . ]

**4. Receipt of reports.** A law enforcement agency shall submit to the clearinghouse information received by the law enforcement agency pursuant to section 2154. Any parent or legal guardian may submit a missing child report to the clearinghouse regardless of the circumstances, subsequent to reporting the child missing to the appropriate law enforcement agency within the county in which the child became missing. The report must be included in the clearinghouse data base.

[ 1993, c. 425, §2 (NEW) . ]

#### SECTION HISTORY

1993, c. 425, §2 (NEW).

## §2156. LOCATION OF CHILD

**1. Notification.** The parent, guardian or legal custodian who is responsible for notifying the clearinghouse or a law enforcement agency about a missing child shall immediately notify the clearinghouse or the agency of any child whose location has been determined.

[ 1993, c. 425, §2 (NEW) .]

**2. Purging.** Information received about a missing child pursuant to section 2154 that has been included in the clearinghouse must be purged from the data base by the appropriate law enforcement agency immediately upon location of the child.

[ 1993, c. 425, §2 (NEW) .]

### SECTION HISTORY

1993, c. 425, §2 (NEW) .

## Chapter 259: SILVER ALERT PROGRAM

### §2201. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2009, c. 583, §1 (NEW).]

**1. Department.** "Department" means the Department of Public Safety.

[ 2009, c. 583, §1 (NEW) .]

**2. Missing senior citizen.** "Missing senior citizen" means a person:

A. Who at the time the person is first reported missing is 60 years of age or older or, under extraordinary circumstances, a person 18 to 59 years of age who also meets the criteria in paragraphs B and C;

[2009, c. 583, §1 (NEW).]

B. With respect to whom there is a clear indication that the person has an irreversible deterioration of intellectual faculties such as dementia, as determined by a local law enforcement agency; and [2009, c. 583, §1 (NEW).]

C. Whose disappearance poses a credible threat to the safety and health of the person as determined by a local law enforcement agency. [2009, c. 583, §1 (NEW).]

[ 2009, c. 583, §1 (NEW) .]

**3. Media.** "Media" means print, radio, Internet-based communication systems or other methods of communicating information to the public.

[ 2009, c. 583, §1 (NEW) .]

**4. Silver Alert.** "Silver Alert" means a notice provided under this chapter to the public through law enforcement agencies and the media.

[ 2009, c. 583, §1 (NEW) .]



**5. Silver Alert Program.** "Silver Alert Program" means the statewide alert program for missing senior citizens developed and implemented under this chapter.

[ 2009, c. 583, §1 (NEW) .]

SECTION HISTORY

2009, c. 583, §1 (NEW).

## §2202. SILVER ALERT PROGRAM

In accordance with this chapter and with the cooperation of the Department of Transportation, the Maine Turnpike Authority, a statewide organization representing broadcast groups in the State, the Office of the Governor and appropriate law enforcement agencies, the department shall develop and implement the Silver Alert Program to be activated on behalf of missing senior citizens. The program must include standards of procedure for local law enforcement agencies to determine that a missing person is a missing senior citizen and appropriately activate a Silver Alert to local or statewide law enforcement agencies and to the media, a plan for providing relevant information to the public through an existing system of dynamic message signs located across the State when necessary and training for all law enforcement officers. The Silver Alert Program must be developed and implemented using existing resources. [2009, c. 583, §1 (NEW) .]

SECTION HISTORY

2009, c. 583, §1 (NEW).

## Chapter 260: BLUE ALERT PROGRAM

### §2221. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2015, c. 26, §1 (NEW) .]

**1. Blue Alert.** "Blue Alert" means a notice provided under this chapter to the public through certain state agencies and the media.

[ 2015, c. 26, §1 (NEW) .]

**2. Blue Alert Program.** "Blue Alert Program" means the statewide alert program regarding killed, injured or missing law enforcement officers developed and implemented under this chapter.

[ 2015, c. 26, §1 (NEW) .]

**3. Department.** "Department" means the Department of Public Safety.

[ 2015, c. 26, §1 (NEW) .]

**4. Law enforcement officer.** "Law enforcement officer" has the same meaning as in section 3701, subsection 3.

[ 2015, c. 26, §1 (NEW) .]

**5. Media.** "Media" means print, radio, Internet-based communication systems or other methods of communicating information to the public.

[ 2015, c. 26, §1 (NEW) .]

SECTION HISTORY

2015, c. 26, §1 (NEW).

## §2222. BLUE ALERT PROGRAM

**1. Blue Alert Program.** In accordance with this chapter and with the cooperation of the Department of Transportation, the Maine Turnpike Authority, a statewide organization representing broadcast groups in the State, the Office of the Governor and appropriate law enforcement agencies, the department shall develop and implement the Blue Alert Program as provided in subsection 2.

[ 2015, c. 26, §1 (NEW) .]

**2. Program elements.** The Blue Alert Program must be developed and implemented using existing resources and activated when, in the line of duty, a law enforcement officer has been killed or injured or is missing, there is sufficient information available regarding the law enforcement officer's last known location or physical description of an offender or vehicle involved and the department determines that a public notification may aid in:

A. Apprehending a suspected offender who poses an imminent threat to the public or to law enforcement personnel; or [2015, c. 26, §1 (NEW) .]

B. Locating a missing law enforcement officer. [2015, c. 26, §1 (NEW) .]

[ 2015, c. 26, §1 (NEW) .]

**3. Standards of procedure.** The Blue Alert Program must include standards of procedure for local law enforcement agencies to determine that a condition under subsection 2 exists to notify the department to activate a Blue Alert, a plan for providing relevant information to the public through an existing system of dynamic message signs located across the State when necessary and training for all law enforcement officers.

[ 2015, c. 26, §1 (NEW) .]

**4. Rules.** The department may adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A to carry out the purposes of this chapter.

[ 2015, c. 26, §1 (NEW) .]

SECTION HISTORY

2015, c. 26, §1 (NEW).

## Part 6: FIRE PREVENTION AND FIRE PROTECTION

### Chapter 311: PERSONNEL AND EQUIPMENT

#### **§2301. ELECTION OF FIRE WARDS**

*(REPEALED)*

SECTION HISTORY

1965, c. 22, §1 (AMD). 1973, c. 680, §1 (RP).

#### **§2302. POWERS AND DUTIES OF FIRE WARDS AND FIRE DEPARTMENT OFFICERS AT FIRES**

*(REPEALED)*

SECTION HISTORY

1965, c. 22, §2 (AMD). 1973, c. 680, §1 (RP).

#### **§2303. MANAGEMENT OF APPARATUS; EMPLOYMENT OF FIREMEN**

*(REPEALED)*

SECTION HISTORY

1973, c. 680, §1 (RP).

#### **§2304. POWERS AND DUTIES OF ENGINEERS AND OFFICERS; TOWNS RESPONSIBLE**

*(REPEALED)*

SECTION HISTORY

1973, c. 680, §1 (RP).

#### **§2305. ENGINEMEN; TENURE; DUTIES**

*(REPEALED)*

SECTION HISTORY

1973, c. 680, §1 (RP).

#### **§2306. DUTY OF ENGINE COMPANIES**

*(REPEALED)*

SECTION HISTORY

1965, c. 22, §3 (AMD). 1973, c. 680, §1 (RP).

#### **§2307. DISCHARGE OF NEGLIGENT ENGINEMEN; REPLACEMENTS**

*(REPEALED)*

SECTION HISTORY

1965, c. 22, §4 (AMD). 1973, c. 680, §1 (RP).

**§2308. POWERS OF OFFICERS APPOINTED UNDER SPECIAL LAWS***(REPEALED)*

## SECTION HISTORY

1965, c. 22, §5 (AMD). 1973, c. 680, §1 (RP).

**§2309. COMPENSATION FOR DEMOLISHED BUILDINGS***(REPEALED)*

## SECTION HISTORY

1973, c. 680, §1 (RP).

**§2310. LIABILITY OF DRIVER OF FIRE APPARATUS***(REPEALED)*

## SECTION HISTORY

1965, c. 484, (AMD). 1973, c. 680, §1 (RP).

**§2311. INSURANCE FOR FIREMEN***(REPEALED)*

## SECTION HISTORY

1973, c. 680, §1 (RP).

**Chapter 313: MUNICIPAL INSPECTION OF BUILDINGS****§2351. BUILDING OFFICIAL; COMPENSATION; JURISDICTION; DEPUTY***(REPEALED)*

In every town and city of more than 2,000 inhabitants, and in every town of 2,000 inhabitants or less, if such a town so votes at a town meeting, and in each village corporation, if such a corporation so votes at the annual meeting of the corporation, the municipal officers shall annually in the month of April appoint a building official, who must be a person skilled in the construction of buildings, and shall determine the building official's compensation. The municipal officers shall define the limits within which the building official has jurisdiction, which includes the thickly settled portion of each such city or of each village in each such city or town. Whenever the building official becomes incapacitated, the municipal officers may appoint or authorize the building official to appoint a deputy building official, who shall serve until removed by the municipal officers, but in no event beyond the term for which the building official was appointed. The deputy building official shall perform such duties as may be required of the deputy building official by the building official. The compensation of the deputy building official is determined by the municipal officers. [2009, c. 261, Pt. B, §1 (RPR).]

This section is repealed December 1, 2010. [2009, c. 261, Pt. B, §1 (NEW).]

## SECTION HISTORY

RR 1995, c. 2, §56 (COR). 2007, c. 699, §7 (AMD). 2007, c. 699, §26 (AFF). 2009, c. 261, Pt. B, §1 (RPR). MRSA T. 25, §2351 (RP).

## §2351-A. BUILDING OFFICIAL; COMPENSATION; DEPUTY

In every town and city of more than 2,000 inhabitants, and in every town of 2,000 inhabitants or less, if such a town so votes at a town meeting, and in each village corporation, if such a corporation so votes at the annual meeting of the corporation, the municipal officers shall annually in the month of April appoint a building official and shall determine the building official's compensation. If a building official is appointed by a municipality that has adopted or is enforcing the Maine Uniform Building and Energy Code or a portion of the Maine Uniform Building and Energy Code pursuant to Title 10, section 9724, that building official must be certified in building standards pursuant to Title 30-A, section 4451, subsection 2-A, paragraph E. Whenever the building official becomes incapacitated, the municipal officers may appoint or authorize the building official to appoint a deputy building official, who shall serve until removed by the municipal officers, but in no event beyond the term for which the building official was appointed. The deputy building official shall perform such duties as may be required of the deputy building official by the building official. The compensation of the deputy building official is determined by the municipal officers. [ 2011, c. 582, §3 (AMD). ]

### SECTION HISTORY

2009, c. 261, Pt. B, §2 (NEW). 2011, c. 582, §3 (AMD).

## §2352. RIGHT TO ENTER BUILDINGS

A building official in the performance of the building official's official duty may enter any building for the purpose of making the inspection required by chapters 313 to 321. [ 2009, c. 261, Pt. B, §3 (AMD). ]

### SECTION HISTORY

1975, c. 623, §34 (AMD). 2009, c. 261, Pt. B, §3 (AMD).

## §2353. DUTY TO INSPECT BUILDINGS UNDER CONSTRUCTION

*(REPEALED)*

### SECTION HISTORY

0, c. 0, §0 (AFF). 2007, c. 699, §8 (AMD). 2007, c. 699, §26 (AFF). 2009, c. 261, Pt. A, §10 (RPR). MRSA T. 25, §2353 (RP).

## §2353-A. DUTY TO INSPECT BUILDINGS UNDER CONSTRUCTION

The building official shall inspect each building during the process of construction so far as may be necessary to see that all proper safeguards against the catching or spreading of fire are used, that the chimneys and flues are made safe and that proper cutoffs are placed between the timbers in the walls and floorings where fire would be likely to spread, and may give such directions in writing to the owner or contractor as the building official considers necessary concerning the construction of the building so as to render the building safe from the catching and spreading of fire. For a building official in a municipality that is enforcing the Maine Uniform Building and Energy Code pursuant to Title 10, section 9724, unless the municipality is enforcing that code by means of 3rd-party inspectors pursuant to section 2373, subsection 4, the building official shall inspect each building during the process of construction for compliance with the Maine Uniform Building and Energy Code adopted pursuant to Title 10, chapter 1103. [ 2011, c. 582, §4 (AMD). ]

### SECTION HISTORY

2009, c. 261, Pt. B, §4 (NEW). 2011, c. 582, §4 (AMD).

## §2354. INSPECTION OF BUILDINGS BEING REPAIRED

Subject to Title 32, chapter 139, the building official shall inspect all buildings while they are in process of being repaired and see that all reasonable safeguards are used against the catching and spreading of fire and that the chimneys and flues are made safe. The building official may give directions in writing to the owner as necessary concerning such repairs to render the building safe from the catching and spreading of fire. [2009, c. 652, Pt. A, §36 (RPR).]

### SECTION HISTORY

1991, c. 198, §1 (AMD). 1991, c. 714, §6 (AMD). 2009, c. 261, Pt. B, §5 (AMD). 2009, c. 344, Pt. D, §1 (AMD). 2009, c. 344, Pt. E, §2 (AFF). 2009, c. 652, Pt. A, §36 (RPR).

## §2355. INSPECTION OF CHIMNEYS, FURNACES, BOILERS AND THE LIKE

*(REPEALED)*

### SECTION HISTORY

1987, c. 35, §1 (RP).

## §2356. APPEALS

Unless an alternative appeal process has been established by ordinance pursuant to Title 10, section 9724, subsection 5, an appeal in writing may be taken from any order or direction of the building official to the municipal officers, whose order thereon is final. [2011, c. 582, §5 (AMD).]

### SECTION HISTORY

2009, c. 261, Pt. B, §6 (AMD). 2011, c. 582, §5 (AMD).

## §2357. NO OCCUPANCY WITHOUT CERTIFICATE; APPEAL

*(REPEALED)*

Subject to the provisions of Title 10, chapter 951, a new building may not be occupied until the building official has given a certificate that the same has been built in accordance with section 2353, and so as to be safe from fire. The inspector of buildings may issue the certificate of occupancy upon receipt of an inspection report by a certified 3rd-party inspector pursuant to section 2373, subsection 4. The municipality has no obligation to review a report from a 3rd-party inspector for accuracy prior to issuing the certificate of occupancy. If the owner permits it to be so occupied without such certificate, the owner must be penalized in accordance with Title 30-A, section 4452. In case the building official for any cause declines to give that certificate and the builder has in the builder's own judgment complied with section 2353, an appeal may be taken to the municipal officers and, if on such appeal it is decided by them that the section has been complied with, the owner of the building is not liable to a fine for want of the certificate of the building official. [2009, c. 261, Pt. A, §11 (RPR).]

This section is repealed December 1, 2010. [2009, c. 261, Pt. A, §11 (NEW).]

### SECTION HISTORY

1987, c. 192, §4 (AMD). 1989, c. 502, §A101 (AMD). 1999, c. 725, §5 (AMD). 2007, c. 699, §9 (AMD). 2007, c. 699, §26 (AFF). 2009, c. 261, Pt. A, §11 (RPR). MRSA T. 25, § 2357 (RP).

## §2357-A. NO OCCUPANCY WITHOUT CERTIFICATE; APPEAL

A building in a municipality of more than 2,000 inhabitants may not be occupied until the building official has given a certificate of occupancy for compliance with the inspections required by section 2353-A. A building in a municipality of more than 2,000 inhabitants that has adopted or is enforcing the Maine

Uniform Building and Energy Code pursuant to Title 10, section 9724 may not be occupied until the building official has given a certificate of occupancy for compliance with the Maine Uniform Building and Energy Code adopted pursuant to Title 10, chapter 1103, and in accordance with the required enforcement and inspection options provided in section 2373. The building official may issue the certificate of occupancy upon receipt of an inspection report by a certified 3rd-party inspector pursuant to section 2373, subsection 4. The municipality has no obligation to review a report from a 3rd-party inspector for accuracy prior to issuing the certificate of occupancy. If the owner permits it to be so occupied without such certificate, the owner must be penalized in accordance with Title 30-A, section 4452. In case the building official for any cause declines to give that certificate and the builder has in the builder's own judgment complied with section 2353-A, an appeal may be taken pursuant to Title 30-A, section 4103, subsection 5 or through an alternative appeal process that has been established by ordinance pursuant to Title 10, section 9724, subsection 5. If on such appeal it is decided that section 2353-A has been complied with, the owner of the building is not liable to a fine for want of the certificate of the building official. [2011, c. 582, §6 (AMD).]

#### SECTION HISTORY

2009, c. 261, Pt. B, §7 (NEW). 2011, c. 94, §1 (AMD). 2011, c. 365, §7 (AMD). 2011, c. 582, §6 (AMD).

### **§2358. FAILURE TO COMPLY WITH ORDER OF BUILDING OFFICIAL**

If the owner of any building neglects or refuses for more than 30 days to comply with any direction of the building official concerning the repairs on any building as provided in section 2354, the owner must be penalized in accordance with Title 30-A, section 4452. [2009, c. 261, Pt. B, §8 (AMD).]

#### SECTION HISTORY

1987, c. 192, §4 (AMD). 1989, c. 502, §A102 (AMD). 2009, c. 261, Pt. B, §8 (AMD).

### **§2359. REFUSING ADMISSION TO BUILDING OFFICIAL**

An owner or occupant of a building who refuses to permit a building official to enter the building or willfully obstructs the building official in the inspection of the building as required by chapters 313 to 321 must be penalized in accordance with Title 30-A, section 4452. [2009, c. 261, Pt. B, §9 (AMD).]

#### SECTION HISTORY

1975, c. 623, §35 (AMD). 1987, c. 35, §2 (AMD). 1987, c. 192, §5 (AMD). 1995, c. 462, §A48 (RPR). 2009, c. 261, Pt. B, §9 (AMD).

### **§2360. AUTHORITY TO ENTER BUILDINGS; REMEDY OF CONDITIONS APPEALS**

The building official, the fire inspector and the municipal officers of any city or town may at all reasonable hours, for the purpose of examination, enter into and upon all buildings and premises within their jurisdiction. Whenever any of those officers find in any building or upon any premises combustible material, inflammable conditions or heating fixtures or apparatus so situated or constructed as to be dangerous to the safety of such buildings or premises, they shall order the same to be removed or remedied, and such order must be forthwith complied with by the owner or occupant of those buildings or premises. An owner or occupant aggrieved by such order when made by the building official or the fire inspector may within 24 hours appeal to the municipal officers, and the cause of the complaint must be at once investigated by the direction of the latter and, unless by their authority that order is revoked, that order remains in force and must be forthwith complied with by the owner or occupant. The building official, the fire inspector or the municipal officers shall make, or cause to be made, an immediate investigation as to the presence of combustible material or the existence of inflammable conditions in any building or upon any premises under

their jurisdiction, upon complaint of any person having an interest in those buildings or premises or property adjacent thereto. Any owner or occupant of buildings or premises, failing to comply with the orders of the authorities above specified, must be punished by a fine of not less than \$5 for each day's neglect. [ 2009 , c. 261, Pt. B, §10 (AMD). ]

#### SECTION HISTORY

1987, c. 35, §3 (AMD). 2009, c. 261, Pt. B, §10 (AMD).

## §2361. PROCEEDINGS BY MUNICIPALITY

### 1. Municipal enforcement.

[ 2009, c. 261, Pt. B, §11 (RPR); T. 25, §2361, sub-§1 (RP) . ]

**1-A. Municipal enforcement.** Effective December 1, 2010, duly appointed fire chiefs or their designees, municipal building officials and code enforcement officers, when authorized by their respective municipal employer, may bring a civil action in the name of the municipality to enforce any of the state laws, duly adopted state rules or local ordinances enacted pursuant to this Part and Title 10, chapter 1103; and

[ 2011, c. 365, §8 (AMD) . ]

**2. Notice.** In any proceeding brought by or against the State that involves the validity of a municipal ordinance, the municipality must be given notice of the proceeding and is entitled to be made a party to the proceeding and to be heard. In any proceeding brought by or against the municipality that involves the validity of statute, ordinance or regulation, the Attorney General must be served and made a party to the proceeding and is entitled to be heard. This section applies to enforcement of statutes, rules or ordinances enacted pursuant to this Part and Title 10, chapter 1103.

[ 2007, c. 699, §10 (AMD); 2007, c. 699, §26 (AFF) . ]

#### SECTION HISTORY

1985, c. 101, (NEW). 2007, c. 699, §10 (AMD). 2007, c. 699, §26 (AFF). 2009, c. 261, Pt. B, §11 (AMD). 2009, c. 261, Pt. B, §12 (AMD). 2011, c. 365, §8 (AMD). MRSA T. 25, §2361, sub-§1 (AMD).

## Chapter 314: BUILDING CODES AND STANDARDS

## §2371. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [2007, c. 699, §11 (NEW). ]

**1. Board.** "Board" means the Technical Building Codes and Standards Board established in Title 5, section 12004-G, subsection 5-A.

[ 2007, c. 699, §11 (NEW) . ]

**2. Building official.** "Building official" means a building official appointed pursuant to section 2351-A.

[ 2011, c. 94, §2 (AMD) . ]

**3. Bureau.**

[ 2011, c. 633, §7 (RP) . ]



**4. Code.** "Code" means the Maine Uniform Building and Energy Code adopted pursuant to Title 10, chapter 1103.

[ 2007, c. 699, §11 (NEW) . ]

**5. Commissioner.** "Commissioner" means the Commissioner of Public Safety.

[ 2007, c. 699, §11 (NEW) . ]

**5-A. Division.** "Division" means the Division of Building Codes and Standards established in section 2372.

[ 2011, c. 633, §8 (NEW) . ]

**6. Third-party inspector.** "Third-party inspector" means a person certified by the State to conduct inspections under Title 30-A, section 4451 for compliance with the code. A 3rd-party inspector may not hold a pecuniary interest, directly or indirectly, in any building for which the 3rd-party inspector issues an inspection report pursuant to section 2373 and may not serve as a 3rd-party inspector in any municipality where that 3rd-party inspector has been appointed as a building official or code enforcement officer.

[ 2011, c. 365, §9 (AMD) . ]

#### SECTION HISTORY

2007, c. 699, §11 (NEW). 2011, c. 94, §2 (AMD). 2011, c. 365, §9 (AMD). 2011, c. 633, §§7, 8 (AMD).

## §2372. DIVISION OF BUILDING CODES AND STANDARDS

**1. Established.** The Division of Building Codes and Standards is established within the Department of Public Safety, Office of the State Fire Marshal to provide administrative support and technical assistance to the board in executing its duties pursuant to Title 10, section 9722, subsection 6.

[ 2011, c. 633, §9 (AMD) . ]

**2. Staff.** The commissioner may appoint or remove for cause staff of the division, including:

A. A technical codes coordinator certified in building standards pursuant to Title 30-A, section 4451, subsection 2-A, paragraph E, who serves as the division director and principal administrative and supervisory employee of the board. The technical codes coordinator shall attend meetings of the board, keep records of the proceedings of the board and direct and supervise the personnel employed to carry out the duties of the board, including but not limited to providing technical support and public outreach for the adoption of the code, amendments, conflict resolutions and interpretations. Technical support and public outreach must include, but may not be limited to:

(1) Providing nonbinding interpretation of the code for professionals and the general public; and

(2) Establishing and maintaining a publicly accessible website to publish general technical assistance, code updates and interpretations and post-training course schedules; and [ 2011, c. 633, §9 (AMD) . ]

B. An office specialist to provide administrative support to the division and the board. [ 2011, c. 633, §9 (AMD) . ]

[ 2011, c. 633, §9 (AMD) . ]

#### SECTION HISTORY

2007, c. 699, §11 (NEW). 2011, c. 633, §9 (AMD).

## §2373. MUNICIPAL INSPECTION OPTIONS

The code must be enforced in a municipality that has more than 4,000 residents and that has adopted any building code by August 1, 2008. Beginning July 1, 2012, the code must be enforced in a municipality that has more than 4,000 residents and that has not adopted any building code by August 1, 2008. The code must be enforced through inspections that comply with the code through any of the following means: [ 2011, c. 408, §6 (AMD). ]

**1. Building officials.** Building officials and local code enforcement officers;

[ 2007, c. 699, §11 (NEW) . ]

**2. Interlocal agreements.** Interlocal agreements with other municipalities that share the use of building officials certified in building standards pursuant to Title 10, section 9723;

[ 2007, c. 699, §11 (NEW) . ]

**3. Contractual agreements.** Contractual agreements with county or regional authorities that share the use of building officials certified in building standards pursuant to Title 10, section 9723; and

[ 2007, c. 699, §11 (NEW) . ]

**4. Third-party inspectors.** Reports from 3rd-party inspectors certified pursuant to Title 10, section 9723 submitted to the building official prior to obtaining a certificate of occupancy in section 2357-A that are obtained pursuant to independent contractual arrangements between the building owner and 3rd-party inspector or the municipality and 3rd-party inspector.

[ 2011, c. 633, §10 (AMD) . ]

### SECTION HISTORY

2007, c. 699, §11 (NEW). 2009, c. 261, Pt. A, §12 (AMD). 2011, c. 408, §6 (AMD). 2011, c. 633, §10 (AMD).

## §2374. UNIFORM BUILDING CODES AND STANDARDS FUND

The Uniform Building Codes and Standards Fund, referred to in this section as "the fund," is established within the Department of Public Safety to fund the activities of the division under this chapter and the activities of the board under Title 10, chapter 1103 and the Department of Economic and Community Development, Office of Community Development under Title 30-A, section 4451, subsection 3-A. Revenue for this fund is provided by the surcharge established by section 2450-A. The Department of Public Safety and the Department of Economic and Community Development, Office of Community Development shall together determine an amount to be transferred annually from the fund for training and certification under Title 30-A, section 4451, subsection 3-A to the Maine Code Enforcement Training and Certification Fund established in Title 30-A, section 4451, subsection 3-B. Any balance of the fund may not lapse, but must be carried forward as a continuing account to be expended for the same purpose in the following fiscal year. [2013, c. 424, Pt. A, §12 (NEW). ]

### SECTION HISTORY

2007, c. 699, §11 (NEW). 2009, c. 213, Pt. M, §3 (AMD). 2011, c. 633, §11 (AMD). 2011, c. 655, Pt. FF, §3 (AMD). 2011, c. 655, Pt. FF, §16 (AFF). 2013, c. 424, Pt. A, §12 (RPR).

## Chapter 315: INVESTIGATION OF FIRE HAZARDS AND CAUSES

## §2391. ELECTION OF FIRE WARD; DUTIES AND COMPENSATION

Each municipality not having an organized fire department, at its annual meeting, shall elect at least one fire ward, who shall be a fire inspector. Such fire inspectors shall perform the duties set forth in sections 2392 to 2395. If more than one fire ward is elected by any municipality, one of said fire wards shall be designated as fire inspector of said municipality, and the other fire wards shall, under the direction of the fire inspector, assist in performing the duties imposed upon said fire inspector by said sections. In towns and cities having an organized fire department, the chief of such fire department shall perform the duties of fire inspector. Fire inspectors so elected or designated shall receive reasonable compensation for their services, to be determined by the municipality. [1973, c. 632, §1 (RPR).]

When for any reason the office of fire ward is vacant or the fire ward is incapacitated and there is no organized fire department, the municipal officers may appoint a fire ward to serve until the next ensuing election of officers. [1973, c. 632, §1 (RPR).]

### SECTION HISTORY

1969, c. 377, §1 (AMD). 1971, c. 592, §35 (AMD). 1973, c. 632, §1 (RPR).

## §2392. INSPECTION BY STATE FIRE MARSHAL; REMOVAL OF DANGEROUS MATTER; APPEAL; EXITS

The State Fire Marshal or public safety inspectors, upon the complaint of a person or whenever they determine it necessary, may inspect all buildings and premises within their jurisdiction. The State Fire Marshal or a public safety inspector may forbid the use of a building or other structure that does not conform to the laws, ordinances and rules adopted by the Commissioner of Public Safety or enforceable by the commissioner, pursuant to section 2396, and that creates a danger to other property or to the public. The State Fire Marshal or a public safety inspector shall serve an order in writing upon the owner and the occupant, if any, to repair or remove the building or structure or part of the building or structure and to vacate the building or structure within a reasonable time to be stated in the order. The owner or occupant may within 24 hours appeal the order to the Commissioner of Public Safety, who shall, within 30 days after notice to the owner or occupant and a hearing, review the order and file a decision. The commissioner's decision is final and must be complied with within such time as may be fixed in the order or decision of the commissioner. [1997, c. 728, §16 (AMD).]

An owner or occupant who neglects to comply with the order is guilty of a Class E crime, except that a fine of not less than \$100 must be imposed for each conviction. [1997, c. 728, §16 (AMD).]

Every hospital, sanatorium, convalescent home, nursing home, rest home or other institution for the hospitalization or nursing care of human beings must between sundown and sunrise maintain lighted exitways and all main exit doors must be hung to swing outward. [1997, c. 728, §16 (AMD).]

### SECTION HISTORY

1971, c. 592, §35 (AMD). 1973, c. 632, §2 (AMD). 1973, c. 788, §§110-A (RPR). 1979, c. 58, §§1,2 (AMD). 1997, c. 728, §16 (AMD).

## §2393. BUILDINGS REPAIRED OR DEMOLISHED; COMPLAINT TO ENFORCE ORDER

If any person fails to comply with the order of any officer under section 2392 or with the decision of the Commissioner of Public Safety on review and within the time fixed, then such officer or the Commissioner of Public Safety may file a complaint in the Superior Court in the county where the building or premises is located to enforce the order of said officer or the Commissioner of Public Safety. After notice and hearing, the court shall make such order, judgment or decree as law and justice may require, or the court may authorize the municipality to cause such building or premises to be forthwith repaired, torn down or demolished and such materials removed and all dangerous conditions remedied, as the case may be, at the expense of the

municipality in which such property is situated. If the owner thereof, within 30 days after notice in writing of the amount of such expense, fails, neglects or refuses to repay said municipality the expense thereby incurred, a special tax may be assessed by the assessors against the land on which said building was located for the amount of such expenses, and such amount shall be included in the next annual warrant to the tax collector of said municipality for collection, and shall be collected in the same manner as other state, county and municipal taxes are collected. [1973, c. 632, §3 (AMD).]

#### SECTION HISTORY

1971, c. 592, §35 (AMD). 1973, c. 632, §3 (AMD).

### **§2394. INVESTIGATION OF FIRE ORIGIN; ATTORNEY GENERAL MAY DIRECT**

When property is destroyed or damaged by fire, the municipal fire inspector shall investigate the cause, circumstances and origin of the fire, and especially examine whether it was the result of carelessness or of design. The Attorney General may supervise and direct such investigation whenever the Attorney General determines it to be expedient or necessary. If arson is suspected, the municipal fire inspector shall immediately notify the State Fire Marshal or an inspector of the Office of the State Fire Marshal, who shall cause a full investigation thereof to be conducted. The State Fire Marshal and agents or employees of the Office of the State Fire Marshal may investigate or cause to be investigated any fire or explosion within the State. [2011, c. 27, §1 (AMD).]

**1. Certain explosions or fires; investigation and securing of evidence.** In accordance with the protocol adopted by the State Fire Marshal pursuant to this subsection, the State Fire Marshal shall investigate and secure evidence of a gas explosion event. For purposes of this subsection, "gas explosion event" means an explosion or fire caused or suspected to be caused by or that involves natural gas or liquefied petroleum gas and that causes injury or substantial property damage, as determined according to the protocol adopted under this subsection. The State Fire Marshal shall develop a protocol for investigating and securing evidence under this section that:

A. Establishes reasonable standards for determining whether an explosion or fire may have been caused by or involved natural gas or liquefied petroleum gas and whether the explosion or fire caused injury or substantial property damage; and [2011, c. 27, §1 (NEW).]

B. Establishes procedures for informing local fire officials of the requirements of this subsection and for coordinating the investigation, as appropriate, with local fire officials, the Public Utilities Commission, the utility or other entity that controlled, transported or delivered the natural gas or liquefied petroleum gas and other relevant entities. [2011, c. 27, §1 (NEW).]

[ 2011, c. 27, §1 (NEW) .]

#### SECTION HISTORY

1969, c. 377, §2 (AMD). 1971, c. 592, §7 (AMD). 1973, c. 632, §4 (AMD). 2011, c. 27, §1 (AMD).

### **§2395. FILING STATEMENT OF FIRE OCCURRENCE**

The municipal fire chief or a designee shall submit to the State Fire Marshal an incident report for each response made, regardless of whether an actual fire occurred. The report must be submitted in a manner consistent with a national fire incident reporting system. [2007, c. 82, §2 (AMD).]

#### SECTION HISTORY

1969, c. 377, §3 (AMD). 1971, c. 592, §8 (AMD). 1973, c. 632, §5 (RPR). 1979, c. 44, (AMD). 2007, c. 82, §2 (AMD).

**§2396. OFFICE OF STATE FIRE MARSHAL ESTABLISHED; APPOINTMENT**

The Office of the State Fire Marshal is established as a bureau within the Department of Public Safety. The Commissioner of Public Safety, with the advice and consent of the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over public safety matters and to confirmation by the Legislature, shall appoint as State Fire Marshal a person experienced in fire prevention work to serve for a term of 4 years coterminous with the Governor. The State Fire Marshal may be removed by impeachment or by the Governor on the address of both branches of the Legislature. The Commissioner of Public Safety or the commissioner's designee shall appoint, subject to the Civil Service Law, such investigators, inspectors and other employees as are necessary to carry out the duties assigned to the office. The State Fire Marshal and the Commissioner of Public Safety or the commissioner's designee have all of the duties and responsibilities assigned to the office. [2011, c. 655, Pt. WW, §1 (AMD).]

The State Fire Marshal, the State Fire Marshal's deputy and any public safety inspectors and investigators shall enforce all of the laws, ordinances and rules adopted by the Commissioner of Public Safety or enforceable by the Commissioner of Public Safety, directed toward and concerned with protection of the public in the following areas: [1997, c. 728, §18 (AMD).]

**1. Fires.** The prevention and containment of fire and the protection of life and property from fire;  
[ 1997, c. 728, §19 (AMD) .]

**2. Arson.** The suppression of arson and investigation of cause, origin and circumstances of fires;  
[ 1973, c. 632, §6 (RPR) .]

**3. Explosives.** The storage, sale and use of combustibles, flammables, incendiary devices and explosives;  
[ 2003, c. 535, §2 (AMD) .]

**4. Fire alarm.** The installation, maintenance or sale of automatic or other fire alarm systems and fire extinguishing equipment;  
[ 1973, c. 632, §6 (RPR) .]

**5. Fire escapes.** The construction, maintenance and regulation of fire escapes;  
[ 1973, c. 632, §6 (RPR) .]

**6. Means of egress.** The adequacy of means of egress, in the case of fire, from factories, asylums, hospitals, churches, schools, halls, theaters, amphitheatres, dormitories, apartment or rooming houses, hotels, motels and all other places in which numbers of persons work, live or congregate from time to time for any purpose which comes within the scope of the current edition of the National Fire Protection Association No. 101, Life Safety Code;  
[ 1979, c. 42, (AMD) .]

**7. Other duties.** The performance of such other duties as are set forth in this and other sections of the statutes and as may be conferred or imposed from time to time by law. The State Fire Marshal, the State Fire Marshal's deputy and investigators appointed under this Title shall carry out those functions that the Commissioner of Public Safety may direct and in so doing have the same enforcement powers and duties throughout the State as sheriffs have in their respective counties. A public safety inspector for the purpose of

enforcing section 2452, relating to statewide enforcement powers of the National Fire Protection Association No. 101, Life Safety Code, has the right to execute or serve criminal and civil violation process against offenders who violate the National Fire Protection Association No. 101, Life Safety Code.

[ 2017, c. 284, Pt. LLLLLL, §1 (AMD) .]

#### SECTION HISTORY

1969, c. 377, §4 (AMD). 1973, c. 632, §6 (RPR). 1975, c. 579, §4 (AMD). 1979, c. 42, (AMD). 1979, c. 43, (AMD). 1985, c. 785, §B111 (AMD). 1991, c. 837, §§A57-59 (AMD). 1997, c. 728, §§17-20 (AMD). 2003, c. 42, §1 (AMD). 2003, c. 535, §2 (AMD). 2011, c. 655, Pt. WW, §1 (AMD). 2017, c. 284, Pt. LLLLLL, §1 (AMD).

### **§2396-A. PUBLIC SAFETY INSPECTOR, DEFINED**

For purposes of this Part, unless the context indicates otherwise, "public safety inspector" means an inspector acting under the direction of the Commissioner of Public Safety or the commissioner's designee. [1997, c. 728, §21 (NEW) .]

#### SECTION HISTORY

1997, c. 728, §21 (NEW) .

### **§2397. WITNESSES; INVESTIGATIONS PRIVATE**

The Attorney General, or his designee, shall have the power to summon and compel the attendance of witnesses before them or either of them, to testify in relation to any matter which is by sections 2394 to 2396 a subject of inquiry and investigation, and to compel the production of all books, records, documents and papers pertaining to said subject of inquiry and investigation. The Attorney General, or his designee, may administer oaths and affirmations to persons appearing as witnesses before them; and false swearing in any matter or proceeding aforesaid shall be deemed perjury and shall be punished as such. [1969, c. 377, §5 (RPR) .]

The Commissioner of Public Safety, the Attorney General, or their designees, shall have authority, at all times of the day or night, in the performance of the duties imposed upon them, to enter upon and examine any building or premises where a fire is in progress or has occurred and other buildings or premises adjoining or near the same. Persons other than those required to be present by the provisions hereof may be excluded from the place where such investigation is held and witnesses may be kept separate and apart from one another and not allowed to communicate with one another until they have been examined. [1971, c. 592, §35 (AMD) .]

#### SECTION HISTORY

1969, c. 377, §5 (RPR). 1971, c. 592, §35 (AMD) .

### **§2398. INSURANCE COMPANIES TO REPORT ALL LOSS ADJUSTMENTS TO COMMISSIONER**

*(REPEALED)*

#### SECTION HISTORY

1969, c. 153, (RP) .

### **§2399. COMMISSIONER OF PUBLIC SAFETY'S EXPENSES**

The Commissioner of Public Safety may incur reasonable expenses in educating the public in fire prevention and protection. [1973, c. 727, §1 (RPR) .]

Every fire insurance company or association that does business or collects premiums or assessments in the State shall pay to the State Tax Assessor, in addition to the taxes now imposed by law to be paid by those companies or associations, 1.4% of the gross direct premiums for fire risks written in the State, less the amount of all direct return premiums thereon and all dividends paid to policyholders on direct fire premiums. Beginning in 2013 and every 5 years thereafter, by October 1st the Department of Professional and Financial Regulation, Bureau of Insurance shall determine for the subsequent 5 years the basis percentage of fire risk allocated to each line of insurance, and every fire insurance company or association shall pay the 1.4% tax based on that basis allocation. That tax must be paid as provided for insurance premium taxes as specified in Title 36, section 2521-A, except that the tax prescribed by this section must be paid on an estimated basis at the end of each month, with each installment equal to at least 1/12 of the estimated total tax to be paid for the current calendar year. The State Tax Assessor shall pay over all receipts from that tax to the Treasurer of State daily. Of these funds 75.7% must be used to defray the expenses incurred by the Commissioner of Public Safety in administering all fire preventive and investigative laws and rules and in educating the public in fire safety and is appropriated for those purposes and to carry out the administration and duties of the Office of the State Fire Marshal. Of these funds 24.3% must be used to defray the expenses of the fire training and education program as established in Title 20-A, chapter 319. [2013, c. 546, §6 (AMD); 2013, c. 546, §17 (AFF).]

Whenever a surplus accumulates in the special fund created by this section that is sufficient to defray the expenses of administration of this section for an ensuing period of one year, then, in the discretion of the Commissioner of Public Safety, the foregoing special tax for that year may be omitted, and the Commissioner of Public Safety shall certify to the State Tax Assessor that the special tax is to be omitted. The certification must be made not later than the 31st day of January of the year in which the tax would otherwise be assessed. [1997, c. 728, §22 (AMD).]

#### SECTION HISTORY

1973, c. 632, §§7,7-A (AMD). 1973, c. 727, §1 (RPR). 1977, c. 258, (AMD). 1981, c. 456, §§A89,A90 (AMD). 1983, c. 43, (AMD). 1985, c. 797, §63 (AMD). 1987, c. 816, §§HH1 (AMD). 1991, c. 9, §J1 (AMD). 1997, c. 728, §22 (AMD). 2013, c. 95, §1 (AMD). 2013, c. 546, §6 (AMD). 2013, c. 546, §17 (AFF).

### **§2400. MUNICIPAL FIRE INSPECTORS TO KEEP RECORDS**

Municipal fire inspectors shall record or cause to be recorded all returns made under this chapter. [1973, c. 632, §8 (AMD).]

#### SECTION HISTORY

1973, c. 632, §8 (AMD).

### **§2401. VIOLATIONS**

Any municipal fire inspector or any insurance company neglecting or refusing to perform any duty required by this chapter shall be punished by a fine of not less than \$10 nor more than \$100 for each offense. [1973, c. 632, §9 (AMD).]

#### SECTION HISTORY

1973, c. 632, §9 (AMD).

### **§2402. LIMITED IMMUNITY**

***(REPEALED)***

#### SECTION HISTORY

1977, c. 275, (NEW). 1981, c. 404, §1 (RP).

## §2403. THERMAL IMAGING CAMERA PROGRAM

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Commissioner" means the Commissioner of Public Safety or the commissioner's designee. [ 2001 , c. 439 , Pt. BBBB, §1 (NEW) .]

B. "Fund" means the Thermal Imaging Camera Fund established in this section. [ 2001 , c. 439 , Pt. BBBB, §1 (NEW) .]

[ 2001 , c. 439 , Pt. BBBB, §1 (NEW) .]

**2. Program established.** The commissioner shall oversee the Thermal Imaging Camera Program to negotiate one or more bulk purchases of thermal imaging cameras on behalf of local fire-fighting units and, to the extent funds are available, to provide loans for the purchase of such cameras by local fire-fighting units. The commissioner shall determine how many thermal imaging cameras local fire-fighting units wish to purchase under the program and shall negotiate a bulk purchase price of those cameras, provided that the units are able to pay for the cameras or have qualified for a loan pursuant to subsection 4.

[ 2001 , c. 439 , Pt. BBBB, §1 (NEW) .]

**3. Fund established.** The Thermal Imaging Camera Fund is established from which the loans authorized under subsection 4 may be made. The fund, which is a nonlapsing fund, receives money from appropriations made by the Legislature and from any other public or private source including repayment of loans. Money deposited in the fund and any interest earnings on that money remain in the fund to be used for loans pursuant to this section.

[ 2001 , c. 439 , Pt. BBBB, §1 (NEW) .]

**4. Loans and purchases authorized.** To the extent money is available in the fund, the commissioner may make interest-free loans to local fire-fighting units, or the appropriate units of government with jurisdiction over the fire-fighting units, to assist in the purchase of the thermal imaging cameras for which the commissioner negotiates a price pursuant to subsection 2. The commissioner may recover administrative costs associated with administering the loans through a processing fee equitably imposed on local fire-fighting units, or the units of government with jurisdiction over the fire-fighting units, which receive loans under this section. The commissioner shall also arrange for the direct purchase of a thermal imaging camera by a local fire-fighting unit if no loan is sought or available. The commissioner by rule shall establish procedures for determining which local fire-fighting units qualify to receive loans in the event the fund is insufficient to provide loans to all fire-fighting units that seek loans. Rules adopted to implement this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

[ 2001 , c. 439 , Pt. BBBB, §1 (NEW) .]

### SECTION HISTORY

2001, c. 439, §BBBBB1 (NEW).

## Chapter 316: ARSON REPORTING IMMUNITY ACT

### §2411. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1981, c. 404, §2 (NEW).]



**1. Action.** "Action" includes nonaction or the failure to take action.

[ 1981, c. 404, §2 (NEW) .]

**2. Authorized agencies.** "Authorized agencies" means:

A. Attorney General; [1981, c. 404, §2 (NEW) .]

B. District attorney responsible for prosecution in the municipality where the fire occurred; [1981, c. 404, §2 (NEW) .]

C. The Federal Bureau of Investigation, or any other federal agency, only for the purposes of section 2412; [1981, c. 404, §2 (NEW) .]

D. State Fire Marshal; [1981, c. 404, §2 (NEW) .]

E. Superintendent of Insurance; [1981, c. 404, §2 (NEW) .]

F. United States Attorney's office when authorized or charged with investigation or prosecution of the fire in question, only for the purposes of section 2412. [1981, c. 404, §2 (NEW) .]

[ 1981, c. 404, §2 (NEW) .]

**3. Immune.** "Immune" means that in the absence of fraud or malice, no insurance company or person who furnished information on its behalf to an authorized agency is liable for damages in a civil action or subject to criminal prosecution for furnishing information pursuant to this chapter.

[ 1981, c. 404, §2 (NEW) .]

#### SECTION HISTORY

1981, c. 404, §2 (NEW) .

## §2412. DISCLOSURE OF INFORMATION

**1. Information disclosed.** Any authorized agency investigating a fire loss may, in writing, require the insurance company at interest to release to the requesting agency any or all relevant information or evidence deemed important to the authorized agency, which the company may have in its possession relating to the fire loss in question. This information includes, but is not limited to:

A. History of previous claims made by the insured; [1981, c. 404, §2 (NEW) .]

B. Insurance policy information relevant to a fire loss under investigation and any application for that policy; [1981, c. 404, §2 (NEW) .]

C. Material relating to the investigation of the fire loss including statements and proof of loss; and [1981, c. 404, §2 (NEW) .]

D. Policy premium payment records. [1981, c. 404, §2 (NEW) .]

[ 1981, c. 404, §2 (NEW) .]

**2. Notification.** When an insurance company has reason to believe that a fire loss in which it has an interest was not accidentally caused, it shall, in writing, notify an authorized agency and provide it with information developed from the company's inquiry into the fire loss.

[ 1981, c. 404, §2 (NEW) .]

**3. Exchange of information.** The authorized agency provided with information pursuant to this section may release or provide that information to any other authorized agency.

[ 1981, c. 404, §2 (NEW) .]

**4. Right to receive upon request.** Any insurance company providing information to an authorized agency pursuant to this section shall have the right, upon request, to receive other information relevant to the fire loss, from such authorized agency, within 30 days.

[ 1981, c. 404, §2 (NEW) .]

**5. Immunity.** Any insurance company, or person acting on its behalf, or authorized agency which releases information pursuant to this section, is immune from civil or criminal liability.

[ 1981, c. 404, §2 (NEW) .]

#### SECTION HISTORY

1981, c. 404, §2 (NEW) .

## §2413. EVIDENCE

**1. Confidentiality.** Any authorized agency or insurance company which receives any information pursuant to this chapter shall hold it in confidence and not release the information, except to another authorized agency, until its release is required for a criminal or civil proceeding.

[ 1981, c. 404, §2 (NEW) .]

**2. Testimony.** Personnel of any authorized agency may be required to testify by subpoena in any litigation in which the insurance company at interest is named as a party.

[ 1981, c. 404, §2 (NEW) .]

#### SECTION HISTORY

1981, c. 404, §2 (NEW) .

## §2415. REPORTING BY HEALTH CARE PRACTITIONER

**1. Reasonable cause to suspect; information disclosed.** A health care practitioner, as defined by Title 24, section 2502, subsection 1-A, who, as a result of the practitioner's examination or treatment of a person for a burn injury, has reasonable cause to suspect that the burn injury was sustained in connection with an act of arson, may report to the Office of the State Fire Marshal. The health care practitioner's report may include the name and address of the person examined or treated, the basis for the practitioner's suspicion and other information which, in the judgment of the practitioner, may aid in investigation by the Office of the State Fire Marshal.

[ 1989, c. 267, (NEW) .]

**2. Immunity.** A health care practitioner who, acting in good faith in reporting under this section or participating in a related investigation or proceeding, makes a report pursuant to subsection 1 is immune from civil or criminal liability for the act of reporting or participating in a related investigation or proceeding. Good faith does not include instances when a false report is made and the person knows the report is false. Nothing in this section may be construed to bar criminal or civil action regarding perjury.

[ 1989, c. 267, (NEW) .]

**3. Presumption of good faith.** In a proceeding regarding immunity from liability, there shall be a rebuttable presumption that a report made under subsection 1 was made in good faith.

[ 1989, c. 267, (NEW) .]

**4. Privileged or confidential communications.** The physician-patient privilege under the Maine Rules of Evidence is abrogated in relation to a report authorized under subsection 1.

[ 1989, c. 267, (NEW) .]

SECTION HISTORY

1989, c. 267, (NEW).

## Chapter 317: PREVENTIVE MEASURES AND RESTRICTIONS

### §2431. RESTRICTION OF CERTAIN OCCUPATIONS IN MARITIME TOWNS (REPEALED)

SECTION HISTORY

1977, c. 177, (RP).

### §2432. REMOVAL OR REPAIR OF DEFECTIVE STOVES, BOILERS AND THE LIKE

On complaint of any citizen that a stove, stovepipe, oven, furnace, boiler or appurtenance is defective, out of repair or so placed in any building as to endanger it or any other building, the Commissioner of Public Safety or municipal officers of any town of not more than 2,000 inhabitants, if satisfied that such complaint is well founded, shall give written notice to the owner or occupant of such building, and if the owner or occupant unnecessarily neglects for 3 days to remove or repair the same effectually, the owner or occupant forfeits not less than \$10 nor more than \$100. [1991, c. 198, §2 (AMD).]

SECTION HISTORY

1971, c. 592, §35 (AMD). 1991, c. 198, §2 (AMD).

### §2433. SMOKING RESTRICTIONS (REPEALED)

SECTION HISTORY

1999, c. 652, §2 (RP).

### §2434. DISPOSAL OF LIGHTED MATCHES, CIGARETTES, ETC. (REPEALED)

SECTION HISTORY

1965, c. 365, §4 (RPR). 1979, c. 545, §16 (RP).

### §2435. KINDLING FIRE WITH INTENT TO INJURE ANOTHER

Whoever with intent to injure another causes a fire to be kindled, whereby the property of any other person is injured or destroyed, commits a Class D crime. [1991, c. 797, §12 (AMD).]

SECTION HISTORY

1991, c. 797, §12 (AMD).

## **§2436. TIME AND MANNER FOR KINDLING LAWFUL FIRES** *(REPEALED)*

### SECTION HISTORY

1979, c. 545, §17 (RP).

## **§2436-A. BURNING OF DEBRIS** *(REPEALED)*

### SECTION HISTORY

1965, c. 365, §5 (NEW). 1979, c. 663, §152 (AMD). 1981, c. 115, (AMD).  
1983, c. 504, §5 (RP).

## **§2437. LUMBER DRIVERS MAY KINDLE NECESSARY FIRES** *(REPEALED)*

### SECTION HISTORY

1971, c. 97, §8 (RP).

## **§2438. EXTINGUISHMENT OF CAMP, COOKING OR OTHER FIRES; FINES** *(REPEALED)*

### SECTION HISTORY

1975, c. 43, §1 (AMD). 1979, c. 545, §18 (RP).

## **§2439. COMMON LAW REMEDY PRESERVED**

The common law right to an action for damages done by fires is not taken away or diminished and it may be pursued notwithstanding the penalties set forth in chapters 313 to 321. [1979, c. 663, §153 (RPR).]

### SECTION HISTORY

1971, c. 622, §83 (AMD). 1979, c. 541, §A166 (AMD). 1979, c. 545, §4 (AMD). 1979, c. 663, §153 (RPR).

## **§2440. PENALTIES; RECOVERY AND APPROPRIATION**

Penalties provided in sections 2432 and 2439 may be recovered by complaint, indictment or civil action, 1/2 to the municipality where the offense is committed and 1/2 to the State. [1999, c. 652, §3 (AMD).]

### SECTION HISTORY

1971, c. 622, §84 (AMD). 1975, c. 43, §2 (AMD). 1975, c. 533, (AMD).  
1975, c. 770, §111 (RPR). 1979, c. 127, §157 (AMD). 1979, c. 545, §5 (RPR). 1979, c. 556, §7 (AMD). 1979, c. 663, §154 (RPR). 1999, c. 652, §3 (AMD).

## **§2441. EXPLOSIVES OR INFLAMMABLES; RULES** *(REPEALED)*

## SECTION HISTORY

1967, c. 316, (AMD). 1971, c. 592, §35 (AMD). 1973, c. 725, §2 (AMD). 1975, c. 771, §265 (AMD). 1979, c. 107, (AMD). 1983, c. 174, §2 (AMD). 1983, c. 785, §7 (AMD). 1989, c. 135, (AMD). 1991, c. 464, §§5,6 (AMD). 1997, c. 727, §C6 (AMD). 1999, c. 652, §4 (RP).

**§2442. RECOVERY OF DAMAGES FOR EXPLOSION**

A person injured by the explosion of such articles in the possession of any person contrary to such regulations has an action for damages against such possessor, or against the owner, if cognizant of such neglect.

**§2443. SEARCH FOR EXPLOSIVES**

*(REPEALED)*

## SECTION HISTORY

1999, c. 652, §5 (RP).

**§2444. TRANSPORTATION OF EXPLOSIVES**

*(REPEALED)*

## SECTION HISTORY

1971, c. 592, §35 (AMD). 1997, c. 728, §23 (AMD). 1999, c. 652, §6 (RP).

**§2445. STANDARDS FOR INSTALLING GAS APPLIANCES**

*(REPEALED)*

## SECTION HISTORY

1971, c. 592, §35 (AMD). 1999, c. 652, §7 (RP).

**§2446. APPROVAL OF CERTAIN APPLIANCES**

*(REPEALED)*

## SECTION HISTORY

1985, c. 11, §1 (AMD). 1999, c. 652, §8 (RP).

**§2447. APPROVAL OF CERTAIN COMPOUNDS**

No individual, partnership or corporation may sell or offer for sale in this State any type of flame retardant or flame proofing compound, powder or liquid, or any fire extinguisher, or any compound, powder or liquid utilized for fire extinguishing purposes unless such product shall have the approved listing of any nationally recognized laboratory that meets the standards of the National Bureau of Standards, United States Department of Commerce. [1985, c. 11, §2 (AMD).]

The expense involved in ascertaining if such product shall be approved shall be paid by the individual, partnership or corporation selling or offering the same for sale.

Any violation of this section shall be punishable by a fine of not more than \$100 or by imprisonment for not more than 90 days, or by both.

## SECTION HISTORY

1985, c. 11, §2 (AMD).

## §2447-A. CELLULOSE FIBER INSULATION STANDARDS

**1. Prohibition.** No individual, partnership or corporation may sell or offer for sale in this State, in person, by mail or otherwise, any type of cellulose fiber insulation unless that product is either:

A. Certified by a nationally recognized testing laboratory as meeting ASTM E-84, Class I requirements; or [1977, c. 639, §1 (NEW).]

B. Certified by the Department of Industrial Cooperation, University of Maine System, as meeting requirements comparable to ASTM E-84, Class I requirements. [1985, c. 779, §68 (AMD).]

No individual, partnership or corporation may sell or offer for sale in this State, in person, by mail or otherwise, any cellulose fiber insulation which does not conform to any rule established by the State Fire Marshal under subsection 2. The Department of Industrial Cooperation of the University of Maine System shall not be liable as a result of any damage or injury caused by or arising out of the installation or use of insulation certified by the department.

[ 1985, c. 779, §68 (AMD) .]

**2. Rules.** The State Fire Marshal shall, in accordance with the Maine Administrative Procedure Act, establish rules setting forth standards for cellulose fibre insulation which may be sold in this State. These rules shall be no less stringent than current federal specifications for Insulation Thermal: Cellulosic or Wood Fibre, and may exceed the federal standards if, in the judgment of the State Fire Marshal, the action is deemed necessary to protect the health and safety of the public. The State Fire Marshal may incorporate in those rules provisions for testing procedures different from those established by federal specifications where, in his judgment, these federal tests cannot conveniently be conducted in Maine or are not appropriate for Maine use.

[ 1977, c. 639, §1 (NEW) .]

**3. Penalty.** Any violation of this section shall be a Class E crime.

[ 1977, c. 639, §1 (NEW) .]

### SECTION HISTORY

1977, c. 639, §1 (NEW). 1985, c. 779, §68 (AMD).

## §2447-B. FOAM PLASTIC INSULATION STANDARDS

**1. Prohibition.** No individual, partnership or corporation shall install in this State any type of foam plastic insulation unless that product complies with and is installed in accordance with the following requirements.

A. Unless otherwise excepted in the following subparagraphs, all foam plastic or foam plastic cores of manufactured assemblies shall have a flame-spread rating of not more than 75 and a smoke-developed rating of not more than 450 when tested in the maximum thickness intended for use in accordance with ASTM E-84. For all such installations, the foam plastic shall be separated from habitable or occupiable spaces by an approved thermal barrier of 1/2 inch gypsum wallboard or equivalent thermal barrier material which will limit the average temperature rise of the unexposed surface to not more than 250° F. after 15 minutes of fire exposure complying with the ASTM E-119 standard time-temperature curve. Thermal barriers shall be installed in a manner that assures they will stay in place for a minimum of 15 minutes under the same test exposure conditions.

(1) Foam plastics may be used without the thermal barrier described in this paragraph when the foam plastic is protected by a minimum of one inch thickness of masonry or concrete.

(2) Foam plastics when tested in a thickness of 4 inches may be used in a thickness up to 10 inches when the building is equipped with an approved automatic fire suppression system.

For use in rooms within buildings, this requirement shall apply to both the room and that part of the building in which the room is located.

(3) Foam plastics having a maximum flame-spread rating of 75 may be used in thicknesses up to 4 inches in free-standing walk-in coolers or freezer units less than 400 square feet in floor area without a thermal barrier and without an automatic fire suppression system when the foam plastic is covered by a metal facing not less than 0.032 inch thick aluminum or No. 26 gauge steel. When protected by a thermal barrier, the foam plastic may be used in thicknesses up to 10 inches.

(4) Foam plastic insulation having a flame spread of 25 or less may be used in a thickness of not more than 4 inches without the thermal barrier when the foam plastic is covered by a metal facing not less than 0.032 inch thick aluminum or No. 26 gauge steel and the building is provided with an automatic fire suppression system.

(5) Foam plastic may be used in a roof covering assembly without the thermal barrier when the foam is separated from the interior of the building by plywood sheathing not less than 1/2 inch in thickness bonded with interior glue, with edges supported by blocking, tongue-and-groove joints or other approved type of edge support, or an equivalent material.

Foam plastic roof insulation that complies with Factory Mutual Standard 4450 or Underwriters Laboratories Subject 1256 need not meet the requirements of this paragraph.

For roofing applications, the smoke-developed rating shall not be limited.

(6) Foam plastics having a flame-spread rating of 75 or less may be used as a core material without a thermal barrier when the door is covered by a metal facing of not less than 0.032 inch thick aluminum or No. 26 gauge steel.

(7) Foam plastics may be used as a siding backer board with a maximum thickness of 1/2 inch, provided it is separated from the interior of the building by not less than 2 inches of mineral fiber insulation or equivalent, or when applied as residing over existing wall construction.

(8) Within an attic or crawl space where entry is made only for service of utilities, foam plastics shall be protected against ignition by 1 1/2 inch thick mineral fiber insulation, 1/4 inch thick plywood, particleboard, hardboard or gypsum wallboard, No. 26 gauge sheet steel or other approved material installed in such a manner that the foam plastic is not exposed. [1991, c. 2, §96 (COR) . ]

B. Existing low hazard storage facilities with foam plastic insulation may be maintained without the required thermal barrier.

(1) Potato storage facilities constructed after the effective date of this paragraph shall provide an approved thermal barrier over foam plastic insulation for a minimum of 8' above the floor.

(2) The State Fire Marshal may permit in specific circumstances the use of foam plastic with a flame barrier when such use does not create a life safety hazard. [1981, c. 101, (NEW) . ]

[ 1991, c. 2, §96 (COR) . ]

**2. Alternate installations.** Foam plastics may be used in applications other than as listed in this section, when specifically approved by the State Fire Marshal based on diversified tests such as the Factory Mutual Building Corner Test Procedure or the enclosed room test procedures described in Underwriters Laboratories Subject 723. These approvals shall also be based on tests conducted in accordance with ASTM E-84 and ASTM D1929. Testing shall be performed on the finished manufactured foam plastic assemblies and on the maximum thickness intended for use.

[ 1979, c. 167, (NEW) . ]

**3. Penalty.** Any violation of this section shall be a Class E crime.

[ 1979, c. 167, (NEW) .]

#### SECTION HISTORY

1979, c. 167, (NEW). 1981, c. 101, (AMD). RR 1991, c. 2, §96 (COR).

## §2448. CONSTRUCTION PERMIT; WHEN REQUIRED

A property owner, agent or representative of the owner may not construct, alter or change the use of any structure to become a public building without first obtaining from the Commissioner of Public Safety or from a municipality designated pursuant to section 2448-A a permit for that purpose. A request for a permit must be accompanied by a true copy of the plans and specifications for that construction, reconstruction or change of use. The commissioner shall issue a permit only if the plans comply with statutes and lawful rules adopted to reduce fire hazards. [2009, c. 364, §1 (AMD).]

The term "public building" includes any building or structure constructed, operated or maintained for use by the general public, which includes, but is not limited to, all buildings or portions of buildings used for a schoolhouse, hospital, convalescent, nursing or boarding home to be licensed by the Department of Health and Human Services, Division of Licensing and Regulatory Services; theater or other place of public assembly, mercantile occupancy over 3,000 square feet, hotel, motel or business occupancy of 2 or more stories; or any building to be state-owned or state-operated. [2009, c. 364, §1 (AMD).]

The term "true copy" means an accurate representation by dimensioned plans and specifications of the final construction documents. [1983, c. 232, §1 (RPR).]

#### SECTION HISTORY

1973, c. 242, §1 (AMD). 1975, c. 293, §4 (AMD). 1979, c. 208, §1 (AMD). 1983, c. 232, §1 (RPR). 2003, c. 689, §B6 (REV). 2007, c. 324, §17 (REV). 2009, c. 364, §1 (AMD).

## §2448-A. MUNICIPAL REVIEW OF DEVELOPMENT

The Commissioner of Public Safety, referred to in this section as "the commissioner," may register municipalities for authority to issue permits required by section 2448 under the following conditions. For purposes of this section, "municipal reviewing authority" has the same meaning as defined in Title 30-A, section 4366, subsection 7. [2009, c. 364, §2 (NEW).]

**1. Projects.** A municipality registered pursuant to this section may review projects of public buildings as described in section 2448.

[ 2011, c. 304, Pt. J, §1 (AMD) .]

**2. Registration.** The commissioner shall register municipalities to grant permits for projects under subsection 1 if the commissioner finds that the municipality meets all of the following criteria.

A. A municipal building official has been appointed pursuant to section 2351-A. [2011, c. 94, §3 (AMD).]

B. The municipality has an employee that is certified as a plan reviewer by the National Fire Protection Association. [2009, c. 364, §2 (NEW).]

C. The municipality has adopted by reference the fire codes adopted by the Office of the State Fire Marshal pursuant to sections 2452 and 2465. [2009, c. 364, §2 (NEW).]

D. The municipality has adequate resources to administer and enforce the provisions of the fire codes under paragraph C. [2009, c. 364, §2 (NEW).]

E. The procedures for public hearing and notification have been established including:



- (1) Notice to the commissioner upon receipt of an application, including a description of the project;
- (2) Notice of issuance and denial to the applicant and commissioner, including the reason for denial;
- (3) Public notification of the application and any hearings; and
- (4) Procedures for public hearing. [2009, c. 364, §2 (NEW).]

F. The procedures for appeal of local decisions by aggrieved parties are defined. [2009, c. 364, §2 (NEW).]

G. A registration form, provided by the commissioner, has been completed and submitted by the municipality, demonstrating compliance with the criteria under this subsection. [2009, c. 364, §2 (NEW).]

H. The municipality is currently enforcing the Maine Uniform Building and Energy Code. [2009, c. 364, §2 (NEW).]

The Department of Public Safety shall publish on its publicly accessible website a list of those municipalities that are registered pursuant to this subsection.

[2011, c. 94, §3 (AMD).]

**3. Current requirements.** A municipality registered under this section shall ensure that its municipal regulations continue to meet the criteria listed in subsection 2.

A. The commissioner shall immediately notify a registered municipality of new or amended rules. [2009, c. 364, §2 (NEW).]

B. A municipality shall adopt amendments to its municipal regulations within one calendar year of the effective date of new or amended rules adopted by the Department of Public Safety. Within 45 days of the adoption of the amended municipal regulations, the municipality shall submit the amendments for approval by the commissioner. [2009, c. 364, §2 (NEW).]

[2009, c. 364, §2 (NEW).]

**4. Suspension of registration.** If the commissioner finds that a municipality no longer meets the criteria under subsection 2, or is not adequately implementing those requirements, the commissioner may suspend the registration under subsection 2 and shall immediately notify the municipality. The notice must contain findings of fact and conclusions of law. If the registration is suspended, the commissioner shall provide the municipality with the necessary procedures to come into compliance with this section.

[2009, c. 364, §2 (NEW).]

**5. Central list of pending projects.** The commissioner shall maintain and make available a list of projects that are pending municipal review under this section.

[2009, c. 364, §2 (NEW).]

**6. Technical assistance.** The commissioner may provide technical assistance to municipalities upon request for projects reviewed under this section.

[2009, c. 364, §2 (NEW).]

**7. Application review process.** Upon determination by the municipal reviewing authority that an application for a permit or permit amendment under this section is complete for processing, the municipal reviewing authority shall submit to the commissioner within 14 days of that determination a copy of the project application.

A. [2011, c. 304, Pt. J, §2 (RP).]

B. [2011, c. 304, Pt. J, §2 (RP).]

[ 2011, c. 304, Pt. J, §2 (RPR) .]

**8. Record of review and basis for decision.**

[ 2011, c. 304, Pt. J, §3 (RP) .]

**9. State jurisdiction.** The Department of Public Safety shall review projects and exercise jurisdiction for a registered municipality if:

A. The municipal reviewing authority in which the project is located petitions the commissioner in writing; or [2009, c. 364, §2 (NEW).]

B. The proposed project is located in more than one municipality. [2009, c. 364, §2 (NEW).]

[ 2009, c. 364, §2 (NEW) .]

**10. Joint enforcement.** A permit or permit amendment issued by a municipal reviewing authority may be enforced by either the commissioner or the municipality that issued the permit or permit amendment.

[ 2009, c. 364, §2 (NEW) .]

SECTION HISTORY

2009, c. 364, §2 (NEW). 2011, c. 94, §3 (AMD). 2011, c. 304, Pt. J, §§1-3 (AMD).

**§2449. PENALTY**

Whoever violates the provisions of section 2448 shall be guilty of a Class E crime. [1979, c. 208, §2 (RPR).]

SECTION HISTORY

1973, c. 242, §2 (AMD). 1975, c. 293, §4 (AMD). 1979, c. 208, §2 (RPR).

**§2450. EXAMINATIONS BY DEPARTMENT OF PUBLIC SAFETY**

The Commissioner of Public Safety shall adopt, in accordance with requirements of the Maine Administrative Procedure Act, a schedule of fees for the examination of all plans for construction, reconstruction or repairs submitted to the Department of Public Safety. The fee schedule for new construction, reconstruction, repairs or renovations is 1.5/10 of 1% of the cost to construct or reconstruct the portion of the project that is subject to State Fire Marshal review. Except for projects reviewed by a municipality pursuant to section 2448-A, the fees must be credited to a special revenue account to defray expenses in carrying out this section. Any balance of the fees may not lapse, but must be carried forward as a continuing account to be expended for the same purpose in the following fiscal years. For projects reviewed by a municipality that include occupied spaces, a 1¢ fee per square foot must be remitted to the Department of Public Safety and a 4¢ fee per square foot must be paid to the municipality. [2017, c. 284, Pt. MMMM, §1 (AMD).]

A municipality is prohibited from charging a developer a fee that is in excess of the 4¢ fee per square foot for fire code permits. This limitation does not prohibit a municipality from charging fees for other construction-related permits. [2009, c. 364, §3 (NEW).]

SECTION HISTORY

1971, c. 592, §35 (AMD). 1973, c. 242, §3 (AMD). 1973, c. 725, §3 (AMD). 1973, c. 788, §111 (AMD). 1979, c. 186, (AMD). 1983, c. 232, §2 (RPR). 1993, c. 410, §X4 (AMD). 1997, c. 728, §24 (AMD). 2003, c. 358, §1 (AMD). 2007, c. 699, §12 (AMD). 2009, c. 364, §3 (AMD). 2017, c. 284, Pt. MMMMM, §1 (AMD).

## **§2450-A. SURCHARGE ON PLAN REVIEW FEE FOR UNIFORM BUILDING CODES AND STANDARDS FUND**

In addition to the fees established in section 2450, a surcharge of 4¢ per square foot of occupied space must be levied on the existing fee schedule for new construction, reconstruction, repairs, renovations or new use for the sole purpose of funding the activities of the Technical Building Codes and Standards Board with respect to the Maine Uniform Building and Energy Code, established pursuant to Title 10, chapter 1103, the activities of the Division of Building Codes and Standards under chapter 314 and the activities of the Department of Economic and Community Development, Office of Community Development under Title 30-A, section 4451, subsection 3-A, except that the fee for review of a plan for the renovation of a public school, including the fee established under section 2450, may not exceed \$450. Revenue collected from this surcharge must be deposited into the Uniform Building Codes and Standards Fund established by section 2374. [2013, c. 424, Pt. A, §13 (NEW).]

### SECTION HISTORY

2007, c. 699, §13 (NEW). 2011, c. 633, §12 (AMD). 2011, c. 655, Pt. FF, §4 (AMD). 2011, c. 655, Pt. FF, §16 (AFF). 2013, c. 424, Pt. A, §13 (RPR).

## **§2451. DOORS OF PUBLIC BUILDINGS TO OPEN OUTWARDS**

*(REPEALED)*

### SECTION HISTORY

1973, c. 632, §10 (RP).

## **§2452. LIFE SAFETY AND PROPERTY PROTECTION**

The Commissioner of Public Safety shall adopt and may amend rules governing the safety to life from fire in or around all buildings or other structures and mass outdoor gatherings, as defined in Title 22, section 1601, subsection 2, within the commissioner's jurisdiction. Automatic sprinkler systems may not be required in existing noncommercial places of assembly. Noncommercial places of assembly include those facilities used for such purposes as deliberation, worship, entertainment, amusement or awaiting transportation that have a capacity of 100 to 300 persons. Automatic sprinkler systems may not be required in existing commercial places of assembly that are open for no more than 50 days per calendar year. "Commercial places of assembly" includes bars with live entertainment, dance halls, nightclubs, assembly halls with large open areas in which patrons stand or sit, commonly referred to as "festival seating," and restaurants. Rules adopted pursuant to this section are routine technical rules, except that rules pertaining to fire sprinklers are major substantive rules, both of which are defined in Title 5, chapter 375, subchapter 2-A. [2011, c. 691, Pt. A, §25 (RPR).]

### **1. Effective date.**

[ 2007, c. 632, §2 (RP) .]

**2. Rights declared.** Any person aggrieved by a rule or by an act of the commissioner in enforcing the rule may have that person's rights declared by bringing an action for declaratory judgment under Title 14, chapter 707, naming the commissioner as defendant.

[ 1997, c. 728, §25 (AMD) . ]

**3. Violation.** A person who violates a rule issued by the commissioner under this section commits a Class E crime.

[ 2003, c. 535, §3 (AMD) . ]

Existing buildings licensed pursuant to Title 22, Subtitle 6 having more than 6 boarders, with the exception of board and care facilities and children's homes, must comply with any rules for residential board and care occupancies required by the Commissioner of Public Safety, except that such existing facilities of not more than 2 stories in height are not required to be fire resistive, protected or unprotected noncombustible, protected wood frame or heavy timber construction. Such existing facilities must be protected by a complete approved automatic sprinkler system and meet all other requirements of residential board and care occupancies as required by the Commissioner of Public Safety. [2007, c. 82, §3 (AMD) . ]

Existing boarding care facilities licensed pursuant to Title 22, Subtitle 6 must comply with the applicable fire safety requirements of the Life Safety Code adopted by the Commissioner of Public Safety pursuant to Title 22, section 7856. [2003, c. 535, §3 (AMD) . ]

Existing children's homes licensed pursuant to Title 22, Subtitle 6 must comply with the applicable fire safety requirements of the Life Safety Code of the National Fire Protection Association adopted by the Commissioner of Public Safety pursuant to Title 22, section 8103. [2003, c. 535, §3 (AMD) . ]

#### SECTION HISTORY

1967, c. 301, (AMD). 1971, c. 592, §35 (AMD). 1973, c. 187, (AMD).  
1973, c. 660, (AMD). 1975, c. 142, (AMD). 1975, c. 491, §3 (AMD).  
1975, c. 771, §266 (AMD). 1977, c. 78, §161 (AMD). 1979, c. 59, §§1,2  
(AMD). 1985, c. 770, §17 (AMD). 1997, c. 728, §25 (AMD). 2001, c. 596,  
§B22 (AMD). 2001, c. 596, §B25 (AFF). 2003, c. 411, §§2,3 (AMD). 2003,  
c. 535, §3 (AMD). 2007, c. 82, §3 (AMD). 2007, c. 632, §§1, 2 (AMD).  
2011, c. 349, §1 (AMD). 2011, c. 398, §1 (AMD). 2011, c. 691, Pt. A,  
§25 (AMD).

### §2452-A. USE OF CANDLES

No regulation of the Commissioner of Public Safety shall prohibit the use of candles by any officials of religious or fraternal orders during the course of a religious or fraternal service, which service occurs on the property of said church or fraternal order, provided the said use of candles is properly supervised. [1971, c. 592, §35 (AMD) . ]

#### SECTION HISTORY

1967, c. 273, (NEW). 1971, c. 592, §35 (AMD).

### §2453. FIRE ESCAPES; APPEALS

*(REPEALED)*

#### SECTION HISTORY

1971, c. 592, §35 (AMD). 1973, c. 632, §11 (AMD). 1999, c. 384, §19  
(AMD). 2001, c. 31, §1 (AMD). 2007, c. 258, §1 (RPR). 2013, c. 76, §1  
(RP).

**§2454. -- INSPECTIONS***(REPEALED)*

## SECTION HISTORY

1971, c. 592, §35 (AMD). 1973, c. 632, §12 (RP).

**§2455. NOTICE AS TO SUFFICIENCY OF SAFEGUARDS***(REPEALED)*

## SECTION HISTORY

1971, c. 592, §35 (AMD). 1973, c. 632, §12 (RP).

**§2456. FAILURE TO COMPLY WITH ORDERS FOR SAFEGUARDS***(REPEALED)*

## SECTION HISTORY

1973, c. 632, §13 (RP).

**§2457. CERTIFICATE OF SUFFICIENCY OF SAFEGUARDS; COMPENSATION FOR INSPECTION; RETURN***(REPEALED)*

## SECTION HISTORY

1973, c. 632, §13 (RP).

**§2458. CERTIFICATE TO BE POSTED IN BUILDING***(REPEALED)*

## SECTION HISTORY

1973, c. 632, §13 (RP).

**§2459. TOWN OFFICERS' REFUSAL TO PERFORM DUTIES***(REPEALED)*

## SECTION HISTORY

1973, c. 632, §13 (RP).

**§2460. FINES***(REPEALED)*

## SECTION HISTORY

1973, c. 632, §13 (RP).

**§2461. INVESTIGATION BY STATE FACTORY INSPECTOR OR COMMISSIONER OF PUBLIC SAFETY***(REPEALED)*

## SECTION HISTORY

1971, c. 592, §35 (AMD). 1973, c. 632, §14 (RP).

**§2462. PLUNDERING AT FIRES AS LARCENY****(REPEALED)**

## SECTION HISTORY

2003, c. 24, §1 (RP).

**§2463. INSTALLATION OF SPRINKLER SYSTEMS AND SMOKE, HEAT OR FIRE DETECTION SYSTEMS**

All new hotels constructed after January 1, 1992 of any type construction having 2 stories or more above grade level, must be protected by a complete approved automatic sprinkler system. [1991, c. 359, (AMD).]

All high-rise buildings constructed after January 1, 1992 of any type construction must be protected by a complete approved automatic sprinkler system. [1991, c. 359, (NEW).]

All other hotels having 2 stories or more above grade level must be protected by a complete approved smoke, heat or fire detection system operated by electrical current or powered by batteries by July 1, 1981. [1991, c. 359, (AMD).]

The Commissioner of Public Safety or the commissioner's designee shall inspect all systems installed pursuant to this section and shall approve all systems that comply with this section, except that when the hotel is located in a municipality that has a municipal fire department or incorporated volunteer fire department, that department is responsible for the inspection and approval of the system, unless the Commissioner of Public Safety agrees to undertake that responsibility. [1997, c. 728, §26 (AMD).]

The term "hotel" includes buildings or groups of buildings under the same management in which there are more than 15 sleeping rooms for hire, whether designated as a hotel, inn, club, motel, apartment hotel or by any other name. [1985, c. 183, (AMD).]

The term "high-rise building" includes any building used for any commercial purpose that is 75 feet or more above grade level. [1991, c. 359, (NEW).]

Any person or corporation violating this section is guilty of a Class E crime. [1991, c. 359, (AMD).]

## SECTION HISTORY

1969, c. 409, (NEW). 1971, c. 240, (AMD). 1971, c. 622, §85 (AMD).  
1977, c. 665, (RPR). 1985, c. 183, (AMD). 1991, c. 359, (AMD). 1997,  
c. 728, §26 (AMD).

**§2463-A. INSTALLATION OF SPRINKLER SYSTEMS IN DORMITORIES**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Automatic sprinkler system" means an automatic sprinkler system that at a minimum satisfies the requirements of Pamphlet 13 or 13R of the National Fire Protection Association or other requirements established by the State Fire Marshal. [2001, c. 674, Pt. A, §1 (NEW); 2001, c. 674, Pt. A, §2 (AFF).]

B. "Department" means the Department of Public Safety. [2001, c. 674, Pt. A, §1 (NEW); 2001, c. 674, Pt. A, §2 (AFF).]

C. "Dormitory" means a building or space in a building owned by a public educational institution in which:

(1) At least 5 rooms are provided as sleeping accommodations for students of the public educational institution; or

(2) Sleeping accommodations are provided for 15 or more students of the public educational institution. [2001, c. 674, Pt. A, §1 (NEW); 2001, c. 674, Pt. A, §2 (AFF).]

D. "Public educational institution" means the University of Maine System, the Maine Community College System, the Maine Maritime Academy, the Maine School for Marine Science, Technology, Transportation and Engineering or the Maine School of Science and Mathematics. [2015, c. 363, §7 (AMD).]

[ 2015, c. 363, §7 (AMD) .]

**2. Approved automatic sprinkler system.** A dormitory of a public educational institution must be equipped with an automatic sprinkler system in accordance with this subsection.

A. A dormitory constructed by a public educational institution or a building converted into a dormitory by a public educational institution after the effective date of this paragraph must be equipped with a complete automatic sprinkler system before the department approves the dormitory for occupancy. [2001, c. 674, Pt. A, §1 (NEW); 2001, c. 674, Pt. A, §2 (AFF).]

B. Dormitories of a public educational institution that exist on and are used as dormitories after January 1, 2001 must be equipped as follows:

- (1) By January 1, 2007, at least 1/3 of the total square footage of those dormitories must be equipped with an automatic sprinkler system;
- (2) By January 1, 2010, at least 2/3 of the total square footage of those dormitories must be equipped with an automatic sprinkler system; and
- (3) By January 1, 2013, all of those dormitories must be equipped with a complete automatic sprinkler system. [2001, c. 674, Pt. A, §1 (NEW); 2001, c. 674, Pt. A, §2 (AFF).]

[ 2001, c. 674, Pt. A, §1 (NEW); 2001, c. 674, Pt. A, §2 (AFF) .]

**3. Report.** Beginning in 2003 and every 2 years thereafter, the State Fire Marshal shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters concerning compliance with subsection 2. The report must be submitted by February 15th of the year the report is due.

[ 2001, c. 674, Pt. A, §1 (NEW); 2001, c. 674, Pt. A, §2 (AFF) .]

#### SECTION HISTORY

2001, c. 674, §A1 (NEW). 2001, c. 674, §A2 (AFF). 2003, c. 20, §002 (AMD). 2003, c. 20, §004 (AFF). 2015, c. 363, §7 (AMD).

## §2464. SMOKE DETECTORS

**1. Definition.** "Smoke detector" means a device that, when activated by the presence of smoke, provides an alarm suitable to warn the occupants within the individual dwelling unit in which it is attached and that has been listed for use by a nationally recognized independent testing laboratory.

[ 1997, c. 728, §27 (AMD) .]

### **2. Smoke detectors required.**

[ 2009, c. 551, §1 (RP) .]

**2-A. Smoke detectors required.** The owner shall properly install, or cause to be properly installed, in accordance with the manufacturer's requirements at the time of installation, smoke detectors in:

- A. A single-family dwelling the construction of which is completed after January 1, 1982; [ 2009, c. 551, §2 (NEW) . ]
- B. Each unit in a building of multifamily occupancy; [ 2009, c. 551, §2 (NEW) . ]
- C. An addition to or restoration of an existing single-family dwelling that adds at least one bedroom to the dwelling and the construction of which is completed after September 19, 1985; and [ 2009, c. 551, §2 (NEW) . ]
- D. A conversion of a building to a single-family dwelling completed after September 19, 1985. [ 2009, c. 551, §2 (NEW) . ]

A smoke detector installed or replaced, after the effective date of this subsection, within 20 feet of a kitchen or of a bathroom containing a tub or shower must be a photoelectric-type smoke detector except that ionization detectors are permitted within the bedrooms even if the bedroom is within 20 feet of a kitchen or bathroom containing a tub or shower.

[ 2009, c. 551, §2 (NEW) . ]

**3. Multiapartment buildings.** In multiapartment buildings more than 3 stories in height, approved smoke detectors must also be installed in each corridor and hallway on each floor.

[ 1997, c. 728, §28 (AMD) . ]

#### **4. Regulations.**

[ 1997, c. 728, §29 (RP) . ]

**4-A. Rules.** The Commissioner of Public Safety or the commissioner's designee, in accordance with the Maine Administrative Procedure Act, shall adopt rules pertaining to smoke detectors. The rules adopted must include, but not be limited to, standards for approved smoke detectors and all requirements of use, maintenance and installation. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

[ 2001, c. 475, §1 (NEW) . ]

**5. Penalties.** A person who violates this section is guilty of a civil violation and is subject to a forfeiture of not more than \$500 for each violation. The court may waive any penalty or cost against any violator upon satisfactory proof that the violation was corrected within 10 days of the issuance of a complaint.

[ 1997, c. 728, §30 (AMD) . ]

**6. Liability.** Nothing in this section gives rise to any action against an owner required to comply with subsection 2-A or subsection 9, paragraph A if the owner has conducted an inspection of the required smoke detectors immediately after installation and has reinspected the smoke detectors prior to occupancy by each new tenant, unless the owner has been given at least 24 hours' actual notice of a defect or failure of the smoke detector to operate properly and has failed to take action to correct the defect or failure.

[ 2009, c. 551, §3 (AMD) . ]

**7. Noninterference.** A person may not knowingly interfere with or make inoperative any smoke detector required by this section, except that the owner or the agent of an owner of a building may temporarily disconnect a detector in a dwelling unit or common area only for construction or rehabilitation activities



when such activities are likely to activate the detector or make it inactive. The detector must be immediately reconnected at the cessation of construction or rehabilitation activities each day, regardless of the intent to return to construction or rehabilitation activities on succeeding days.

[ 1991, c. 260, (NEW) . ]

**8. Smoke alarms for persons with disabilities.** Upon the request of a deaf or hard-of-hearing occupant, the owner of the dwelling unit shall provide an approved smoke alarm suitable to warn the occupant within the dwelling unit. If the owner does not provide a suitable smoke alarm, the occupant may purchase, install and maintain a suitable smoke detector, or arrange for proper installation and maintenance of a suitable smoke detector, and may deduct the actual costs from the rent for the dwelling unit. An occupant or tenant may not be charged, evicted or penalized in any way for failure to pay the actual cost deducted from the rent for the dwelling unit.

[ 1997, c. 95, §2 (NEW) . ]

**9. Rental units.** In a unit occupied under the terms of a rental agreement or under a month-to-month tenancy:

A. At the time of each occupancy, the landlord shall provide smoke detectors if they are not already present. The smoke detectors must be in working condition. After notification, in writing, of any deficiencies by the tenant, the landlord shall repair or replace the smoke detectors. If the landlord did not know and had not been notified of the need to repair or replace a smoke detector, the landlord's failure to repair or replace the smoke detector may not be considered as evidence of negligence in a subsequent civil action arising from death, property loss or personal injury; [ 2009, c. 551, §4 (AMD) . ]

B. The tenant shall keep the smoke detectors in working condition by keeping charged batteries in the smoke detectors, by testing the smoke detectors periodically and by refraining from disabling the smoke detectors; and [ 2009, c. 551, §4 (AMD) . ]

C. The landlord may install 10-year sealed tamper-resistant battery-powered smoke detectors if the unit is a single-family dwelling. [ 2009, c. 551, §4 (NEW) . ]

[ 2009, c. 551, §4 (AMD) . ]

**10. Transfer of dwelling.** A person who, after October 31, 2009, acquires by sale or exchange a single-family dwelling or a multiapartment building shall install smoke detectors in the acquired dwelling within 30 days of acquisition or occupancy of the dwelling, whichever is later, if smoke detectors are not already present, and shall certify at the closing of the transaction that the purchaser will make the proper installation. This certification must be signed and dated by the purchaser. The smoke detectors must be installed in accordance with the manufacturer's requirements at the time of installation. The smoke detectors must be powered by the electrical service in the building or by battery.

A person may not have a claim for relief against a property owner, a property purchaser, an authorized agent of a property owner or purchaser, a person in possession of real property, a closing agent or a lender for any damages resulting from the operation, maintenance or effectiveness of a smoke detector.

Violation of this subsection does not create a defect in title.

[ 2009, c. 551, §5 (AMD) . ]

#### SECTION HISTORY

1981, c. 399, §1 (NEW). 1985, c. 175, (AMD). 1985, c. 190, (AMD).  
1991, c. 260, (AMD). 1997, c. 95, §§1,2 (AMD). 1997, c. 728, §§27-30  
(AMD). 2001, c. 475, §1 (AMD). 2009, c. 162, §§1-4 (AMD). 2009, c.  
551, §§1-5 (AMD).

## §2465. ADOPTION OF RULES

### 1. Adoption of rules.

[ 2005, c. 571, §1 (RP) .]

**1-A. Routine technical rules.** The Commissioner of Public Safety shall adopt rules pertaining to the construction, installation, maintenance and inspection of chimneys, fireplaces, vents and solid fuel burning appliances. Rules adopted pursuant to this subsection may include rules pertaining to maintenance and inspections, except as provided in subsection 1-B. Rules adopted pursuant to this subsection may not prohibit:

A. The continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as:

- (1) Sufficient draft is available for each appliance;
- (2) The chimney is lined and structurally intact; and
- (3) A carbon monoxide detector is installed in the building near a bedroom; or [ 2011, c. 225, §1 (NEW) .]

B. The connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use on or after February 2, 1998 as long as:

- (1) Sufficient draft is available for each appliance;
- (2) The chimney is lined and structurally intact;
- (3) A carbon monoxide detector is installed in the building near a bedroom;
- (4) The solid fuel burning appliance has been listed by Underwriters Laboratories or by an independent, nationally recognized testing laboratory or other testing laboratory approved by the Maine Fuel Board, established under Title 5, section 12004-A, subsection 49; and
- (5) The solid fuel burning appliance is installed in accordance with the manufacturer's installation specifications. [ 2011, c. 225, §1 (NEW) .]

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2011, c. 225, §1 (RPR) .]

**1-B. Major substantive rules.** The Commissioner of Public Safety may adopt rules requiring maintenance and inspection of chimneys, fireplaces, vents and solid fuel burning appliances upon the sale or transfer of property. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2005, c. 571, §1 (NEW) .]

**2. Prohibitions.** A person may not for compensation construct, install or maintain any vent or solid fuel burning appliance unless that vent or appliance is constructed, installed or maintained in accordance with this section or the rules adopted pursuant to this section. Construction and installation of chimneys and fireplaces are also governed by Title 32, chapter 139.

[ 2009, c. 344, Pt. D, §2 (AMD); 2009, c. 344, Pt. E, §2 (AFF) .]

**3. Enforcement.** Subject to Title 32, chapter 139, the Commissioner of Public Safety or the commissioner's designees, state fuel inspectors, duly appointed fire chiefs or their designees and municipal building officials and code enforcement officers may enforce the requirements of this section, the rules adopted pursuant to this section and Title 32, section 18108.

[ 2009, c. 344, Pt. D, §3 (AMD); 2009, c. 344, Pt. E, §2 (AFF) .]

**4. Prior installation.** Any chimney, fireplace, vent or solid fuel burning appliance constructed or installed prior to July 13, 1982 may be continued in use subject to the provisions of section 2432.

[ 2005, c. 571, §1 (AMD) .]

**5. Home rule.** Subject to Title 32, chapter 139, any municipality may adopt ordinance requirements for the materials, installation, construction, maintenance or inspection of chimneys, fireplaces, vents or solid fuel burning appliances that exceed the requirements of this section and the rules adopted pursuant to this section.

[ 2009, c. 344, Pt. D, §4 (AMD); 2009, c. 344, Pt. E, §2 (AFF) .]

**5-A. Safety information.** A new factory-built fireplace, fireplace stove or solid fuel burning room heater may not be sold in retail trade, unless the seller provides the buyer, on or before the sale, with an installation instruction manual or, in the case where such a manual is not available, with a publication of the Department of Economic and Community Development containing recommended clearances in accordance with the rules adopted pursuant to this section.

[ 2005, c. 571, §1 (AMD) .]

**6. Penalty.** The following penalties apply.

A. A person who, for compensation, constructs or installs vents or solid fuel burning appliances in violation of the standards and then permits such violation to remain uncorrected after 30 days' notice from an official empowered to enforce this section commits a civil violation for which a fine of not more than \$500 for each violation may be adjudged. The court may waive any penalty or cost against a violator upon satisfactory proof that the violation was corrected within 30 days of the issuance of a complaint. Construction and installation of chimneys and fireplaces are governed by Title 32, chapter 139. [2009, c. 344, Pt. D, §5 (AMD); 2009, c. 344, Pt. E, §2 (AFF).]

B. A person who fails to provide a purchaser with an instruction manual or the authorized publication of the Department of Economic and Community Development, as described in subsection 5-A, commits a civil violation for which a fine of not less than \$200 and not more than \$500 may be adjudged. [2003, c. 452, Pt. N, §6 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

C. A person who violates paragraph B after having previously violated paragraph B commits a civil violation for which a fine of not less than \$500 and not more than \$800 for each offense may be adjudged. [2003, c. 452, Pt. N, §6 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

D. A person who violates a rule adopted pursuant to this section commits a civil violation for which a fine of not less than \$200 and not more than \$500 may be adjudged, except that this paragraph does not apply to a rule requiring an annual chimney inspection for a single-family home. [2005, c. 571, §1 (NEW) .]

In addition to the penalties provided in this subsection, a violation of this chapter constitutes a violation of Title 5, chapter 10.

[ 2009, c. 344, Pt. D, §5 (AMD); 2009, c. 344, Pt. E, §2 (AFF) .]

#### SECTION HISTORY

1981, c. 622, (NEW). 1983, c. 231, §§1,2 (AMD). 1989, c. 501, §§DD32,DD33 (AMD). 1991, c. 198, §§3,4 (AMD). 1991, c. 714, §§7,8 (AMD). 1997, c. 728, §§31,32 (AMD). RR 2003, c. 1, §25 (COR). 2003, c. 452, §N6 (AMD). 2003, c. 452, §X2 (AFF). 2005, c. 571, §1 (AMD). RR 2007, c. 2, §12 (COR). 2009, c. 250, §1 (AMD). 2009, c. 344, Pt. D, §§2-5 (AMD). 2009, c. 344, Pt. E, §2 (AFF). 2011, c. 225, §1 (AMD).

## §2466. RADON STANDARD

*(REPEALED)*

### SECTION HISTORY

2007, c. 90, §1 (NEW). 2007, c. 699, §14 (AMD). 2009, c. 261, Pt. A, §13 (AMD). MRSA T. 25, §2466, sub-§5 (RP).

## §2467. RETAIL SALE AND DISTRIBUTION OF NOVELTY LIGHTERS PROHIBITED

**1. Definition.** For purposes of this section, "novelty lighter" means a mechanical or electrical device typically used for lighting cigarettes, cigars or pipes that is designed to appear to be a toy, feature a flashing light or make musical sounds. "Novelty lighter" does not include:

- A. A lighter manufactured prior to January 1, 1980; [2007, c. 510, §1 (NEW).]
- B. A lighter incapable of being fueled or lacking a device necessary to produce combustion or a flame; or [2007, c. 510, §1 (NEW).]
- C. Any mechanical or electrical device primarily used to ignite fuel for fireplaces or for charcoal or gas grills. [2007, c. 510, §1 (NEW).]

[ 2007, c. 510, §1 (NEW) .]

**2. Prohibition; penalty.** A person may not sell at retail, offer for retail sale or distribute for retail sale or promotion in this State a novelty lighter. A person who violates this subsection commits a civil violation for which a fine of not more than \$500 may be imposed.

[ 2007, c. 510, §1 (NEW) .]

**3. Exception.** The prohibition specified in subsection 2 does not apply to the transportation of novelty lighters through this State or the storage of novelty lighters in a warehouse or distribution center in this State that is closed to the public for purposes of retail sales.

[ 2007, c. 510, §1 (NEW) .]

**4. Enforcement.** This section may be enforced by the State Fire Marshal's Office; a state, county or municipal law enforcement officer; or a municipal code enforcement officer.

[ 2007, c. 510, §1 (NEW) .]

### SECTION HISTORY

2007, c. 510, §1 (NEW).

## §2468. CARBON MONOXIDE DETECTORS

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Carbon monoxide detector" means a device with an assembly that incorporates a sensor control component and an alarm notification that detects elevations in carbon monoxide levels and sounds a warning alarm and is approved or listed for the purpose by a nationally recognized independent testing laboratory. [2009, c. 162, §5 (NEW).]

A-1. "Educational facility" means a public or private postsecondary institution incorporated or chartered under the laws of this State or a child care facility as defined in Title 22, section 8301-A, subsection 1-A, paragraph B. [2015, c. 375, §1 (NEW); 2015, c. 375, §5 (AFF).]

B. "Powered by the electrical service" means either plugged into an electrical outlet or hardwired. [2009, c. 551, §6 (AMD).]

[ 2015, c. 375, §1 (AMD); 2015, c. 375, §5 (AFF) .]

**2. Carbon monoxide detectors required.** The owner shall install, or cause to be installed, by the manufacturer's requirements at least one approved carbon monoxide detector in each area within, or giving access to, bedrooms in:

A. Each unit in any building of multifamily occupancy; a fraternity house, sorority house or dormitory that is affiliated with an educational facility; a children's home, emergency children's shelter, children's residential care facility, shelter for homeless children or specialized children's home as defined in Title 22, section 8101; or a hotel, motel, inn or bed and breakfast licensed as an eating establishment or a lodging place under Title 22, chapter 562. The owner shall use a carbon monoxide detector that is powered by:

- (1) Both the electrical service in the building and a battery;
- (2) A nonreplaceable 10-year battery; or
- (3) A replaceable battery if the carbon monoxide detector uses a low-power radio frequency wireless communication signal, uses multiple sensors, has low-frequency audible notification capability or is connected to a control panel; [2017, c. 322, §8 (AMD).]

B. Any addition to or restoration of:

- (1) An existing single-family dwelling that adds at least one bedroom to the dwelling unit.

The owner shall use a carbon monoxide detector that is powered both by the electrical service in the building and by a battery; and [2015, c. 375, §2 (AMD); 2015, c. 375, §5 (AFF).]

C. Any conversion of a building to:

- (1) A single-family dwelling; or
- (1-A) A structure listed in paragraph A.

The owner shall use a carbon monoxide detector that is powered both by the electrical service in the building and by a battery. [2015, c. 375, §2 (AMD); 2015, c. 375, §5 (AFF).]

[ 2015, c. 396, §1 (AMD); 2017, c. 322, §8 (AMD) .]

**3. Carbon monoxide detectors for persons with disabilities.** Upon the request of a deaf or hard-of-hearing occupant, the owner of a dwelling unit shall provide an approved carbon monoxide detector suitable to warn the occupant within the dwelling unit. If the owner does not provide a suitable carbon monoxide detector, the occupant may purchase, install and maintain a suitable carbon monoxide detector or arrange for

proper installation and maintenance of a suitable carbon monoxide detector and may deduct the actual costs from the rent for the dwelling unit. An occupant may not be charged, evicted or penalized in any way for failure to pay the actual costs deducted from the rent for the dwelling unit.

[ 2009, c. 162, §5 (NEW) .]

**4. New construction.** A person who constructs any of the following shall install or cause to be installed at least one carbon monoxide detector in each area within, or giving access to, any bedroom in the new construction of:

A. A single-family dwelling; [2011, c. 553, §2 (NEW).]

B. A hotel, motel, inn or bed and breakfast upon initial licensure of that new construction as an eating establishment or a lodging place under Title 22, chapter 562 on or after August 1, 2012; or [2017, c. 322, §9 (AMD).]

C. A fraternity house, sorority house or dormitory established on or after August 1, 2012 that is affiliated with a private or public school or private or public postsecondary institution incorporated or chartered under the laws of this State. [2011, c. 553, §2 (NEW).]

The carbon monoxide detector must be powered both by the electrical service in the building or dwelling and by battery.

[ 2017, c. 322, §9 (AMD) .]

**5. Rental units.** In a unit occupied under the terms of a rental agreement or under a month-to-month tenancy:

A. At the time of each occupancy, the landlord shall provide carbon monoxide detectors if carbon monoxide detectors are not already present. The carbon monoxide detectors must be in working condition. After notification, in writing, of any deficiencies by the tenant, the landlord shall repair or replace the carbon monoxide detectors. If the landlord did not know and had not been notified of the need to repair or replace a carbon monoxide detector, the landlord's failure to repair or replace the carbon monoxide detector may not be considered as evidence of negligence in a subsequent civil action arising from death, property loss or personal injury; and [2009, c. 551, §9 (AMD).]

B. The tenant shall keep the carbon monoxide detectors in working condition by keeping the carbon monoxide detectors connected to the electrical service in the building, by keeping charged batteries in carbon monoxide detectors backed up by batteries, by testing the carbon monoxide detectors periodically and by refraining from disabling the carbon monoxide detectors. [2009, c. 551, §9 (AMD).]

[ 2009, c. 551, §9 (AMD) .]

**6. Transfer of dwelling.** A person who, after October 31, 2009, acquires by sale or exchange a single-family dwelling or a multiapartment building shall install carbon monoxide detectors in the acquired dwelling within 30 days of acquisition or occupancy of the dwelling, whichever is later, if carbon monoxide detectors are not already present, and shall certify at the closing of the transaction that the purchaser will make the proper installation. This certification must be signed and dated by the purchaser. The carbon monoxide detectors must be installed in accordance with the manufacturer's requirements at the time of installation in each area within, or giving access to, bedrooms and must be powered both by the electrical service in the dwelling or building and by battery.

A person may not have a claim for relief against a property owner, a property purchaser, an authorized agent of a property owner or purchaser, a person in possession of real property, a closing agent or a lender for any damages resulting from the operation, maintenance or effectiveness of a carbon monoxide detector.

Violation of this subsection does not create a defect in title.

[ 2009, c. 551, §10 (AMD) .]

**7. Rules.** The Commissioner of Public Safety or the commissioner's designee, in accordance with the Maine Administrative Procedure Act, shall adopt rules pertaining to carbon monoxide detectors. The rules adopted must include, but are not limited to, standards for approved carbon monoxide detectors and all requirements of use, maintenance and installation. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2009, c. 162, §5 (NEW) . ]

**8. Penalties.** A person who violates this section is guilty of a civil violation and is subject to a fine of not more than \$500 for each violation. The court may waive any penalty or cost against any violator upon satisfactory proof that the violation was corrected within 10 days of the issuance of a complaint.

[ 2009, c. 162, §5 (NEW) . ]

**9. Liability.** Nothing in this section gives rise to any action against an owner required to comply with subsection 2, paragraph A or subsection 5, paragraph A if the owner has conducted an inspection of the required carbon monoxide detectors immediately after installation and has reinspected the carbon monoxide detectors prior to occupancy by each new tenant, unless the owner has been given at least 24 hours' actual notice of a defect or failure of the carbon monoxide detector to operate properly and has failed to take action to correct the defect or failure.

[ 2009, c. 162, §5 (NEW) . ]

**10. Noninterference.** A person may not knowingly interfere with or make inoperative any carbon monoxide detector required by this section, except that the owner or the agent of an owner of a building may temporarily disconnect a carbon monoxide detector in a dwelling unit or common area only for construction or rehabilitation activities when such activities are likely to activate the carbon monoxide detector or make it inactive. The carbon monoxide detector must be immediately reconnected at the cessation of construction or rehabilitation activities each day, regardless of the intent to return to construction or rehabilitation activities on succeeding days.

[ 2009, c. 162, §5 (NEW) . ]

**11. Educational facilities.** An educational facility shall install, or cause to be installed, by the manufacturer's requirements at least one approved carbon monoxide detector in each building of the educational facility that is used for educational purposes by at least 6 persons for at least 4 hours per day or more than 12 hours per week. The owner shall use a carbon monoxide detector that is powered by:

A. Both the electrical service in the building and a battery; [2015, c. 396, §2 (AMD) . ]

B. A nonreplaceable 10-year battery; or [2015, c. 396, §2 (AMD) . ]

C. A replaceable battery if the carbon monoxide detector uses a low-power radio frequency wireless communication signal, uses multiple sensors, has low-frequency audible notification capability or is connected to a control panel. [2015, c. 396, §2 (NEW) . ]

[ 2015, c. 396, §2 (AMD) . ]

**12. Exemption.** A dormitory or other building of an educational facility is exempt from the requirements of this section if the dormitory or other building meets the standards for the installation of carbon monoxide detection and warning equipment adopted by the National Fire Protection Association.

[ 2015, c. 375, §3 (NEW); 2015, c. 375, §5 (AFF) . ]

**13. Compliance schedule.** A public or private postsecondary institution shall, for each dormitory or other building that is not exempt from the requirements of this section pursuant to subsection 12, begin installation of carbon monoxide detectors as required by this section by August 1, 2016 and shall achieve full compliance by January 1, 2019.

[ 2015, c. 375, §3 (NEW); 2015, c. 375, §5 (AFF) .]

#### SECTION HISTORY

2009, c. 162, §5 (NEW). 2009, c. 551, §§6-10 (AMD). 2011, c. 553, §§1, 2 (AMD). 2015, c. 375, §§1-3 (AMD). 2015, c. 375, §5 (AFF). 2015, c. 396, §§1, 2 (AMD). 2017, c. 322, §§8, 9 (AMD).

## Chapter 318: EXPLOSIVES AND FLAMMABLE LIQUIDS

### Subchapter 1: EXPLOSIVES

#### §2471. DEFINITIONS

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [1999, c. 652, §9 (NEW).]

**1. Commissioner.** "Commissioner" means the Commissioner of Public Safety.

[ 1999, c. 652, §9 (NEW) .]

**2. Explosive.** "Explosive" means any chemical compound, mixture or device that is designed to function by explosion. The term includes, but is not limited to, dynamite, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cords, igniter cords and igniters.

[ 1999, c. 652, §9 (NEW) .]

**3. Magazine.** "Magazine" means a specially constructed building or structure approved for the storage of explosive materials.

[ 1999, c. 652, §9 (NEW) .]

**4. Permit.** "Permit" means the nontransferable permission granted by the commissioner containing one or more of the following endorsements: use, storage and intrastate transportation of explosives.

[ 1999, c. 652, §9 (NEW) .]

**5. Person.** "Person" means any individual, partnership, corporation, combination of these entities or any other legal entity.

[ 1999, c. 652, §9 (NEW) .]

#### SECTION HISTORY

1999, c. 652, §9 (NEW).



## §2472. EXPLOSIVES; RULES

**1. Rules.** The commissioner shall adopt rules, which are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A, necessary for the proper oversight of explosives and the enforcement of the provisions of this chapter.

[ 1999, c. 652, §9 (NEW) . ]

**2. Waivers.** The commissioner may waive the requirements of any rule to cover any special circumstances.

[ 1999, c. 652, §9 (NEW) . ]

**3. Exceptions.** This section does not apply to:

A. The possession, use, storage or intrastate transportation of 50 pounds or less of smokeless powder or black powder; [2013, c. 57, §1 (AMD).]

B. The possession, use, storage or intrastate transportation of 10,000 or fewer primers; or [2013, c. 57, §1 (AMD).]

C. The possession of 5 pounds or less of mixed binary target material for the purpose of sport shooting. [2013, c. 57, §1 (NEW).]

[ 2013, c. 57, §1 (AMD) . ]

### SECTION HISTORY

1999, c. 652, §9 (NEW). 2013, c. 57, §1 (AMD).

## §2473. PERMITS; REQUIREMENTS

A person may not possess, use, store or transport explosives without a permit. The commissioner shall issue a permit to an applicant who: [1999, c. 652, §9 (NEW).]

**1. Application.** Completes an application form furnished by the commissioner;

[ 1999, c. 652, §9 (NEW) . ]

**2. Financial responsibility.** Includes proof in the application that the applicant maintains financial responsibility in the form of liability insurance or a surety bond as follows:

A. To obtain a permit with endorsements to possess, use or store explosives, a person must maintain financial responsibility in the form of liability insurance in an amount not less than \$500,000; and [1999, c. 652, §9 (NEW).]

B. To obtain a permit with an endorsement for intrastate transportation of explosives, a person must comply with the requirements in rules adopted pursuant to section 2103-A or 2110, as applicable; [1999, c. 652, §9 (NEW).]

[ 1999, c. 652, §9 (NEW) . ]

**3. Examination.** Passes a written examination administered by the Department of Public Safety;

[ 1999, c. 652, §9 (NEW) . ]

**4. Citizenship.** Is a citizen or resident alien of the United States; and

[ 1999, c. 652, §9 (NEW) . ]

**5. Character.** Demonstrates good moral character and has not been convicted of a crime punishable by a maximum term of imprisonment equal to or exceeding one year. The determination of good moral character must be made in writing by the commissioner, based upon evidence recorded by a governmental entity. The commissioner shall consider matters recorded within the previous 5 years, including, but not limited to, the following:

A. Records of incidents of abuse of family or household members by the applicant provided pursuant to Title 19-A, section 4012, subsection 1; [1999, c. 652, §9 (NEW).]

B. Records provided by the Department of Health and Human Services regarding the failure of the applicant to meet child or family support obligations; [1999, c. 652, §9 (NEW); 2003, c. 689, Pt. B, §6 (REV).]

C. Records of 3 or more convictions of the applicant for Class D or E crimes; [1999, c. 652, §9 (NEW).]

D. Records of 3 or more civil violations by the applicant; and [1999, c. 652, §9 (NEW).]

E. Records that the applicant has engaged in recklessness or negligence that endangered the safety of others. [1999, c. 652, §9 (NEW).]

[ 1999, c. 652, §9 (NEW); 2003, c. 689, Pt. B, §6 (REV) .]

#### SECTION HISTORY

1999, c. 652, §9 (NEW). 2003, c. 689, §B6 (REV).

## §2474. SUSPENSION OR REVOCATION OF PERMIT

The commissioner may, after a hearing in conformance with applicable provisions of the Maine Administrative Procedure Act, suspend or revoke a permit issued under this subchapter. The following are grounds for suspension or revocation of a permit: [1999, c. 652, §9 (NEW).]

**1. Fraud or deceit.** The practice of fraud or deceit in obtaining a permit under this subchapter or in the performance of services within the scope of the permit issued;

[ 1999, c. 652, §9 (NEW) .]

**2. Conviction of certain crimes.** Conviction of a crime that relates directly to the practice for which the person is permitted, or conviction of any crime for which incarceration for one year or more may be imposed;

[ 1999, c. 652, §9 (NEW) .]

**3. Violation of subchapter or rule.** Any violation of this subchapter or any rule adopted by the commissioner; and

[ 1999, c. 652, §9 (NEW) .]

**4. Incompetence.** Incompetence in the practice of storing, using or transporting explosives. A permittee is deemed incompetent in the practice if the permittee has:

A. Engaged in professional conduct that evidences a lack of ability or fitness to perform the duties for which the person is permitted; or [1999, c. 652, §9 (NEW).]

B. Engaged in professional conduct that evidences a lack of knowledge or an inability to apply appropriate principles or skills to carry out the practice for which the person is permitted. [ 1999, c. 652, §9 (NEW) . ]

[ 1999, c. 652, §9 (NEW) . ]

#### SECTION HISTORY

1999, c. 652, §9 (NEW) .

### §2475. SUSPENSION BY COMMISSIONER

**1. Immediate suspension.** If the commissioner has probable cause to believe that a person permitted under this section poses an immediate threat to the public because of gross negligence in the performance of duties associated with the permit, the commissioner shall immediately suspend that person's permit.

[ 1999, c. 652, §9 (NEW) . ]

**2. Duration of suspension.** The suspension remains in effect for 30 days unless a revocation procedure under section 2474 is commenced within 30 days, in which case the suspension continues until the revocation proceeding is complete.

[ 1999, c. 652, §9 (NEW) . ]

#### SECTION HISTORY

1999, c. 652, §9 (NEW) .

### §2476. FEES; PERMITS; REQUIRED INSPECTIONS

**1. Fees.** All fees received by the Department of Public Safety under this subchapter must be used for carrying out the purposes of this subchapter. Any balance of these fees does not lapse but must be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

[ 1999, c. 652, §9 (NEW) . ]

**2. Permit.** A permit is valid for 3 years from the date of issue. The fee for a permit is \$30.

[ 1999, c. 652, §9 (NEW) . ]

**3. Inspection of storage magazines and vehicles used to transport explosives.** All storage magazines and vehicles used to transport explosives in intrastate commerce must be inspected prior to issuance of a permit. The fee for an inspection of a storage magazine is \$78. The fee for the inspection of a vehicle used to transport explosives is \$83 except that the fee for the inspection of a vehicle used to transport fireworks explosives is \$98. Reinspection of storage magazines and vehicles used to transport explosives must be conducted upon renewal of a permit.

[ 2001, c. 437, §5 (AMD); 2001, c. 437, §8 (AFF) . ]

#### SECTION HISTORY

1999, c. 652, §9 (NEW). 2001, c. 437, §5 (AMD). 2001, c. 437, §§6,8 (AFF) .

## §2477. VIOLATIONS

A person who violates a provision of this subchapter or a rule adopted pursuant to this subchapter commits a Class E crime. [1999, c. 652, §9 (NEW).]

### SECTION HISTORY

1999, c. 652, §9 (NEW).

## Subchapter 2: FLAMMABLE LIQUIDS

### §2481. DEFINITIONS

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [1999, c. 652, §9 (NEW).]

**1. Aboveground flammable liquid storage facility.** "Aboveground flammable liquid storage facility" means any aboveground storage tank or tanks containing flammable liquids, together with associated piping, transfer and dispensing facilities.

[ 1999, c. 652, §9 (NEW) .]

**2. Commissioner.** "Commissioner" means the Commissioner of Public Safety or the commissioner's designee.

[ 1999, c. 652, §9 (NEW) .]

**3. Department.** "Department" means the Department of Public Safety.

[ 1999, c. 652, §9 (NEW) .]

**4. Flammable liquid.** "Flammable liquid" means either a combustible liquid having a flash point at or above 100° Fahrenheit or any volatile liquid having a flash point below 100° Fahrenheit.

[ 1999, c. 652, §9 (NEW) .]

**5. Permit.** "Permit" means the nontransferable permission granted by the commissioner for a person to install, construct or otherwise establish an aboveground flammable liquid storage facility or a retail motor fuel facility dispensing flammable liquids to the public.

[ 2007, c. 182, §1 (AMD) .]

**6. Person.** "Person" means any individual, combination of individuals, partnership, corporation or any other legal entity and any nonfederal governmental entity.

[ 1999, c. 652, §9 (NEW) .]

### SECTION HISTORY

1999, c. 652, §9 (NEW). 2007, c. 182, §1 (AMD).

### §2482. RULES

**1. Rules.** The commissioner shall adopt rules, which are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A, for the storage, handling, dispensing and secure transportation of flammable liquids.

[ 1999, c. 652, §9 (NEW) .]

**2. Exceptions.** The following exceptions apply.

A. This section does not apply to the storage in underground tanks of flammable liquids and other hazardous substances that are regulated by the Department of Environmental Protection under Title 38. [1999, c. 652, §9 (NEW).]

B. This section does not apply to the storage or dispensing of propane and natural gas that is regulated by the Department of Professional and Financial Regulation under Title 32. [2007, c. 182, §2 (AMD).]

[ 2007, c. 182, §2 (AMD) .]

#### SECTION HISTORY

1999, c. 652, §9 (NEW). 2007, c. 182, §2 (AMD).

### §2483. PERMITS; REQUIREMENTS; FEES

A person may not install, construct or otherwise establish an aboveground flammable liquid storage facility or a retail motor fuel facility dispensing flammable liquids to the public without a permit. The commissioner shall issue a permit to a person who: [2007, c. 182, §3 (AMD).]

**1. Application.** Submits to the commissioner a completed application form furnished by the commissioner accompanied by any required fees; and

[ 2007, c. 182, §3 (AMD) .]

**2. Construction plans; technical specifications.** Submits with the application a complete set of construction plans and technical specifications showing the layout of the aboveground flammable liquid storage facility or retail motor fuel facility dispensing flammable liquids to the public, demonstrating compliance with all rules adopted pursuant to this subchapter.

[ 2007, c. 182, §3 (AMD) .]

#### SECTION HISTORY

1999, c. 652, §9 (NEW). 2007, c. 182, §3 (AMD).

### §2484. FEES; PERMITS

**1. Fees.** All fees received by the department under this subchapter must be used for carrying out the purposes of this subchapter. Any balance of these fees does not lapse but must be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

[ 1999, c. 652, §9 (NEW) .]

**2. Permit.** The cost of a permit and an inspection of an aboveground flammable liquid storage facility is \$15.

[ 1999, c. 652, §9 (NEW) .]

#### SECTION HISTORY

1999, c. 652, §9 (NEW).

**§2485. VIOLATIONS**

A person who violates a provision of this subchapter or a rule adopted pursuant to this subchapter commits a civil violation for which a forfeiture of not less than \$100 or more than \$500 may be adjudged for each offense. [1999, c. 652, §9 (NEW).]

## SECTION HISTORY

1999, c. 652, §9 (NEW).

**Chapter 319: FOREST FIRES****§2501. FOREST FIRE WARDENS; DEPUTY; FEE**

*(REPEALED)*

## SECTION HISTORY

1971, c. 519, (AMD). 1973, c. 680, §2 (AMD). 1979, c. 541, §A167 (AMD). 1979, c. 545, §19 (RP). 1979, c. 663, §155 (RP).

**§2502. RIGHT TO CALL AND EMPLOYEE ASSISTANCE**

*(REPEALED)*

## SECTION HISTORY

1971, c. 97, §§9,10 (AMD). 1979, c. 545, §19 (RP).

**§2503. COMPENSATION FOR FIGHTING FOREST FIRES**

*(REPEALED)*

## SECTION HISTORY

1979, c. 545, §19 (RP).

**§2504. HINDERING STATE OR TOWN FOREST FIRE WARDEN**

*(REPEALED)*

## SECTION HISTORY

1971, c. 97, §11 (AMD). 1979, c. 545, §19 (RP).

**§2505. PAYMENT OF COSTS; STATE REIMBURSEMENT**

*(REPEALED)*

## SECTION HISTORY

1971, c. 97, §12 (AMD). 1979, c. 545, §19 (RP).

**§2506. PAYMENT OF COSTS BEYOND 1% OF STATE VALUATION**

*(REPEALED)*

## SECTION HISTORY

1971, c. 97, §13 (AMD). 1979, c. 545, §19 (RP).

**§2507. REPORTS AND PAYROLLS**

*(REPEALED)*

## SECTION HISTORY

1971, c. 97, §§14,15 (AMD). 1979, c. 545, §19 (RP).

**Chapter 321: AROOSTOOK COUNTY FIRE MARSHAL****§2541. PURPOSE**

The purpose of this chapter is to promote the public welfare of Aroostook County by creating and providing for a county fire marshal, in order that the county may have a qualified and trained fire inspector available at all times.

**§2542. APPOINTMENT**

A county fire marshal for Aroostook County, in this chapter called the "marshal", shall be appointed by the county commissioners with the approval of the Aroostook County Fire Chiefs' Association, and shall hold his office for 2 years and until his successor has been appointed and qualified. The location of his office shall be as designated by the county commissioners. He shall keep a correct account of all his doings. He shall receive from the treasury of Aroostook County an amount not to exceed \$10,000 annually, which shall include both salary and actual expenses incurred by him in the performance of his duties. The municipal officers of the towns in said county may authorize such marshal to perform the duties imposed upon them by sections 2394, 2395 and 2397, and when so authorized, said marshal shall have all the powers thereby conferred, and shall perform all the duties therein prescribed. Such marshal shall furnish the Commissioner of Public Safety with such information as he may require and shall perform such inspections as the Commissioner of Public Safety may direct. [1971, c. 592, §9 (AMD).]

## SECTION HISTORY

1967, c. 32, §1 (AMD). 1971, c. 592, §9 (AMD).

**§2543. ADDITIONAL POWERS AND DUTIES**

The marshal, within Aroostook County, has the same powers and duties given to fire inspectors by virtue of section 2360, and has the same powers and duties given the fire inspector by virtue of section 2392, except that in case of conflict in authority between state, county and town fire officials, the order of final determination or decision is first in the State, 2nd in the county and 3rd in the town fire officials. [2013, c. 76, §2 (AMD).]

Such marshal shall, within Aroostook County, promote and assist town fire inspectors, promote fire prevention and fire prevention education, and promote fire training and fire fighting methods and equipment. [1967, c. 32, §2 (AMD).]

## SECTION HISTORY

1967, c. 32, §2 (AMD). 1973, c. 788, §112 (AMD). 2013, c. 76, §2 (AMD).

## Part 7: PUBLIC BUILDINGS

### Chapter 331: CONSTRUCTION FOR PHYSICALLY DISABLED

#### §2701. DEFINITIONS

*(REPEALED)*

##### SECTION HISTORY

1967, c. 367, (NEW). 1975, c. 93, §1 (AMD). 1977, c. 80, §2 (RPR). 1979, c. 248, §3 (AMD). 1981, c. 334, §4 (AMD). 1987, c. 357, §§1,2 (AMD). 2011, c. 613, §29 (AFF). 2011, c. 613, §26 (RP).

#### §2702. STANDARDS OF CONSTRUCTION

*(REPEALED)*

##### SECTION HISTORY

1967, c. 367, (NEW). 1975, c. 93, §§2,3 (AMD). 1977, c. 80, §2 (RPR). 1979, c. 248, §§4-9 (AMD). 1981, c. 334, §5 (AMD). 2011, c. 613, §29 (AFF). 2011, c. 613, §26 (RP).

#### §2702-A. 1981 STANDARDS OF CONSTRUCTION

*(REPEALED)*

##### SECTION HISTORY

1981, c. 334, §6 (NEW). 1981, c. 698, §113 (AMD). 1987, c. 357, §§3,4 (AMD). 1987, c. 730, §3 (AMD). 2011, c. 613, §29 (AFF). 2011, c. 613, §26 (RP).

#### §2703. ADMINISTRATION AUTHORITY

*(REPEALED)*

##### SECTION HISTORY

1967, c. 367, (NEW). 1969, c. 98, (AMD). 1973, c. 571, §58 (AMD). 1973, c. 625, §168 (AMD). 1975, c. 93, §4 (AMD). 1977, c. 33, (AMD). 1977, c. 80, §3 (AMD). 1979, c. 248, §10 (AMD). 1981, c. 334, §§7,8 (AMD). 1989, c. 700, §A100 (AMD). 2011, c. 613, §29 (AFF). 2011, c. 613, §26 (RP).

#### §2703-A. CONSTRUCTION, REMODELING OR ENLARGING BEGUN AFTER SEPTEMBER 1, 1988

*(REPEALED)*

##### SECTION HISTORY

1987, c. 686, §2 (NEW). 2011, c. 613, §29 (AFF). 2011, c. 613, §26 (RP).

#### §2704. PENALTY

*(REPEALED)*

##### SECTION HISTORY



1977, c. 80, §4 (NEW). 2011, c. 613, §29 (AFF). 2011, c. 613, §26 (RP).

## Part 8: MAINE CRIMINAL JUSTICE ACADEMY

### Chapter 341: THE MAINE CRIMINAL JUSTICE ACADEMY

#### §2801. MAINE CRIMINAL JUSTICE ACADEMY; PURPOSE

**1. Purpose of academy.** The purpose of the Maine Criminal Justice Academy is to provide a central training facility for criminal justice personnel. The academy shall promote the highest levels of professional law enforcement performance and facilitate coordination and cooperation between various criminal justice agencies.

[ 2013, c. 147, §4 (NEW) .]

**2. Purpose of board of trustees.** The purpose of the Maine Criminal Justice Academy Board of Trustees is to protect the public health and welfare. The board carries out this purpose by ensuring that the public is served by competent and honest criminal justice practitioners and by establishing minimum standards of proficiency in the regulated professions by examining, licensing, regulating and disciplining practitioners of those regulated professions, as are identified in this chapter. Other goals or objectives may not supersede this purpose.

[ 2013, c. 147, §4 (NEW) .]

#### SECTION HISTORY

1969, c. 491, §1 (NEW). 1971, c. 241, (AMD). 1971, c. 592, §10 (AMD). 1973, c. 136, §1 (RPR). 1975, c. 579, §5 (AMD). 1977, c. 701, §1 (AMD). 1983, c. 812, §151 (AMD). 1989, c. 503, §B105 (AMD). 1989, c. 521, §1 (AMD). 1997, c. 577, §1 (AMD). 2005, c. 331, §1 (AMD). 2013, c. 147, §4 (RPR).

#### §2801-A. DEFINITIONS

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings. [1989, c. 521, §§2, 17 (NEW).]

**1. Board.** "Board" means the Board of Trustees of the Maine Criminal Justice Academy.

[ 1989, c. 521, §§2, 17 (NEW) .]

**2. Corrections officer.** "Corrections officer" means a person who is responsible for the custody or direct supervision of a person confined in a jail, prison or state correctional facility pursuant to an order of a court or as a result of an arrest and who possesses a current and valid certificate issued by the board pursuant to section 2803-A.

A. [2013, c. 147, §5 (RP).]

B. [2013, c. 147, §5 (RP).]

[ 2013, c. 147, §5 (AMD) .]

**2-A. Judicial marshal.** "Judicial marshal" means a law enforcement officer who possesses a current and valid certificate issued by the board pursuant to section 2803-A and is employed by a nonfederal employer to provide security and protection to the Judicial Branch and the courts located within the State.

[ 2013, c. 147, §5 (AMD) .]

**3. Full-time corrections officer.**

[ 2013, c. 147, §5 (RP) .]

**4. Full-time law enforcement officer.** "Full-time law enforcement officer" means a person who possesses a current and valid certificate issued by the board pursuant to section 2803-A and is employed as a law enforcement officer by a municipality, a county, the State or any other nonfederal employer with a reasonable expectation of working more than 1,040 hours in any one calendar year performing law enforcement officer duties.

[ 2013, c. 588, Pt. A, §31 (AMD) .]

**5. Law enforcement officer.** "Law enforcement officer" means a person who by virtue of public employment is vested by law with the power to make arrests for crimes or serve criminal process, whether that power extends to all crimes or is limited to specific crimes and who possesses a current and valid certificate issued by the board pursuant to section 2803-A. As used in this chapter, "law enforcement officer" does not include federal law enforcement officers or attorneys prosecuting for the State.

[ 2013, c. 147, §5 (AMD) .]

**6. Part-time corrections officer.**

[ 2013, c. 147, §5 (RP) .]

**7. Part-time law enforcement officer.** "Part-time law enforcement officer" means a person who:

A. Possesses a current and valid certificate issued by the board pursuant to section 2803-A to perform duties as a part-time law enforcement officer and does not possess any other type of current and valid certificate issued by the board pursuant to section 2803-A; [2013, c. 147, §5 (NEW).]

B. Is employed as a law enforcement officer; and [2013, c. 147, §5 (NEW).]

C. Absent extenuating circumstances as determined by the board, works not more than 1,040 hours in any one calendar year performing law enforcement duties. [2013, c. 588, Pt. A, §32 (AMD) .]

[ 2013, c. 588, Pt. A, §32 (AMD) .]

**8. Transport officer.** "Transport officer" means a person who is responsible for transferring or conveying from one place to another individuals who are confined in a jail, prison or state correctional facility pursuant to an order of a court or as a result of an arrest and who possesses a current and valid certificate issued by the board pursuant to section 2803-A.

[ 2013, c. 147, §5 (AMD) .]

**SECTION HISTORY**

1989, c. 521, §§2,17 (NEW). 2003, c. 19, §1 (AMD). 2003, c. 400, §2 (AMD). 2005, c. 331, §§2-5 (AMD). 2005, c. 519, §XXX2 (AMD). 2013, c. 147, §5 (AMD). 2013, c. 588, Pt. A, §§31, 32 (AMD).

**§2801-B. APPLICATION OF CHAPTER; EXEMPTION**

*(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)*

**1. Training and policy exemption.** The training standards of this chapter and the requirements of section 2803-B do not apply to a person defined by this chapter as a law enforcement officer who is:

- A. An employee of the Department of Corrections with a duty to perform probation functions or who is an adult probation supervisor as defined in Title 17-A, section 2, subsection 3-C or an investigative officer or other employee of the Department of Corrections authorized to exercise law enforcement powers as described in Title 34-A, section 3011; [2013, c. 588, Pt. A, §33 (RPR).]
- B. An agent or a representative of the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands whose law enforcement powers are limited to those specified in Title 12, section 1806; [2001, c. 710, §12 (AFF); 2001, c. 710, §11 (RPR); 2011, c. 657, Pt. W, §§5, 7 (REV); 2013, c. 405, Pt. A, §24 (REV).]
- C. (TEXT EFFECTIVE UNTIL 12/13/18) An agent or a representative of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry whose law enforcement powers are limited to those specified by Title 12, section 8901, subsection 3 and who does not carry a firearm; [2015, c. 267, Pt. CC, §1 (AMD).]
- C. (TEXT EFFECTIVE 12/13/18) The state supervisor of the forest protection unit of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry or a forest ranger appointed under Title 12, section 8901; [2017, c. 456, §2 (AMD).]
- D. [1989, c. 936, §3 (RP).]
- E. A harbor master; [2001, c. 710, §12 (AFF); 2001, c. 710, §11 (RPR).]
- F. A municipal shellfish conservation warden; [2001, c. 710, §12 (AFF); 2001, c. 710, §11 (RPR).]
- G. A police officer appointed by the Commissioner of Public Safety pursuant to section 2908; [2013, c. 147, §6 (AMD).]
- H. The State Fire Marshal or Assistant State Fire Marshal; [2009, c. 317, Pt. D, §1 (AMD).]
- I. [2003, c. 688, Pt. A, §26 (RP).]
- J. A judicial marshal; [2013, c. 147, §6 (AMD).]
- K. A contract officer appointed by the Commissioner of Public Safety pursuant to Title 28-A, section 82-A; or [2005, c. 1, §9 (COR).]
- K. (REALLOCATED TO T. 25, §2801-B, sub-§1, ¶L) [2005, c. 1, §10 (RAL); 2005, c. 331, §6 (NEW).]
- L. (REALLOCATED FROM T. 25, §2801-B, sub-§1, ¶K) A transport officer. [2005, c. 1, §10 (RAL).]

This exemption does not include certification training requirements set out in this chapter that are specific to the positions identified in this subsection or, in the case of an investigative officer as described in Title 34-A, section 3011, training requirements set out in this chapter other than those of section 2803-B.

[2009, c. 317, Pt. D, §1 (AMD); 2013, c. 133, §19 (AMD); 2017, c. 456, §2 (AMD).]

**2. Education, training and certification training required.** A law enforcement officer listed in subsection 1 must possess a current and valid certificate issued by the board prior to carrying out any law enforcement duties. The directors of the state agencies listed in subsection 1 shall provide adequate education and training for all law enforcement officers within their jurisdiction annually and provide documentation to the board by December 31st of each year. The board shall advise the directors concerning appropriate and adequate training.

[2013, c. 147, §6 (AMD).]

#### SECTION HISTORY

1989, c. 521, §§2,17 (NEW). 1989, c. 936, §§2,3 (AMD). 1995, c. 502, §E30 (AMD). 1997, c. 464, §5 (AMD). 1997, c. 678, §21 (AMD). 1999, c. 682, §§2-4 (AMD). 2001, c. 472, §§1,2 (AMD). 2001, c. 559, §KK1 (AMD). 2001, c. 604, §21 (AMD). 2001, c. 697, §B1 (AMD). 2001, c. 710, §11 (AMD). 2001, c. 710, §12 (AFF). 2003, c. 400, §§3,4 (AMD). 2003, c. 688, §§A25,26 (AMD). RR 2005, c. 1, §§8-10 (COR). 2005, c. 139, §§1-3 (AMD). 2005, c. 331, §6 (AMD). 2005, c. 519, §XXX3 (AMD). 2009, c. 142, §10 (AMD). 2009, c. 317, Pt. D, §1 (AMD). 2011, c. 657, Pt. W, §§5, 7 (REV). 2013, c. 133, §19 (AMD). 2013, c. 147, §6 (AMD). 2013, c. 405, Pt. A, §§23, 24 (REV). 2013, c. 588, Pt. A, §33 (AMD). 2015, c. 267, Pt. CC, §1 (AMD). 2017, c. 456, §2 (AMD).

## §2802. BOARD OF TRUSTEES

There is created a board of trustees for the academy consisting of 17 members as follows: the Commissioner of Public Safety, ex officio, the Attorney General, ex officio, the Game Warden Colonel in the Department of Inland Fisheries and Wildlife, ex officio, the Commissioner of Corrections, ex officio, and the Chief of the State Police, ex officio, and the following to be appointed by the Governor: a county sheriff, a chief of a municipal police department, 2 officers of municipal police departments who are not police chiefs, an educator who is not and has never been a sworn member of a law enforcement agency, a criminal prosecutor from one of the offices of the District Attorney, a representative of a federal law enforcement agency, 3 citizens each of whom is not and has never been a sworn member of a law enforcement agency, a municipal official who is not and has never been a sworn member of a law enforcement agency and one nonsupervisory corrections officer representing a state or county correctional facility. [2013, c. 147, §7 (AMD).]

A designee of an ex officio member is a member of the board only during the term of office of the ex officio member who designated the designee. All of the other members of the board serve for a term of 3 years. A trustee holds office for the term for which the trustee is appointed or until the trustee's successor had been appointed and qualified. Members of the board are entitled to compensation in accordance with Title 5, chapter 379. Any vacancy on the board of trustees must be filled in the same manner as the original appointment, but for the unexpired term. [2005, c. 331, §7 (AMD).]

### SECTION HISTORY

1969, c. 491, §1 (NEW). 1971, c. 241, (AMD). 1971, c. 592, §11 (RPR). 1975, c. 579, §6 (AMD). 1975, c. 771, §267 (AMD). 1977, c. 701, §2 (AMD). 1981, c. 493, §§2,3 (AMD). 1983, c. 812, §152 (AMD). 1985, c. 194, (AMD). 1993, c. 744, §1 (AMD). 2005, c. 331, §7 (AMD). 2013, c. 147, §7 (AMD).

## §2803. POWERS AND DUTIES

*(REPEALED)*

### SECTION HISTORY

1969, c. 491, §1 (NEW). 1971, c. 241, (AMD). 1971, c. 592, §12 (RPR). 1973, c. 327, §1 (AMD). 1975, c. 579, §7 (RPR). 1975, c. 770, §112 (AMD). 1977, c. 701, §§3-4 (AMD). 1979, c. 261, §1 (AMD). 1981, c. 470, §A139 (AMD). 1983, c. 244, §§1-5 (AMD). 1985, c. 155, §§1-3 (AMD). 1985, c. 432, (AMD). 1985, c. 742, §2 (AMD). 1987, c. 737, §§C69,C106 (AMD). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,C10 (AMD). 1989, c. 521, §§3,17 (RP).

## §2803-A. POWERS AND DUTIES OF THE BOARD OF TRUSTEES

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

The board has the following powers and duties: [1989, c. 521, §4, 17 (NEW).]

**1. Training and certification of all law enforcement officers in State.** In accordance with this chapter, to establish training and certification standards for all law enforcement officers, set requirements for board-approved courses, prescribe curriculum and certify both graduates of board-approved courses and persons for whom the board has waived the training requirements of this chapter. Certification must be based on the officer's demonstration of having acquired specific knowledge and skills directly related to job performance;

[2005, c. 331, §8 (AMD).]

**2. Admission standards.** In accordance with the requirements of this chapter, to establish standards for admission to the board-approved courses, including academic and physical admission standards that apply uniformly to all candidates applying for admission to the academy;

[2005, c. 331, §9 (AMD).]

**3. Certification of criminal justice executives.** To certify and set standards for certification of criminal justice executives. As used in this subsection, "criminal justice executives" means police chiefs, sheriffs and the persons directly below the police chiefs or sheriffs in line of command;

[2005, c. 331, §10 (AMD).]

**4. Training and certification of sheriffs.**

[2005, c. 331, §11 (RP).]

**5. Training and certification of corrections officers in State.** In accordance with this chapter, to establish training and certification standards for all corrections officers, set requirements for board-approved courses, prescribe curriculum and certify graduates of board-approved courses and persons for whom the board has waived the training requirements of this chapter. Certification must be based on the officer's demonstration of having acquired specific knowledge and skills directly related to job performance;

[2013, c. 147, §8 (AMD).]

**5-A. Training of corrections employees with law enforcement powers.** To establish certification standards and a preservice and in-service training program for employees of the Department of Corrections authorized to exercise law enforcement powers as described in Title 34-A, section 3011. This program must include:

A. Preservice law enforcement training under section 2804-B; [2013, c. 147, §9 (NEW).]

B. In-service law enforcement training that is specifically approved by the board as prescribed in section 2804-E. [2013, c. 147, §9 (NEW).]

Except for investigative officers, these employees of the Department of Corrections are exempt from section 2804-C, but completion of the basic training under section 2804-C exempts a person from the preservice training requirements under paragraph A;

[2013, c. 147, §9 (NEW).]

**6. Training and certification of State Police enlisted personnel.**

[1993, c. 744, §4 (RP).]

**7. Training of harbor masters.** To establish suitable training programs for harbor masters authorized to make arrests under Title 38, chapter 1, subchapter I, relevant to their duties as harbor masters;

[ 1989, c. 521, §§4, 17 (NEW) . ]

**8. Training and certification in court procedures.** To establish certification standards and a program to certify law enforcement officers as being familiar with current court procedures. This program shall include:

A. Sufficient instruction in the basic training courses approved by the board under this chapter to satisfy certification standards upon successful completion of the course; [1989, c. 521, §§4, 17 (NEW) . ]

B. A method by which law enforcement officers whose basic training course did not contain the instruction required by paragraph A may satisfy the certification standards; and [1989, c. 521, §§4, 17 (NEW) . ]

C. A requirement that in-service training programs required under section 2804-E include instruction on current court procedures; [1989, c. 521, §§4, 17 (NEW) . ]

[ 1989, c. 521, §§4, 17 (NEW) . ]

**8-A. Training of police officers of the Bureau of Capitol Police.** To establish certification standards and a training program for police officers appointed by the Commissioner of Public Safety pursuant to section 2908. This program must include:

A. The preservice law enforcement training under section 2804-B; [2005, c. 331, §12 (AMD) . ]

B. An additional 120-hour field training program developed and approved by the board that is specific to the duties of a Capitol Police officer; and [2009, c. 317, Pt. E, §1 (AMD) . ]

C. In-service law enforcement training that is specifically approved by the board as prescribed in section 2804-E. [2001, c. 559, Pt. KK, §2 (NEW) . ]

Capitol Police officers are exempt from section 2804-C;

[ 2009, c. 317, Pt. E, §1 (AMD) . ]

**8-B. Training of judicial marshals.** To establish certification standards and a preservice and in-service training program for judicial marshals. This program must include:

A. Preservice law enforcement training under section 2804-B; [2003, c. 400, §5 (NEW) . ]

B. An additional basic judicial marshal training program developed and approved by the board that is specific to the duties of a judicial marshal; and [2013, c. 147, §10 (AMD) . ]

C. In-service law enforcement training that is specifically approved by the board as prescribed in section 2804-E. [2003, c. 400, §5 (NEW) . ]

Judicial marshals are exempt from section 2804-C, but completion of basic training under section 2804-C exempts a person from the preservice training requirement under paragraph A;

[ 2013, c. 147, §10 (AMD) . ]

**8-C. Training of transport officers.** To establish certification standards and a training program for transport officers. This program must include:

A. The preservice law enforcement training under section 2804-B; and [2013, c. 147, §11 (NEW) . ]

B. In-service law enforcement training that is specifically approved by the board as prescribed in section 2804-E; [2013, c. 147, §11 (NEW).]

[ 2013, c. 147, §11 (AMD) .]

**8-D. (TEXT EFFECTIVE 12/13/18) Training of forest rangers.** To establish certification standards and a training program for the state supervisor of the forest protection unit of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry and forest rangers appointed under Title 12, section 8901. This program must include:

A. Preservice law enforcement training under section 2804-B; [2017, c. 456, §3 (NEW).]

B. An additional basic forest ranger training program developed by the state supervisor of the forest protection unit of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry and approved by the board that is specific to the duties of a forest ranger; [2017, c. 456, §3 (NEW).]

C. In-service law enforcement training that is specifically approved by the board as prescribed in section 2804-E; and [2017, c. 456, §3 (NEW).]

D. A firearms training program equivalent to a firearms training program of a full-time law enforcement officer trained at the Maine Criminal Justice Academy that is developed and approved by the board. [2017, c. 456, §3 (NEW).]

Forest rangers are exempt from section 2804-C, but completion of basic training under section 2804-C exempts a person from the preservice training requirement under paragraph A;

[ 2017, c. 456, §3 (NEW) .]

**9. Other training programs.** To establish additional training programs considered to be beneficial to law enforcement officers, corrections officers and other criminal justice personnel;

[ 2013, c. 147, §12 (AMD) .]

**10. Establish fees.** To establish, with the approval of the commissioner, reasonable fees for attendance to defray at least part of the operation costs of the academy;

[ 1989, c. 521, §§4, 17 (NEW) .]

**11. Formulate a budget.**

[ 2005, c. 331, §14 (RP) .]

**12. Accept funds and grants.** With the approval of the commissioner, to accept such federal funds or grants as may be available to carry out the purposes of the academy;

[ 1989, c. 521, §§4, 17 (NEW) .]

**13. Acquire facilities.** With the approval of the commissioner, to lease, rent or acquire adequate facilities to conduct the academy's training programs;

[ 1989, c. 521, §§4, 17 (NEW) .]

**14. Certification of instructors.** To certify and set standards for certification of law enforcement and criminal justice instructors to be used in all academy preservice, basic and in-service training programs as required by the board of trustees and over which the board has statutory control;

[ 1989, c. 521, §§4, 17 (NEW) .]



**15. Revocation or suspension of certification.** To take disciplinary action concerning any certificate issued by the board, including but not limited to suspension or revocation;

[ 2013, c. 147, §13 (AMD) .]

**16. Provide assistance and materials.** To provide to state, municipal and county corrections officers and state, municipal and county law enforcement officers any assistance or instructional materials the board considers necessary to fulfill the purposes of this chapter and Title 30-A, sections 381 and 2671;

[ 2013, c. 147, §14 (AMD) .]

**17. Acceptance of gifts.** To accept, as recommended by the Director of the Maine Criminal Justice Academy, money, goods and services, gifts, bequests and endowments donated to the Maine Criminal Justice Academy to support any activities carried out by the Maine Criminal Justice Academy pursuant to this chapter. Any money donated to the academy and any proceeds from the sale of property bequeathed to the board pursuant to this section must be deposited in the academy's Other Special Revenue Funds account;

[ 2013, c. 147, §15 (NEW) .]

**18. Rules.** To adopt rules as the board determines necessary and proper to carry out this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A; and

[ 2013, c. 147, §15 (NEW) .]

**19. Issuance of subpoenas.** To conduct investigations and issue subpoenas to assist with investigations or as otherwise considered necessary for the fulfillment of its responsibilities and to hold hearings and issue subpoenas for witnesses, records and documents in the name of the board in accordance with the terms of Title 5, section 9060, except that the subpoena authority applies to any stage or type of an investigation and is not limited to an adjudicatory hearing.

[ 2013, c. 147, §15 (NEW) .]

#### SECTION HISTORY

1989, c. 521, §§4,17 (NEW). 1993, c. 744, §§2-4 (AMD). 1997, c. 395, §02 (AMD). 1999, c. 630, §1 (AMD). 2001, c. 559, §KK2 (AMD). 2003, c. 400, §5 (AMD). 2005, c. 331, §§8-15 (AMD). 2005, c. 519, §XXX4 (AMD). 2009, c. 317, Pt. E, §1 (AMD). 2013, c. 147, §§8-15 (AMD). 2017, c. 456, §3 (AMD).

## §2803-B. REQUIREMENTS OF LAW ENFORCEMENT AGENCIES

**1. Law enforcement policies.** The chief administrative officer of each agency shall certify to the board that attempts were made to obtain public comment during the formulation of policies.

All law enforcement agencies shall adopt written policies regarding procedures to deal with the following:

A. Use of physical force, including the use of electronic weapons and less-than-lethal munitions;

[2009, c. 336, §18 (AMD).]

B. Barricaded persons and hostage situations; [1993, c. 744, §5 (NEW).]

C. [2013, c. 147, §16 (RP).]

D. Domestic violence, which must include, at a minimum, the following:

(1) A process to ensure that a victim receives notification of the defendant's release from jail;

(2) A process for the collection of information regarding the defendant that includes the defendant's previous history, the parties' relationship, whether the commission of an alleged crime included the use of strangulation as defined in Title 17-A, section 208, subsection 1, paragraph C, the name of the victim and a process to relay this information to a bail commissioner before a bail determination is made;

(3) A process for the safe retrieval of personal property belonging to the victim or the defendant that includes identification of a possible neutral location for retrieval, the presence of at least one law enforcement officer during the retrieval and giving the victim the option of at least 24 hours' notice to each party prior to the retrieval;

(4) Standard procedures to ensure that protection from abuse orders issued under Title 19-A, section 4006 or 4007 are served on the defendant as quickly as possible; and

(5) A process for the administration of a validated, evidence-based domestic violence risk assessment recommended by the Maine Commission on Domestic and Sexual Abuse, established in Title 5, section 12004-I, subsection 74-C, and approved by the Department of Public Safety and the conveyance of the results of that assessment to the bail commissioner, if appropriate, and the district attorney for the county in which the domestic violence occurred. [2015, c. 329, Pt. A, §14 (RPR).]

E. Hate or bias crimes; [1993, c. 744, §5 (NEW).]

F. Police pursuits; [1993, c. 744, §5 (NEW).]

G. Citizen complaints of police misconduct; [2003, c. 370, §1 (AMD).]

H. Criminal conduct engaged in by law enforcement officers; [2003, c. 656, §1 (AMD); 2003, c. 677, §1 (AMD).]

I. Death investigations, including at a minimum the protocol of the Department of the Attorney General regarding such investigations; [2003, c. 2, §89 (COR).]

J. Public notification regarding persons in the community required to register under Title 34-A, chapters 15 and 17; [2013, c. 147, §17 (AMD).]

J. (REALLOCATED TO T. 25, §2803-B, sub-§1, ¶K) [2003, c. 2, §91 (RAL); 2003, c. 677, §3 (NEW).]

K. (REALLOCATED FROM T. 25, §2803-B, sub-§1, ¶J) Digital, electronic, audio, video or other recording of law enforcement interviews of suspects in serious crimes and the preservation of investigative notes and records in such cases; [2013, c. 147, §18 (AMD).]

L. Mental illness and the process for involuntary commitment; and [2013, c. 147, §19 (AMD).]

M. Freedom of access requests. The chief administrative officer of a municipal, county or state law enforcement agency shall certify to the board annually that the agency has adopted a written policy regarding procedures to deal with a freedom of access request and that the chief administrative officer has designated a person who is trained to respond to a request received by the agency pursuant to Title 1, chapter 13. [2013, c. 147, §20 (NEW).]

[ 2011, c. 265, §2 (AMD); 2015, c. 329, Pt. A, §14 (AMD) .]

**2. Minimum policy standards.** The board shall establish minimum standards for each law enforcement policy pursuant to subsection 1 with the exception of the freedom of access policy under subsection 1, paragraph M. Minimum standards of new mandatory policies enacted by law must be adopted by the board no later than December 31st of the year in which the law takes effect.

[ 2013, c. 147, §21 (RPR) .]

**3. Agency compliance.** The chief administrative officer of each law enforcement agency shall certify to the board annually no later than January 1st of each year that the agency has adopted written policies consistent with the minimum standards established or amended by the board and that all officers have received orientation and training with respect to new mandatory policies or new mandatory policy changes pursuant to subsection 2. New mandatory policies enacted by law must be implemented by all law enforcement agencies no later than the July 1st after the board has adopted the minimum standards.

[ 2013, c. 147, §22 (RPR) .]

**4. Penalty.**

[ 2005, c. 331, §17 (RP) .]

**5. Annual standards review.** The board shall review annually the minimum standards for each policy to determine whether changes in any of the standards are necessary to incorporate improved procedures identified by critiquing known actual events or by reviewing new enforcement practices demonstrated to reduce crime, increase officer safety or increase public safety.

[ 1993, c. 744, §5 (NEW) .]

**6. Freedom of access.**

[ 2013, c. 147, §23 (RP) .]

**7. Certification by record custodian.**

[ 2013, c. 147, §24 (RP) .]

SECTION HISTORY

1993, c. 744, §5 (NEW). 2001, c. 686, §B1 (AMD). RR 2003, c. 2, §§89-91 (COR). 2003, c. 185, §1 (AMD). 2003, c. 361, §1 (AMD). 2003, c. 370, §§1-4 (AMD). 2003, c. 656, §§1-4 (AMD). 2003, c. 677, §§1-4 (AMD). 2005, c. 331, §§16,17 (AMD). 2005, c. 331, §33 (AFF). 2005, c. 397, §C17 (AMD). 2009, c. 336, §18 (AMD). 2009, c. 451, §§1-5 (AMD). 2009, c. 652, Pt. A, §§37, 38 (AMD). 2011, c. 265, §§2-4 (AMD). 2011, c. 640, Pt. D, §1 (AMD). 2011, c. 680, §§4-6 (AMD). 2013, c. 147, §§16-24 (AMD). 2015, c. 329, Pt. A, §14 (AMD).

**§2803-C. PENALTY**

An agency or individual who fails to comply with a provision of this chapter commits a civil violation for which the State or the local government entity whose officer or employee committed the violation or the individual who committed the violation may be adjudged a fine not to exceed \$500. [ 2013, c. 147, §25 (AMD) .]

SECTION HISTORY

2005, c. 331, §18 (NEW). 2013, c. 147, §25 (AMD).

## §2803-D. CERTIFICATE ADMISSIBLE

Notwithstanding any other law or rule of evidence, a certificate issued by the custodian of the records of the board, when signed and sworn to by that custodian, or the custodian's designee, is admissible in a judicial or administrative proceeding as prima facie evidence of any fact stated in the certificate. [2013, c. 147, §26 (NEW).]

### SECTION HISTORY

2013, c. 147, §26 (NEW).

## §2804. MEETINGS

The board of trustees shall meet at such time or times as may be reasonably necessary to carry out their duties, but it shall meet at least once in each calendar quarter at such place and time as the board shall determine and it shall meet at the call of the chairman. The board shall organize annually by electing a chairman, vice-chairman and secretary from among its members. [1975, c. 579, §8 (AMD).]

### SECTION HISTORY

1969, c. 491, §1 (NEW). 1971, c. 241, (AMD). 1971, c. 592, §13 (AMD). 1975, c. 579, §8 (AMD).

## §2804-A. DIRECTOR; APPOINTMENT; POWERS AND DUTIES

The Commissioner of Public Safety, with the advice and consent of the board of trustees, shall appoint a director, who is the administrator of the academy and the executive director of the board. Qualifications of the director must be established by the commissioner and the board jointly. The salary of the director must be established by the commissioner and the board jointly. The director may be dismissed for cause by the commissioner with the approval of the board. [2013, c. 147, §27 (AMD).]

The director shall have the duty to plan, direct and supervise the day-to-day operation of the academy and shall be charged with the responsibility of carrying out the policy and procedures established by the board. [1975, c. 579, §9 (NEW).]

The director shall employ, within the limits of funds available, with the approval of the board and the commissioner and subject to the Civil Service Law, such personnel as may be reasonably necessary to carry out the purposes of the academy. [1985, c. 785, Pt. B, §112 (AMD).]

### SECTION HISTORY

1975, c. 579, §9 (NEW). 1985, c. 785, §B112 (AMD). 2005, c. 331, §19 (AMD). 2013, c. 147, §27 (AMD).

## §2804-B. PRESERVICE LAW ENFORCEMENT TRAINING

**1. Required.** A person may not serve as a law enforcement officer with the power to make arrests or the authority to carry a firearm in the course of duty until certified by the board as satisfying all preservice training requirements.

[ 1997, c. 395, Pt. O, §3 (AMD) .]

**2. Preservice training standards.** The board shall establish standards for preservice training certification. In establishing the standards, the board shall consider the use of a registered apprenticeship with a certified, experienced officer, to be followed by an examination given by the board, as an alternative to part

or all of the preservice training course leading to preservice certification. In establishing the standards, the board shall cooperate with the State and local departments and agencies to which the preservice standards apply to ensure that the standards are appropriate.

[ 2005, c. 331, §20 (AMD) .]

**3. Certification.** The board shall certify each person who meets the preservice training standards as eligible to serve as a law enforcement officer with the power to make arrests and the authority to carry a firearm in the course of duty, subject to annual recertification training as prescribed by the board.

[ 1997, c. 395, Pt. O, §3 (AMD) .]

**4. Course.** The board shall provide a training course, the successful completion of which must meet the preservice training standards. In developing and delivering the training course, the board shall consider the use of telecommunications technology. The board may work with post-secondary and other institutions within the State to deliver the preservice training course throughout the State as often as reasonable demand requires.

[ 1989, c. 521, §§5, 17 (NEW) .]

**5. Agency sponsorship.** The board shall evaluate the use of law enforcement agency sponsorship, screening of preservice training applicants and students and the availability of preservice training before employment.

[ 1989, c. 521, §§5, 17 (NEW) .]

**6. Completion of basic law enforcement training sufficient.** The board shall certify law enforcement officers who successfully complete basic law enforcement training under section 2804-C before being empowered to make arrests or given the authority to carry a firearm in the course of duty as having satisfied the preservice training standards.

[ 1989, c. 521, §§5, 17 (NEW) .]

**7. Part-time law enforcement officers.** The board shall certify law enforcement officers who successfully complete preservice law enforcement training and who have qualified with a firearm using the board firearm proficiency standards as part-time law enforcement officers. Thereafter, as a condition of continued service as a part-time law enforcement officer, the officer must satisfactorily maintain the preservice certification. The board shall maintain a roster of all currently certified part-time law enforcement officers. The roster must be available for inspection by the public at the academy during regular working hours.

[ 2013, c. 147, §28 (AMD) .]

**8. Application to currently certified law enforcement officers.** This section does not apply to any law enforcement officer certified as meeting the law enforcement training requirements or to any full-time law enforcement officer employed by a state agency, including the University of Maine System, as of July 1, 1990.

[ 1989, c. 521, §§5, 17 (NEW) .]

#### SECTION HISTORY

1989, c. 521, §§5,17 (NEW). 1993, c. 551, §1 (AMD). 1993, c. 630, §B5 (AMD). 1997, c. 395, §03 (AMD). 2005, c. 331, §20 (AMD). 2013, c. 147, §28 (AMD).

## §2804-C. BASIC LAW ENFORCEMENT TRAINING; CORE CURRICULUM REQUIREMENTS

**1. Required.** As a condition to the continued employment of any person as a full-time law enforcement officer by a municipality, a county, the State or any other nonfederal employer, that person must successfully complete, within the first 12 months of initial full-time employment, the basic training course at the Maine Criminal Justice Academy approved by the board. If a person's failure to comply with this requirement was a result of that person's failure to satisfy any of the admission standards applicable to the basic training course and that person is subsequently employed as a full-time law enforcement officer within 12 months of termination of the initial employment by a municipality, a county, the State or any other nonfederal employer, the person must have satisfied all the admission standards established by the board prior to the time of hire. As a condition of continued employment as a full-time law enforcement officer, the officer must satisfactorily maintain the basic certification by completing the recertification requirements prescribed by the board. The board, under extenuating and emergency circumstances in individual cases, may extend the 12-month period for not more than 180 days. The board also, in individual cases, may waive the basic training requirement when the facts indicate that an equivalent course has been successfully completed.

[ 2013, c. 147, §29 (AMD) . ]

### **2. Core curriculum requirements.**

[ 1993, c. 744, §6 (RP) . ]

**2-A. Probationary employment period.** Upon being hired, a law enforcement officer shall complete an employment probationary period that lasts for at least one year after graduation from the academy or the date the board waives the basic training requirement.

[ 1993, c. 744, §6 (NEW) . ]

**2-B. Training regarding people who are homeless.** The board shall include in the basic law enforcement training program a block of instruction aimed specifically at reducing barriers to reporting crimes against people who are homeless and dealing with the unique challenges posed by cases that involve victims or witnesses who are homeless.

[ 2005, c. 393, §1 (NEW) . ]

**2-C. Receipt of firearms; training; procedure; liability.** The Maine Criminal Justice Academy shall provide training for municipal, county and state law enforcement officers regarding the proper handling, storage, safekeeping and return of firearms and firearm accessories received pursuant to a court order under Title 19-A, section 4006, subsection 2-A or Title 19-A, section 4007, subsection 1, paragraph A-1. Such training must include education concerning the prohibitions on the purchase or possession of a firearm when a protection order has been obtained and communication with parties to protection orders concerning such prohibitions.

In developing materials for training in domestic violence issues, the Maine Criminal Justice Academy may consult with a statewide organization involved in advocacy for victims of domestic violence and with an organization having statewide membership representing the interests of firearms owners.

A law enforcement officer who receives custody of a firearm pursuant to Title 19-A, section 4006, subsection 2-A or Title 19-A, section 4007, subsection 1, paragraph A-1 shall exercise reasonable care to avoid loss, damage or reduction in value of the firearm and may not permanently mark the firearm or fire the firearm unless there is reasonable suspicion that the firearm has been used in the commission of a crime. Any liability for damage or reduction in value to such a firearm is governed by Title 14, chapter 741.

[ 2013, c. 147, §30 (AMD) . ]

**2-D. Training regarding people who have mental illness and the involuntary commitment process.**

The board shall include in the basic law enforcement training program a block of instruction aimed specifically at the clinical, safety and procedural components of the involuntary commitment process, including the provision of a uniform checklist that includes reference to Title 34-B, section 1207, subsection 7 for law enforcement officers to use in order to effectively describe the seriousness of a case to a mental health professional.

[ 2009, c. 451, §6 (NEW) .]

**3. Certification.** The board shall certify each person who meets the core curriculum training requirements.

[ 2013, c. 147, §31 (AMD) .]

**4. Courses.** The board shall:

A. Provide a training course, the successful completion of which meets the basic training requirements; [1993, c. 744, §6 (NEW).]

B. Provide a structured residential program that balances the goals of professional policing with public services emphasis; and [2005, c. 331, §22 (AMD).]

C. Incorporate a community policing philosophy in its training program. [2005, c. 331, §22 (AMD).]

D. [2005, c. 331, §23 (RP).]

[ 2005, c. 331, §§22, 23 (AMD) .]

**5. Application to currently certified law enforcement officers.** This section does not apply to any law enforcement officer certified as meeting the law enforcement training requirements or to any full-time law enforcement officer employed by a state agency, including the University of Maine System, as of July 1, 1990 or to any person employed as a full-time law enforcement officer by a municipality on September 23, 1971 or by a county on July 1, 1972.

[ 2013, c. 147, §32 (AMD) .]

## SECTION HISTORY

1989, c. 521, §§5,17 (NEW). 1993, c. 551, §2 (AMD). 1993, c. 744, §6 (AMD). 1997, c. 395, §04 (AMD). 2005, c. 331, §§21-23 (AMD). 2005, c. 393, §1 (AMD). 2005, c. 684, §1 (AMD). 2009, c. 451, §6 (AMD). 2013, c. 147, §§29-32 (AMD).

**§2804-D. BASIC CORRECTIONS TRAINING**

*(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)*

**1. (TEXT EFFECTIVE UNTIL 12/13/18) Required.** As a condition to the continued employment of any person as a corrections officer, that person must successfully complete, within the first 12 months of employment, a basic training course as approved by the board. Thereafter, as a condition of continued employment as a corrections officer, the officer must satisfactorily maintain the basic certification. The board, under extenuating and emergency circumstances in individual cases, may extend the 12-month period for not more than 180 days. The board, in individual cases, may waive basic training requirements when the facts

indicate that an equivalent course has been successfully completed in another state or federal jurisdiction. A full-time correctional trade instructor hired after January 1, 2002 must meet the training requirements established under this subsection for corrections officers.

[ 2013, c. 147, §33 (AMD) .]

**1. (TEXT EFFECTIVE 12/13/18) Required.** As a condition to the continued employment of any person as a corrections officer, that person must successfully complete, within the first 12 months of employment, a basic training course as approved by the board. Thereafter, as a condition of continued employment as a corrections officer, the officer must satisfactorily maintain the basic certification. The board, under extenuating and emergency circumstances in individual cases, may extend the 12-month period for not more than 180 days. The board, in individual cases, may waive basic training requirements when the facts indicate that an equivalent course has been successfully completed in another state or federal jurisdiction. A full-time correctional trade instructor must meet the training requirements established under this subsection for corrections officers. Beginning January 1, 2018, the basic training course must include 8 hours of training in how to identify, understand and respond to signs of mental illnesses and substance use disorder that is provided by a trainer who is certified by a nationally recognized organization that provides evidence-based mental health first aid training.

[ 2017, c. 436, §1 (AMD) .]

#### SECTION HISTORY

1989, c. 521, §§5,17 (NEW). 1993, c. 551, §3 (AMD). 1997, c. 14, §1 (AMD). 2001, c. 386, §6 (AMD). 2013, c. 147, §33 (AMD). 2017, c. 436, §1 (AMD).

## §2804-E. IN-SERVICE LAW ENFORCEMENT TRAINING

**1. Required.** As a condition to the continued employment of a person as a law enforcement officer with the power to make arrests or the authority to carry a firearm in the course of duty by a municipality, county, the State or other nonfederal employer, that person must successfully complete in-service training as prescribed by the board. Failure to successfully complete in-service training by a law enforcement officer as prescribed by the board constitutes grounds to suspend or revoke a certificate issued by the board pursuant to section 2803-A.

[ 2013, c. 147, §34 (AMD) .]

**2. Role of board.** The board shall establish in-service recertification training requirements, consistent with subsection 1, and coordinate delivery of in-service training. The in-service recertification training requirements must include information on new laws and court decisions and on new enforcement practices demonstrated to reduce crime or increase officer safety. The board shall consider and encourage the use of telecommunications technology in the development and delivery of in-service training programs. In establishing the recertification training requirements, the board shall cooperate with the state and local departments and agencies to which the in-service requirements apply to ensure that the standards are appropriate. In-service training may not be applied to satisfy in-service recertification training requirements unless it is approved by the board.

[ 2013, c. 147, §34 (AMD) .]

### **3. Additional certificates.**

[ 2013, c. 147, §34 (RP) .]



**4. Credit for continuing education.** The board may grant in-service training credits to be applied to in-service recertification training requirements for courses completed at accredited colleges and universities.

[ 1993, c. 744, §8 (NEW) .]

**5. Provision of in-service training.** In-service training programs that meet the requirements established under subsection 2 or other in-service training programs may be provided by the Maine Criminal Justice Academy or the agency employing the law enforcement officer.

[ 2013, c. 147, §34 (NEW) .]

#### SECTION HISTORY

1989, c. 521, §§5,17 (NEW). 1993, c. 744, §§7,8 (AMD). 1997, c. 395, §05 (AMD). 2013, c. 147, §34 (AMD).

## §2804-F. IN-SERVICE CORRECTIONS TRAINING

**1. Required.** As a condition to the continued employment of any person as a corrections officer by a municipality, county, the State or other nonfederal employer, that person shall successfully complete in-service training as prescribed by the board. Failure to successfully complete in-service training by a corrections officer as prescribed by the board constitutes grounds to suspend or revoke a certificate issued by the board pursuant to section 2803-A.

[ 2013, c. 147, §35 (AMD) .]

**2. Role of board.** The board shall establish in-service training requirements, consistent with subsection 1, and coordinate delivery of in-service training. The in-service recertification training requirements must include information on new laws and court decisions. The board shall consider and encourage the use of telecommunications technology in the development and delivery of in-service training programs. In establishing the recertification training requirements, the board shall cooperate with the state and local departments and agencies to which the in-service requirements apply to ensure that the standards are appropriate. In-service training may not be applied to satisfy in-service recertification training requirements unless it is approved by the board.

[ 2013, c. 147, §35 (AMD) .]

**3. Provisions of in-service training.** In-service training programs that meet the requirements established under subsection 2 or other in-service training may be provided by the Maine Criminal Justice Academy or the agency employing the corrections officer.

[ 2013, c. 147, §35 (AMD) .]

**4. Credit for continuing education.** The board may grant in-service training credits to be applied to in-service recertification training requirements for courses completed at accredited colleges and universities.

[ 2013, c. 147, §35 (NEW) .]

#### SECTION HISTORY

1989, c. 521, §§5,17 (NEW). 2013, c. 147, §35 (AMD).

## §2804-G. QUALIFICATIONS

**1. Age.** An applicant must be 21 years of age or older to qualify for a position as a law enforcement officer unless the applicant has an associate's degree or 60 credit hours of postsecondary education, in which case the applicant must be at least 20 years of age.

[ 1993, c. 744, §9 (NEW) .]

### SECTION HISTORY

1993, c. 744, §9 (NEW).

## §2804-H. CONTINUING CERTIFICATION

If the commissioner or deputy commissioner is a law enforcement officer who is certified under sections 2804-B and 2804-C, the officer's certification does not lapse during the period the officer serves as commissioner or deputy commissioner. [2001, c. 559, Pt. EE, §2 (AMD).]

### SECTION HISTORY

1999, c. 114, §1 (NEW). 2001, c. 559, §EE2 (AMD).

## §2804-I. LAW ENFORCEMENT TRAINING FOR HARBOR MASTERS AND MUNICIPAL SHELLFISH CONSERVATION WARDENS

Harbor masters and municipal shellfish conservation wardens must successfully complete the preservice law enforcement training requirements in section 2804-B and the in-service law enforcement training requirements in section 2804-E in order to have the power to make arrests or to carry a firearm. Harbor masters and municipal shellfish conservation wardens are exempt from section 2804-C. [1999, c. 682, §5 (NEW) .]

### SECTION HISTORY

1999, c. 682, §5 (NEW).

## §2804-J. LAW ENFORCEMENT TRAINING FOR POLICE OFFICERS OF THE BUREAU OF CAPITOL POLICE

The following provisions govern the training and certification of police officers appointed pursuant to section 2908. [2009, c. 317, Pt. E, §2 (AMD).]

### **1. Security officers hired or appointed before March 1, 2002.**

[ 2009, c. 317, Pt. E, §2 (RP) .]

**2. Police officers hired or appointed on or after March 1, 2002.** A police officer hired or appointed on or after March 1, 2002 must have successfully completed, at the time the person is hired or within the first 12 months of employment, the requirements established in section 2803-A, subsection 8-A in order to have the power to make arrests or to carry a firearm.

[ 2009, c. 317, Pt. E, §2 (AMD) .]

### SECTION HISTORY

2001, c. 559, §KK3 (NEW). 2009, c. 317, Pt. E, §2 (AMD).

## §2804-K. LAW ENFORCEMENT TRAINING FOR JUDICIAL MARSHALS

As a condition to the continued employment of any person as a judicial marshal, that person must successfully complete, within the first 12 months of employment, the training required under section 2803-A, subsection 8-B. Thereafter, as a condition of continued employment as a judicial marshal, the judicial marshal must satisfactorily maintain the judicial marshal certification by completing recertification requirements prescribed by the board. The board, under extenuating and emergency circumstances in individual cases, may extend that period for not more than 180 days. [2013, c. 147, §36 (AMD).]

### SECTION HISTORY

2003, c. 400, §6 (NEW). 2005, c. 519, §XXX5 (AMD). 2013, c. 147, §36 (AMD).

## §2804-L. LAW ENFORCEMENT TRAINING FOR FOREST RANGERS

*(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)*

*(WHOLE SECTION TEXT EFFECTIVE 12/13/18)*

Beginning July 1, 2019, all forest rangers and the state supervisor of the forest protection unit of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry must successfully complete the training requirements established under section 2803-A, subsection 8-D. [2017, c. 456, §4 (NEW).]

### SECTION HISTORY

2017, c. 456, §4 (NEW).

## §2805. QUALIFICATIONS

*(REPEALED)*

### SECTION HISTORY

1971, c. 451, (NEW). 1971, c. 592, §§13-A (RPR). 1971, c. 622, §86 (AMD). 1973, c. 136, §§2,3 (AMD). 1973, c. 327, §2 (AMD). 1973, c. 625, §169 (AMD). 1973, c. 672, §§1-3 (AMD). 1975, c. 770, §113 (AMD). 1977, c. 203, (AMD). 1977, c. 650, §2 (AMD). 1977, c. 701, §§5-8 (AMD). 1979, c. 261, §2 (AMD). 1979, c. 541, §A168 (AMD). 1983, c. 67, §§1-2 (AMD). 1985, c. 155, §4 (AMD). 1989, c. 477, §1 (AMD). 1989, c. 521, §§6,17 (RP). 1989, c. 878, §§B23,24 (RP).

## §2805-A. STANDARDS FOR RESERVE AND OTHER PART-TIME LAW ENFORCEMENT OFFICERS

*(REPEALED)*

### SECTION HISTORY

1979, c. 311, (NEW). 1983, c. 67, §§3-5 (AMD). 1983, c. 615, §1 (AMD). 1985, c. 155, §5 (AMD). 1989, c. 521, §§7,17 (RP).

## §2805-B. EMPLOYMENT AND TRAINING RECORDS

**1. Annual report and records.** Within 30 days of the close of each calendar year, the highest elected official of each political subdivision and the head of each state department and agency employing law enforcement or corrections officers subject to this chapter shall provide the board with a report containing a list of the names and dates of employment of all law enforcement and corrections officers covered by this chapter. The official or department or agency head shall maintain records regarding the basic and in-

service training of law enforcement and corrections officers as provided in sections 2804-C to 2804-F. The report provided to the board must include the total number of excessive force complaints received about law enforcement or corrections officers during the reporting year by the reporting jurisdiction and the total number of these complaints that were determined to be founded and unfounded. The board may adopt additional categories that law enforcement agencies shall record and include in their annual report to the board.

[ 1993, c. 744, §10 (AMD) . ]

**2. New officers.** Whenever a law enforcement officer or corrections officer is newly appointed, the official or department or agency head shall send notice of appointment within 30 days to the board on a form provided for that purpose. The form is deemed an application for admission to the training program or for other certification as required by this chapter.

[ 2005, c. 331, §24 (AMD) . ]

**3. Termination of officers.** Whenever the employment of a law enforcement officer or corrections officer is terminated, the official or department or agency head shall send notice of the termination within 30 days to the board on a form provided for that purpose.

[ 2005, c. 331, §25 (NEW) . ]

#### SECTION HISTORY

1989, c. 521, §§8,17 (NEW). 1993, c. 744, §10 (AMD). 2005, c. 331, §§24,25 (AMD).

## §2805-C. COMPLAINT REVIEW COMMITTEE

**1. Committee.** The chair of the board shall appoint 3 members of the board to serve on the complaint review committee. One of the members must be one of the citizen members of the board. All members of the committee must be present for deliberations. A majority vote is necessary to recommend taking corrective or disciplinary action on a complaint or to order an independent investigation pursuant to subsection 3.

[ 2013, c. 147, §37 (AMD) . ]

**2. Investigation.** The committee shall investigate complaints regarding any violation of this chapter or rules established by the board by a person holding a certificate issued by the board pursuant to section 2803-A and recommend appropriate action to the board.

[ 2013, c. 147, §37 (AMD) . ]

**3. Investigation and notice of complaints.** Before proceeding with a hearing to suspend or revoke a certificate issued by the board pursuant to section 2803-A, the board, the complaint review committee or board staff shall notify the chief administrative officer of the agency employing the certificate holder that the board is investigating the certificate holder. The chief administrative officer shall investigate the alleged conduct of the certificate holder and, notwithstanding any other provision of law, report the findings and provide copies of the investigative reports to the board within 30 days of receiving notice of the investigation. The board shall proceed with any suspension or revocation action it determines appropriate after receiving the chief administrative officer's findings and reports. This subsection does not preclude a chief administrative officer from investigating conduct that may give rise to grounds for suspension or revocation before receiving a request for an investigation from the board, the complaint review committee or board staff, as long as the chief administrative officer notifies the board following that investigation if the investigation reveals reasonable cause to believe that a certificate holder has engaged in conduct described in section 2806-A, subsection 5, and providing to the board the findings and investigative reports related to the conduct. Nothing

in this subsection precludes the board from investigating the conduct of a certificate holder on its own or referring a matter of such conduct to another agency for investigation regardless of whether it receives an investigative report from the chief administrative officer under this section.

[ 2013, c. 147, §37 (NEW) .]

#### SECTION HISTORY

1993, c. 744, §11 (NEW). 1997, c. 42, §1 (AMD). 2013, c. 147, §37 (AMD).

### §2806. ENFORCEMENT PROVISION

*(REPEALED)*

#### SECTION HISTORY

1973, c. 672, §4 (NEW). 1977, c. 701, §9 (AMD). 1979, c. 261, §§3-8 (AMD). 1983, c. 244, §§6,7 (AMD). 1989, c. 521, §§9,10,17 (AMD). RR 1991, c. 2, §97 (COR). 1991, c. 451, (AMD). 1991, c. 790, §§1-5 (AMD). 1993, c. 551, §§4,5 (AMD). 1993, c. 744, §§12-14 (AMD). 1995, c. 462, §A49 (AMD). 1997, c. 42, §2 (AMD). 1997, c. 395, §06 (AMD). 1997, c. 402, §§1,2 (AMD). 1999, c. 547, §B78 (AMD). 1999, c. 547, §B80 (AFF). 2005, c. 331, §§26,27 (AMD). 2013, c. 147, §38 (RP).

### §2806-A. DISCIPLINARY SANCTIONS

**1. Disciplinary proceedings and sanctions.** The board or, as delegated, the complaint review committee, established pursuant to section 2805-C, or staff, shall investigate a complaint on its own motion or upon receipt of a written complaint filed with the board regarding noncompliance with or violation of this chapter or of any rules adopted by the board. Investigation may include an informal conference before the complaint review committee to determine whether grounds exist for suspension, revocation or denial of a certificate or for taking other disciplinary action pursuant to this chapter. The board, the complaint review committee or staff may subpoena witnesses, records and documents in any investigation or hearing conducted.

[ 2013, c. 147, §39 (NEW) .]

**2. Notice.** The board or, as delegated, the complaint review committee, established pursuant to section 2805-C, or staff, shall notify the certificate holder of the content of a complaint filed against the certificate holder as soon as possible, but in no event later than 60 days after the board or staff receives the initial pertinent information. The certificate holder has the right to respond within 30 days in all cases except those involving an emergency denial, suspension or revocation, as described in Title 5, chapter 375, subchapter 5. If the certificate holder's response to the complaint satisfies the board, the complaint review committee or staff that the complaint does not merit further investigation or action, the matter may be dismissed, with notice of the dismissal to the complainant, if any.

[ 2013, c. 147, §39 (NEW) .]

**3. Informal conference.** If, in the opinion of the board, the complaint review committee, established pursuant to section 2805-C, or staff, the factual basis of the complaint is or may be true and the complaint is of sufficient gravity to warrant further action, the board or staff may request an informal conference with the certificate holder. The complaint review committee or staff shall provide the certificate holder with adequate

notice of the conference and of the issues to be discussed. The certificate holder may, without prejudice, refuse to participate in an informal conference if the certificate holder prefers to request an adjudicatory hearing.

[ 2013, c. 147, §39 (NEW) . ]

**4. Further action.** If the board or the complaint review committee, established pursuant to section 2805-C, finds that the factual basis of the complaint is true and is of sufficient gravity to warrant further action, it may take any of the following actions.

A. The board, the complaint review committee or staff may negotiate a consent agreement that resolves a complaint or investigation without further proceedings. Consent agreements may be entered into only with the consent of the certificate holder and the board. Any remedy, penalty or fine that is otherwise available by law, even if only in the jurisdiction of the Superior Court, may be achieved by consent agreement, including long-term suspension and permanent revocation of a certificate issued under this chapter. A consent agreement is not subject to review or appeal and may be modified only by a writing executed by all parties to the original consent agreement. A consent agreement is enforceable by an action in Superior Court. [2013, c. 147, §39 (NEW) . ]

B. If a certificate holder offers to voluntarily surrender a certificate, the board, the complaint review committee or staff may negotiate stipulations necessary to ensure protection of the public health and safety and the rehabilitation or education of the certificate holder. These stipulations may be set forth only in a consent agreement entered into between the board and the certificate holder. [2013, c. 147, §39 (NEW) . ]

C. Unless specifically otherwise indicated in this chapter, if the board concludes that modification, suspension, revocation or imposition of any other sanction authorized under this chapter is in order, the board shall so notify the certificate holder and inform the certificate holder of the right to request an adjudicatory hearing. If the certificate holder requests an adjudicatory hearing in a timely manner, the adjudicatory hearing must be held by the board, a subcommittee of 3 board members designated by the board chair or a hearing officer appointed by the board. The hearing must be in accordance with Title 5, chapter 375, subchapter 4. If a hearing officer conducts the hearing, the hearing officer, after conducting the hearing, shall file with the board all papers connected with the case and report recommended findings and sanctions to the board, which may approve or modify them. If the certificate holder wishes to appeal the final decision of the board, the certificate holder shall file a petition for review with the Superior Court within 30 days of receipt of the board's decision. Review under this paragraph must be conducted pursuant to Title 5, chapter 375, subchapter 7. [2013, c. 147, §39 (NEW) . ]

[ 2013, c. 147, §39 (NEW) . ]

**5. Grounds for action.** The board may take action against any applicant for a certificate or certificate holder pursuant to this chapter or any rules adopted pursuant to this chapter, including, but not limited to, a decision to impose a civil penalty or to refuse to issue a certificate or to modify, suspend or revoke a certificate for any of the following reasons:

A. Failure to meet annual certification or recertification requirements. In enforcing this paragraph, the board shall, no later than March 31st of every year, review the certification of all law enforcement and corrections officers and decertify those individuals who do not meet certification or recertification requirements; [2013, c. 147, §39 (NEW) . ]

B. Absent extenuating circumstances as determined by the board, working more than 1,040 hours in any one calendar year as a part-time law enforcement officer performing law enforcement duties and while possessing a part-time law enforcement certificate issued by the board pursuant to section 2803-A; [2013, c. 147, §39 (NEW) . ]

- C. Conviction of murder or any crime or attempted crime classified in state law as a Class A, Class B, Class C or Class D crime or a violation of any provision of Title 17-A, chapter 15, 19, 25, 29, 31, 35, 41 or 45. Notwithstanding any other provision of law, the board may summarily and without hearing suspend or revoke any certificate as a result of any criminal conviction identified by this paragraph pursuant to Title 5, section 10004, subsection 1; [2013, c. 147, §39 (NEW).]
- D. Juvenile adjudication of murder or any crime or attempted crime classified in state law as a Class A, Class B, Class C or Class D crime; [2013, c. 147, §39 (NEW).]
- E. Guilty plea pursuant to a deferred disposition of murder or any crime or attempted crime classified in state law as a Class A, Class B, Class C or Class D crime or a violation of any provision of Title 17-A, chapter 15, 19, 25, 29, 31, 35, 41 or 45; [2013, c. 147, §39 (NEW).]
- F. Engaging in conduct that is prohibited or penalized by state law as murder or a Class A, Class B, Class C or Class D crime or by any provision of Title 17-A, chapter 15, 19, 25, 29, 31, 35, 41 or 45; [2013, c. 147, §39 (NEW).]
- G. Conviction of or adjudication as a juvenile of a crime specified in paragraph D in another state or other jurisdiction, unless that crime is not punishable as a crime under the laws of that state or other jurisdiction in which it occurred. Notwithstanding any other provision of law, the board may summarily and without hearing suspend or revoke any certificate as a result of any criminal conviction identified by this paragraph pursuant to Title 5, section 10004, subsection 1; [2013, c. 147, §39 (NEW).]
- H. Engaging in conduct specified in paragraphs C and D in another state or other jurisdiction unless that conduct is not punishable as a crime under the laws of that state or other jurisdiction in which it occurred; [2013, c. 147, §39 (NEW).]
- I. Falsifying or misrepresenting material facts in obtaining or maintaining a certificate issued by the board pursuant to section 2803-A; [2013, c. 147, §39 (NEW).]
- J. Engaging in conduct that violates the standards established by the board and that when viewed in light of the nature and purpose of the person's conduct and circumstances known to the person, involves a gross deviation from the standard of conduct that a reasonable and prudent certificate holder would observe in the same or similar situation; and [2013, c. 147, §39 (NEW).]
- K. Engaging in a sexual act, as defined in Title 17-A, section 251, subsection 1, paragraph C, or in sexual contact, as defined in Title 17-A, section 251, subsection 1, paragraph D, with another person, not the person's spouse, if at the time of the sexual act or sexual contact:
- (1) The officer was engaged in an investigation or purported investigation involving an allegation of abuse, as defined in former Title 19, section 762, subsection 1 and in Title 19-A, section 4002, subsection 1;
  - (2) The other person was the alleged victim of that abuse;
  - (3) The parties did not have a preexisting and ongoing sexual relationship that included engaging in any sexual act or sexual contact; and
  - (4) Less than 60 days had elapsed since the officer initially became involved in the investigation or purported investigation. [2013, c. 147, §39 (NEW).]

[ 2013, c. 147, §39 (NEW) .]

**6. Discipline.** The board may impose the following forms of discipline upon a certificate holder or applicant for a certificate:

- A. Denial of an application for a certificate, which may occur in conjunction with the imposition of other discipline; [2013, c. 147, §39 (NEW).]
- B. Issuance of warning, censure or reprimand. Each warning, censure or reprimand issued must be based upon violation of a single applicable law, rule or condition of certification or must be based upon a single instance of actionable conduct or activity; [2013, c. 147, §39 (NEW).]

C. Suspension of a certificate for up to 3 years. Execution of all or any portion of a term of suspension may be stayed pending successful completion of conditions of probation, although the suspension remains part of the certificate holder's record; [2013, c. 147, §39 (NEW).]

D. Revocation of a certificate; [2013, c. 147, §39 (NEW).]

E. Imposition of civil penalties of up to \$1,500 for each violation of applicable laws, rules or conditions of certification or for each instance of actionable conduct or activity; or [2013, c. 147, §39 (NEW).]

F. Imposition of conditions of probation. Probation may run for such time period as the board determines appropriate. Probation may include conditions such as: additional continuing education; medical, psychiatric or mental health consultations or evaluations; mandatory professional supervision of the applicant or certificate holder; restrictions; and other conditions as the board determines appropriate. Costs incurred in the performance of terms of probation are borne by the applicant or certificate holder. Failure to comply with the conditions of probation is a ground for disciplinary action against a certificate holder. [2013, c. 147, §39 (NEW).]

[2013, c. 147, §39 (NEW).]

**7. Letter of guidance.** The board may issue a letter of guidance or concern to a certificate holder. A letter of guidance or concern may be used to educate, reinforce knowledge regarding legal or professional obligations or express concern over action or inaction by the certificate holder that does not rise to the level of misconduct sufficient to merit disciplinary action. The issuance of a letter of guidance or concern is not a formal proceeding and does not constitute an adverse disciplinary action of any form. Notwithstanding any other provision of law, letters of guidance or concern are not confidential. The board may place letters of guidance or concern, together with any underlying complaint, report and investigation materials, in a certificate holder's file for a specified period of time, not to exceed 10 years. Any letters, complaints and materials placed on file may be accessed and considered by the board in any subsequent action commenced against the certificate holder within the specified time frame. Complaints, reports and investigation materials placed on file remain confidential to the extent required by this chapter.

[2013, c. 147, §39 (NEW).]

**8. Injunction.** The State may bring an action in Superior Court to enjoin a person from violating any provision of this chapter, regardless of whether civil or administrative proceedings have been or may be instituted.

[2013, c. 147, §39 (NEW).]

**9. Recertification.** A person whose certificate has been revoked under this chapter may apply to the board for reinstatement of certification if:

A. The certificate was revoked for a cause other than engaging in conduct that is prohibited or penalized by state law as murder or as a Class A, Class B or Class C crime or for equivalent conduct in another state or other jurisdiction; [2013, c. 147, §39 (NEW).]

B. At least 3 years have elapsed since revocation of the certificate; and [2013, c. 147, §39 (NEW).]

C. A law enforcement or corrections agency has indicated a commitment to hire the individual if the individual is recertified. [2013, c. 147, §39 (NEW).]

The granting of recertification under this subsection is governed by Maine Criminal Justice Academy rules relating to certification. The individual is subject to all training requirements applicable to persons whose certification has lapsed.

[2013, c. 147, §39 (NEW).]



**10. Confidentiality; access to documents.** All complaints, charges or accusations of misconduct, replies to those complaints, charges or accusations and any other information or materials that may result in suspension or revocation of a certificate that are considered by the board or the complaint review committee established pursuant to section 2805-C are confidential. If a person subject to this chapter requests an adjudicatory hearing under the Maine Administrative Procedure Act, that hearing must be open to the public. The hearing officer who presides over the hearing shall issue a written decision that states the conduct or other facts on the basis of which action is being taken and the reason for that action. Once issued, the hearing officer's written decision is a public record under the Freedom of Access Act, regardless of whether it is appealed.

[ 2013, c. 147, §39 (NEW) .]

#### SECTION HISTORY

2013, c. 147, §39 (NEW).

### **§2807. REPORTS OF CONVICTION OR MISCONDUCT BY CERTIFICATE HOLDER**

Notwithstanding any other provision of law, in the event that a certificate holder is convicted of a crime or violation or engages in conduct that could result in suspension or revocation of the individual's certificate pursuant to section 2806-A and the chief administrative officer of the agency employing the certificate holder or considering the individual for employment has knowledge of the conviction or conduct, the chief administrative officer shall within 30 days notify the Director of the Maine Criminal Justice Academy with the name of the certificate holder and a brief description of the conviction or conduct. [2013, c. 147, §40 (AMD) .]

#### SECTION HISTORY

1983, c. 67, §6 (NEW). 1983, c. 544, §1 (NEW). 1985, c. 506, §A49 (RPR). 1995, c. 131, §3 (AMD). 2005, c. 331, §28 (AMD). 2013, c. 147, §40 (AMD).

### **§2808. SHARING OF TRAINING COSTS**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Governmental entity" means the State or any city, town, plantation or county. [1985, c. 506, Pt. A, §50 (NEW) .]

B. "Training" means the basic training provided to a full-time law enforcement officer by the Maine Criminal Justice Academy, as described in section 2804-C. [2005, c. 331, §29 (AMD) .]

C. "Training costs" means a fixed dollar amount determined by the board. In making the determination, the board shall include the following costs:

- (1) The full cost of the salary, including fringe benefits, paid to the officer while in training;
- (2) The full cost of the tuition charged by the Maine Criminal Justice Academy;
- (3) The full cost of uniforms for training and graduation provided to the officer in training; and
- (4) The full cost of the salary, inclusive of overtime, paid to officers to provide police protection that would otherwise have been lost during the absence of the officer in training.

The board shall review the determination of training costs annually, make any necessary adjustments and provide that determination to all law enforcement agencies in the State. [2005, c. 331, §30 (RPR) .]

[ 2005, c. 331, §§29, 30 (AMD) .]

**2. Reimbursement for training costs.**

[ 2005, c. 331, §31 (RP) .]

**3. Reimbursement for training costs.** Whenever a full-time law enforcement officer, trained at the Maine Criminal Justice Academy at the expense of a particular governmental entity, is subsequently hired by another governmental entity as a full-time law enforcement officer within 5 years of graduation from the academy, the governmental entity shall reimburse the first governmental entity according to the following formula, unless a mutual agreement is reached.

A. If the officer is hired by the other governmental entity during the first year after graduation, that governmental entity shall reimburse the first governmental entity the full cost of the training costs. [1989, c. 521, §13 (NEW).]

B. If the officer is hired by the other governmental entity during the 2nd year after graduation, that governmental entity shall reimburse the first governmental entity 80% of the training costs. [1989, c. 521, §13 (NEW).]

C. If the officer is hired by the other governmental entity during the 3rd year after graduation, that governmental entity shall reimburse the first governmental entity 60% of the training costs. [1989, c. 521, §13 (NEW).]

D. If the officer is hired by the other governmental entity during the 4th year after graduation, that governmental entity shall reimburse the first governmental entity 40% of the training costs. [1989, c. 521, §13 (NEW).]

E. If the officer is hired by the other governmental entity during the 5th year after graduation, that governmental entity shall reimburse the first governmental entity 20% of the training costs. [1989, c. 521, §13 (NEW).]

F. If the officer graduated more than 5 years before subsequently being hired by the other governmental entity, that governmental entity is not obligated to reimburse the first governmental entity. [2005, c. 331, §32 (AMD).]

If the officer is subsequently hired by additional governmental entities within 5 years of graduation from the academy, each of those governmental entities is liable to the governmental employer immediately preceding it for the training costs paid by that governmental entity under this subsection. The extent of financial liability must be determined according to the formula established by this subsection.

[ 2013, c. 147, §41 (AMD) .]

**SECTION HISTORY**

1985, c. 506, §A50 (NEW). 1989, c. 454, (AMD). 1989, c. 521, §§11-13,17 (AMD). 1991, c. 581, (AMD). 2005, c. 331, §§29-32 (AMD). 2013, c. 147, §41 (AMD).

**§2808-A. SHARING OF TRAINING COSTS FOR CORRECTIONS OFFICERS**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Governmental entity" means the State or any city, town, plantation or county. [2007, c. 240, Pt. ZZZ, §1 (NEW).]

B. "Training" means the basic training provided to a corrections officer by the Maine Criminal Justice Academy, as described in section 2804-D. [2013, c. 147, §42 (AMD).]

C. "Training costs" means a fixed dollar amount determined by the board. In making the determination, the board shall include the following costs:

- (1) The full cost of the salary, including fringe benefits, paid to the officer while in training;
- (2) The full cost of the tuition charged by the Maine Criminal Justice Academy;
- (3) The full cost of uniforms for training and graduation provided to the officer in training; and
- (4) The full cost of the salary, inclusive of overtime, paid to corrections officers to provide coverage that would otherwise have been lost during the absence of the corrections officer in training.

The board shall review the determination of training costs annually, make any necessary adjustments and provide that determination to the Commissioner of Corrections and to all administrators of county jails in the State. [2007, c. 240, Pt. ZZZ, §1 (NEW).]

[ 2013, c. 147, §42 (AMD) .]

**2. Reimbursement for training costs.** Whenever a corrections officer, trained at the Maine Criminal Justice Academy at the expense of a particular governmental entity, is subsequently hired by another governmental entity as a corrections officer or within 5 years of graduation from the academy, the governmental entity shall reimburse the first governmental entity according to the following formula, unless a mutual agreement is reached.

A. If the corrections officer is hired by the other governmental entity during the first year after graduation, that governmental entity shall reimburse the first governmental entity the full cost of the training costs. [2007, c. 240, Pt. ZZZ, §1 (NEW).]

B. If the corrections officer is hired by the other governmental entity during the 2nd year after graduation, that governmental entity shall reimburse the first governmental entity 80% of the training costs. [2007, c. 240, Pt. ZZZ, §1 (NEW).]

C. If the corrections officer is hired by the other governmental entity during the 3rd year after graduation, that governmental entity shall reimburse the first governmental entity 60% of the training costs. [2007, c. 240, Pt. ZZZ, §1 (NEW).]

D. If the corrections officer is hired by the other governmental entity during the 4th year after graduation, that governmental entity shall reimburse the first governmental entity 40% of the training costs. [2007, c. 240, Pt. ZZZ, §1 (NEW).]

E. If the corrections officer is hired by the other governmental entity during the 5th year after graduation, that governmental entity shall reimburse the first governmental entity 20% of the training costs. [2007, c. 240, Pt. ZZZ, §1 (NEW).]

F. If the corrections officer graduated more than 5 years before subsequently being hired by the other governmental entity, that governmental entity is not obligated to reimburse the first governmental entity. [2007, c. 240, Pt. ZZZ, §1 (NEW).]

If the corrections officer is subsequently hired by additional governmental entities within 5 years of graduation from the academy, each of those governmental entities is liable to the governmental employer immediately preceding it for the training costs paid by that governmental entity under this subsection. The extent of financial liability must be determined according to the formula established by this subsection.

[ 2013, c. 147, §43 (AMD) .]

#### SECTION HISTORY

2007, c. 240, Pt. ZZZ, §1 (NEW). 2013, c. 147, §§42, 43 (AMD).

## §2809. REPORT TO LEGISLATURE

The board shall report annually to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters on the implementation and effectiveness of this chapter. The purpose of the report is to provide the Legislature annual information on the law governing law enforcement training in order to ensure that appropriate and timely training is accomplished. The report must include the following: [2013, c. 147, §44 (AMD).]

**1. Availability of training.** An evaluation of the availability of preservice, basic and in-service training throughout the State. The evaluation must cover whether any municipalities operated without adequate law enforcement officers with the power to make arrests because training was not available in a timely manner;

[ 1989, c. 521, §§14, 17 (NEW) .]

**2. In-service training requirements.** An explanation of in-service training requirements for law enforcement and corrections officers, including any changes in the requirements and a discussion of the adequacy of the requirements;

[ 1989, c. 521, §§14, 17 (NEW) .]

**3. In-service training courses.** An evaluation of available board-approved in-service training courses for law enforcement and corrections officers and the participation level in each;

[ 1989, c. 521, §§14, 17 (NEW) .]

**4. Training for exempt law enforcement officers.** An explanation and evaluation of the training provided by the state agencies for their law enforcement officers who are exempt from the requirements of this chapter under section 2801-B; and

[ 1989, c. 521, §§14, 17 (NEW) .]

**5. Other information.** Any other information the Legislature may request or the board determines is appropriate.

[ 1989, c. 521, §§14, 17 (NEW) .]

### SECTION HISTORY

1989, c. 521, §§14,17 (NEW). 2003, c. 510, §C7 (AMD). 2013, c. 147, §44 (AMD).

## Chapter 351: DEPARTMENT OF PUBLIC SAFETY

### §2901. DEPARTMENT; COMMISSIONER

There is created and established the Department of Public Safety to coordinate and efficiently manage the law enforcement and public safety responsibilities of the State, to consist of the Commissioner of Public Safety, in this chapter called "commissioner," who is appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over criminal justice matters and to confirmation by the Legislature, to serve at the pleasure of the Governor, and the following: the Bureau of State Police, the Office of the State Fire Marshal, the Maine Criminal Justice Academy, the Bureau of

Highway Safety, the Maine Drug Enforcement Agency, Maine Emergency Medical Services, the Bureau of Capitol Police, the Bureau of Consolidated Emergency Communications and the Gambling Control Unit. [2011, c. 2, §31 (COR).]

#### SECTION HISTORY

1971, c. 496, §§1,3 (NEW). 1971, c. 592, §14 (AMD). 1973, c. 136, §4 (AMD). 1973, c. 788, §113 (RPR). 1975, c. 579, §10 (AMD). 1975, c. 771, §268 (AMD). 1977, c. 78, §162 (AMD). 1981, c. 98, §3 (AMD). 1987, c. 251, §2 (AMD). 1987, c. 411, §1 (AMD). 1987, c. 769, §A103 (RPR). 1989, c. 648, §2 (AMD). 1991, c. 837, §B6 (AMD). 1991, c. 841, §4 (AMD). 1993, c. 349, §54 (RPR). 1997, c. 657, §2 (AMD). 1999, c. 668, §114 (AMD). 2003, c. 451, §T4 (AMD). 2009, c. 317, Pt. E, §3 (AMD). RR 2011, c. 2, §31 (COR). 2011, c. 633, §13 (AMD).

### §2901-A. DUTIES OF COMMISSIONER

The commissioner is the chief executive officer of the Department of Public Safety and shall coordinate and supervise the activities and programs of the bureaus and agency that are part of the department; undertake comprehensive planning and analysis with respect to the functions and responsibilities of the department; develop and implement, whenever necessary, procedures and practices to promote economy and coordination within the department; and actively seek cooperation between the department and all other law enforcement officers and agencies in the State. From time to time, the commissioner shall recommend to the Governor and Legislature such changes in the laws relating to the organization, functions, services or procedures of the agency and bureaus of the department as the commissioner considers desirable. The commissioner shall prepare a budget for the department. [2009, c. 317, Pt. E, §4 (AMD).]

#### SECTION HISTORY

1975, c. 579, §11 (NEW). 2009, c. 317, Pt. E, §4 (AMD).

### §2902. ORGANIZATION

The Commissioner of Public Safety shall organize the Department of Public Safety into the Maine Criminal Justice Academy and the following bureaus: [1975, c. 579, §12 (NEW).]

**1. Bureau of State Police.** The Bureau of State Police, which is under the direction of the Chief of the State Police;

[ 2001, c. 559, Pt. KK, §4 (AMD) .]

**2. Office of State Fire Marshal.** The Office of State Fire Marshal, which is under the direction of the State Fire Marshal;

[ 2001, c. 559, Pt. KK, §4 (AMD) .]

**3. Bureau of Liquor Enforcement.**

[ 2003, c. 451, Pt. T, §5 (RP) .]

**4. Maine Highway Safety Commission.**

[ 1999, c. 668, §115 (RP) .]

**5. Vehicle Equipment Safety Commission.**

[ 1987, c. 411, §3 (RP) .]

**6. Maine Drug Enforcement Agency.**

[ 1993, c. 349, §56 (RP) .]

**6-A. Maine Drug Enforcement Agency.** The Maine Drug Enforcement Agency, which is under the direction of the Director of the Maine Drug Enforcement Agency;

[ 2001, c. 559, Pt. KK, §4 (AMD) .]

**7. Bureau of Highway Safety.** The Bureau of Highway Safety, which is under the direction of the Director of the Bureau of Highway Safety. The bureau is responsible for the State's highway safety program. The bureau is authorized to develop and implement a process for obtaining information about highway safety programs administered by other state and local agencies and to provide and facilitate the provision of financial and technical assistance to other state agencies and political subdivisions for the purpose of developing and carrying out highway safety programs;

[ 2009, c. 317, Pt. E, §5 (AMD) .]

**8. Bureau of Capitol Police.** The Bureau of Capitol Police, which is under the direction of the Chief of the Bureau of Capitol Police. Police officers of this bureau are those appointed by the Commissioner of Public Safety pursuant to section 2908;

[ 2009, c. 317, Pt. E, §6 (AMD) .]

**9. Bureau of Consolidated Emergency Communications.** The Bureau of Consolidated Emergency Communications, which is under the direction of the Director of the Bureau of Consolidated Emergency Communications;

[ 2009, c. 317, Pt. E, §7 (NEW) .]

**10. Maine Emergency Medical Services.** The Maine Emergency Medical Services, which is under the direction of the Director of Maine Emergency Medical Services; and

[ 2011, c. 633, §14 (AMD) .]

**11. Bureau of Building Codes and Standards.**

[ 2011, c. 633, §15 (RP) .]

**12. Gambling Control Unit.** The Gambling Control Unit.

[ 2009, c. 317, Pt. E, §10 (NEW) .]

Unless specified otherwise by law, department personnel are appointed subject to the Civil Service Law. Persons holding major policy-influencing positions under Title 5, section 948 are appointed by and serve at the pleasure of the Commissioner of Public Safety, except as otherwise provided by law. [2001, c. 559, Pt. KK, §4 (AMD).]

## SECTION HISTORY

1971, c. 592, §15 (NEW). 1973, c. 788, §114 (AMD). 1975, c. 579, §12 (RPR). 1981, c. 98, §§4,5 (AMD). 1983, c. 489, §13 (AMD). 1983, c. 812, §§153,154 (AMD). 1985, c. 737, §A61 (AMD). 1985, c. 785, §B113 (AMD). 1987, c. 251, §3 (AMD). 1987, c. 402, §A153 (AMD). 1987, c. 411, §§2-4 (AMD). 1987, c. 666, §5 (AMD). 1987, c. 769, §§A104,B6 (AMD). 1989, c. 503, §B106 (AMD). 1989, c. 648, §§3-5 (AMD). 1989, c.

700, §A101 (AMD). 1991, c. 824, §A54 (AMD). 1991, c. 837, §§B7,8 (AMD). 1991, c. 841, §§5-7 (AMD). 1993, c. 349, §§55,56 (AMD). 1999, c. 668, §115 (AMD). 2001, c. 559, §KK4 (AMD). 2003, c. 451, §T5 (AMD). 2009, c. 317, Pt. E, §§5-10 (AMD). 2011, c. 633, §§14, 15 (AMD).

### §2903. TEMPORARY ENFORCEMENT POWERS

The Commissioner of Public Safety, at the commissioner's discretion, is authorized to grant statewide power of enforcement of the criminal laws of the State to county and municipal law enforcement officers, as defined in section 2801-A, subsection 5, assigned to the Department of Public Safety for the duration of that assignment, according to procedures established for that purpose. That power may be granted only to county and municipal law enforcement officers who have completed a basic training course at the Maine Criminal Justice Academy or for whom the basic training course has been waived by the board of trustees of the academy because of equivalent training, as provided in section 2804-C, subsection 1 or 5. [2009, c. 317, Pt. E, §11 (AMD).]

#### SECTION HISTORY

1977, c. 37, (NEW). 2009, c. 317, Pt. E, §11 (AMD).

### §2904. SECURITY AT CAPITOL AREA AND OTHER STATE-CONTROLLED LOCATIONS

**1. Commissioner of Public Safety.** Except as provided in subsection 2, the Commissioner of Public Safety is authorized and empowered to adopt rules, including a schedule of parking violation fees, subject to the approval of the Governor, governing the security regarding use and occupancy of all parks, grounds, buildings and appurtenances maintained by the State at the capitol area or other state-controlled locations in Augusta. Prior to adoption of new or amended rules, the commissioner shall provide notice of rulemaking to the Legislative Council. Rules adopted pursuant to this subsection are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.

[ 2009, c. 317, Pt. E, §12 (AMD) .]

**2. Officials of governmental units.** The officials of the governmental units listed in paragraphs A to E are authorized and empowered to adopt rules governing the access, use and occupancy of buildings or parts of buildings and of other public property that are under their respective supervisions. Rules adopted by the Legislative Council may include provisions governing security at legislative offices. Prior to adopting any such rule, the official shall consult with the Commissioner of Public Safety; the commissioner must be given an opportunity to review the rule and to comment upon its content and enforcement. These rules become effective upon deposit of a copy with the Secretary of State, who shall forward a copy attested under the Great Seal of the State to the District Court for Southern Kennebec. These rules are suspended to the extent necessary at any time when the Commissioner of Public Safety determines that an emergency exists within the facilities to which they apply, except that the commissioner may not suspend the rules governing the legislative offices without the consent of the Legislative Council. The Commissioner of Public Safety shall enforce rules adopted pursuant to this subsection, consistent with available resources and funding.

The governmental officials authorized and empowered by this subsection are:

A. The Legislative Council, for all legislative offices, including the Law and Legislative Reference Library, as established by Title 3, section 162; [2001, c. 559, Pt. KK, §5 (AMD).]

B. [2001, c. 559, Pt. KK, §5 (RP).]

C. The State Librarian, for the State Library; [1977, c. 138, §3 (NEW).]

D. The Director of the State Museum, for the State Museum; and [1977, c. 138, §3 (NEW).]

E. The State Archivist, for the State Archives. [1977, c. 138, §3 (NEW).]

[ 2001, c. 559, Pt. KK, §5 (AMD) .]

#### SECTION HISTORY

1977, c. 138, §3 (NEW). 1987, c. 416, §1 (AMD). RR 1991, c. 2, §98 (COR). 1993, c. 361, §E1 (AMD). 2001, c. 472, §3 (AMD). 2001, c. 559, §KK5 (AMD). 2009, c. 317, Pt. E, §12 (AMD).

## §2905. DEFINITIONS

The words "public way" or "public ways," when used in this chapter, or regulations issued thereunder, shall be held to mean all roads and driveways on lands maintained for the State Government at the capital area or other state controlled locations in Augusta. [1977, c. 138, §3 (NEW).]

The words "parking area" or "parking areas," when used in this chapter, or regulations issued thereunder, shall be held to mean all lands maintained by the State at the capitol area or other state controlled locations in Augusta which may be designated as parking areas by the State Director of Public Improvements or by the superintendent of the Riverview Psychiatric Center, with the approval of the Commissioner of Public Safety. [1987, c. 416, §2 (AMD); 2005, c. 236, §4 (REV).]

#### SECTION HISTORY

1977, c. 138, §3 (NEW). 1987, c. 416, §2 (AMD). 2005, c. 236, §4 (REV).

## §2906. RULES

**1. Rules.** The Commissioner of Public Safety is authorized and empowered to make and enforce rules, subject to the approval of the Governor, governing the use of public ways and parking areas maintained by the State at the capitol area or other state-controlled locations in Augusta.

[ 2009, c. 317, Pt. E, §13 (NEW) .]

**2. Fees.** The Commissioner of Public Safety may by rule establish a method by which persons charged with the violation of parking regulations may waive all court action by payment of specified fees within specified periods of time. These rules may provide that a vehicle unlawfully parked is prima facie evidence of the unlawful parking of the vehicle by the person in whose name the vehicle is registered. The specified fee for any violation must be at least \$10.

[ 2009, c. 317, Pt. E, §13 (NEW) .]

Rules adopted pursuant to this section are routine technical rules as described in Title 5, chapter 375, subchapter 2-A. [2009, c. 317, Pt. E, §13 (NEW).]

#### SECTION HISTORY

1977, c. 138, §3 (NEW). 1987, c. 416, §3 (AMD). 1991, c. 528, §W1 (AMD). 1991, c. 528, §RRR (AFF). 1991, c. 591, §W1 (AMD). 1991, c. 665, §§1,2 (AMD). 2009, c. 317, Pt. E, §13 (RPR).

## §2907. USER FEES

The Commissioner of Public Safety shall establish and charge user fees for any or all parking facilities within the legally designated capitol complex, if considered feasible and with the approval of the Governor. [1977, c. 138, §3 (NEW).]



All user fees shall be credited to the General Fund. [1977, c. 138, §3 (NEW).]

SECTION HISTORY

1977, c. 138, §3 (NEW).

## §2908. POLICE OFFICERS; POWERS AND DUTIES; COOPERATION

**1. Appointment of police officers.** The Commissioner of Public Safety may appoint and employ police officers, subject to the Civil Service Law. The specific duties and powers of police officers appointed and employed are to patrol the public ways and parking areas, to provide security for all parks, grounds, buildings and appurtenances maintained by the State in the capitol area and other state-controlled locations designated by the commissioner and to enforce any rules adopted pursuant to this chapter. The commissioner may expand the duties and powers of police officers in the capitol area, other state-controlled locations and public ways designated by the commissioner beyond the duties and powers enumerated in this section to investigate, prosecute, serve process on and arrest violators of any law of this State. Police officers may issue summons in the course of their duty to enforce this section. The commissioner may grant statewide power of enforcement of any law of this State to police officers described in this subsection. That power may be granted only to police officers who have completed a basic training course at the Maine Criminal Justice Academy or for whom the basic training course has been waived by the board of trustees of the academy because of equivalent training, as provided in section 2804-C, subsection 1 or 5. The commissioner shall provide forms and standard operating procedures to police officers to carry out their functions under this section.

[ 2009, c. 317, Pt. E, §14 (NEW) .]

**2. Cooperation of other law enforcement agencies.** The State Police, sheriffs, deputy sheriffs, constables and municipal police officers shall, as much as possible, cooperate with the police officers appointed and employed under this section in the enforcement of rules adopted pursuant to this chapter and any law of this State.

[ 2009, c. 317, Pt. E, §14 (NEW) .]

SECTION HISTORY

1977, c. 138, §3 (NEW). 1985, c. 785, §B114 (AMD). 1987, c. 416, §4 (AMD). 1989, c. 857, §59 (RPR). 2009, c. 317, Pt. E, §14 (RPR).

## §2909. JURISDICTION

The District Court for Southern Kennebec shall have jurisdiction in all proceedings brought under sections 2904 to 2907, which court shall take judicial notice of all rules adopted pursuant to sections 2904 to 2907. In any prosecution for violation of any rule, the complaint may allege the offense as in prosecutions under a general statute and need not recite the rule. [1977, c. 138, §3 (NEW).]

SECTION HISTORY

1977, c. 138, §3 (NEW).

## §2910. FINE

Any person found guilty of violating any rule made pursuant to sections 2904 to 2907 shall, upon conviction, pay a fine of not less than \$50 for each offense. [1991, c. 665, §3 (AMD).]

SECTION HISTORY

1977, c. 138, §3 (NEW). 1987, c. 416, §5 (RPR). 1991, c. 665, §3 (AMD).

## §2911. DIVISION OF SPECIAL INVESTIGATIONS

(REPEALED)

### SECTION HISTORY

1977, c. 561, §1 (NEW). 1981, c. 316, §J (RP).

## §2912. BOARD OF DIRECTORS

(REPEALED)

### SECTION HISTORY

1977, c. 561, §1 (NEW). 1981, c. 316, §J (RP).

## §2913. SPECIAL SECURITY ASSISTANCE

The commissioner may charge state agencies for security services provided at other state controlled locations pursuant to section 2908 if the security services are mutually agreed upon and confirmed by written contract between the commissioner and each state agency requesting security service. Revenues received under this section must be deposited in a nonlapsing fund and allocated by the Legislature for the purpose of providing the special security assistance. [1993, c. 508, Pt. K, §1 (NEW).]

### SECTION HISTORY

1993, c. 508, §K1 (NEW).

## §2914. DRUG AND ALCOHOL RESISTANCE EDUCATION FUND

**1. Fund established.** The Drug and Alcohol Resistance Education Fund, referred to in this section as the "fund," is established as a nonlapsing fund. The commissioner may use this fund only to support the activities of officers in the drug and alcohol resistance education program in the Department of Public Safety.

[ 1993, c. 707, Pt. L, §1 (NEW) .]

**2. Revenue sources.** The commissioner may accept court mandated and private contributions intended to be used for the purposes of the fund.

[ 1993, c. 707, Pt. L, §1 (NEW) .]

**3. Budget.** The commissioner shall submit a budget for each biennium pursuant to Title 5, sections 1663 and 1666.

[ 1993, c. 707, Pt. L, §1 (NEW) .]

### SECTION HISTORY

1993, c. 707, §L1 (NEW).

## §2915. UNIFORM FORENSIC EXAMINATION KIT FOR EVIDENCE COLLECTION IN ALLEGED CASES OF SEXUAL ASSAULT

**1. Development of uniform forensic examination kit.** The Department of Public Safety shall determine by rule what constitutes a uniform standardized forensic examination kit for evidence collection in alleged cases of sexual assault. The rules must define the contents of the kit, instructions for administering the kit and a checklist that examiners must follow and enclose in the completed kit.

[ 2017, c. 156, §3 (AMD) .]

**2. Use of uniform forensic examination kit.** A licensed hospital or licensed health care practitioner that conducts physical examinations of alleged victims of sexual assault shall use the uniform standardized forensic examination kit developed by the Department of Public Safety pursuant to subsection 1. A health care practitioner who conducts physical examinations of alleged victims of sexual assault must be trained in the proper evidence collection procedures for conducting a forensic examination.

Evidence collection results may not be excluded as evidence in any proceeding before any court of this State as a result of the examiner's failure to use the standardized evidence collection kit or as a result of the examiner's failure to be trained in the proper procedures for the collection of evidence required by this subsection.

[ 2017, c. 156, §3 (AMD) . ]

**3. Furnishing of uniform forensic examination kit.** The Department of Public Safety shall furnish the uniform forensic examination kits to licensed hospitals and licensed health care practitioners that perform forensic examinations of alleged victims of sexual assault.

[ 2017, c. 156, §3 (AMD) . ]

**3-A. "Sexual assault" defined.** For the purposes of this section, "sexual assault" means any crime enumerated in Title 17-A, chapter 11.

[ 2017, c. 156, §3 (NEW) . ]

**4. Rules.** Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2017, c. 156, §3 (AMD) . ]

#### SECTION HISTORY

1999, c. 719, §3 (NEW). 1999, c. 719, §11 (AFF). 2017, c. 156, §3 (AMD).

## §2916. FLAGS FOR PUBLIC SERVANTS

The commissioner shall provide a gravesite flag holder and flag for placement during the period of time designated by a national law enforcement organization for honoring law enforcement officers at the gravesite of each public servant listed on the law enforcement memorial located at the State Capitol complex memorial site in accordance with this section. [ 2001, c. 309, §1 (NEW) . ]

**1. Fund established.** The Flags for Public Servants Fund, referred to in this section as the "fund," is established as a nonlapsing fund. The commissioner may use this fund only to support the costs of providing flag holders and flags for public servants listed on the law enforcement memorial at the State Capitol complex memorial site. Revenue deposited in the fund pursuant to subsection 2 must be the sole source of funding for the costs of providing flags and flag holders.

[ 2001, c. 309, §1 (NEW) . ]

**2. Revenue sources.** The commissioner may accept court-mandated and private contributions intended to be used for the purposes of the fund. Any revenues accepted under this subsection must be deposited in the fund and used only for the purposes described in this section.

[ 2001, c. 309, §1 (NEW) . ]

**3. Budget.** The commissioner shall submit a budget for the fund for each biennium pursuant to Title 5, sections 1663 and 1666.

[ 2001, c. 309, §1 (NEW) .]

**4. Gravesite flag holder and flag.** The gravesite flag holder must include a State of Maine symbol and the words "Law Enforcement Officer Killed in the Line of Duty" and a Maine flag. The state flag must be 12 inches by 18 inches in size.

[ 2001, c. 667, Pt. C, §15 (AMD) .]

**5. Placement responsibility.** The commissioner shall provide to each law enforcement agency the appropriate number of gravesite flag holders and flags for that agency to place on the gravesites of the agency's officers listed on the law enforcement memorial located at the State Capitol complex memorial site if the gravesites can be reasonably found. If an agency can not carry out the responsibilities of this subsection, then the commissioner shall designate the Bureau of State Police to place the flag holder and flag at the gravesite.

[ 2001, c. 309, §1 (NEW) .]

**6. Exceptions.** A gravesite flag holder and flag may not be placed on the gravesite of an officer listed on the law enforcement memorial at the State Capitol complex memorial site if the family of the officer objects or the placement is prohibited by cemetery rules.

[ 2001, c. 309, §1 (NEW) .]

#### SECTION HISTORY

2001, c. 309, §1 (NEW). 2001, c. 667, §C15 (AMD).

## Chapter 352: EMERGENCY SERVICES COMMUNICATION

### §2921. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1987, c. 840, §3 (NEW).]

**1. Automatic location identification.** "Automatic location identification" means an enhanced 9-1-1 service capability that enables the automatic display of information defining the geographical location of the telephone used to place a 9-1-1 call.

[ 1987, c. 840, §3 (NEW) .]

**2. Automatic number identification.** "Automatic number identification" means an enhanced 9-1-1 service capability that enables the automatic display of the 7-digit number used to place a 9-1-1 call.

[ 1987, c. 840, §3 (NEW) .]

**2-A. Bureau.** "Bureau" means the Emergency Services Communication Bureau within the Public Utilities Commission, which is responsible for the statewide implementation and management of E-9-1-1.

[ 2003, c. 359, §1 (AMD) .]

**2-B. Cellular or wireless telecommunications service.** "Cellular or wireless telecommunications service" means commercial mobile service as defined in 47 United States Code, Section 332(d).

[ 2007, c. 68, §1 (NEW) . ]

**3. Commissioner.** "Commissioner" means the Commissioner of Public Safety.

[ 1987, c. 840, §3 (NEW) . ]

**4. Department.** "Department" means the Department of Public Safety.

[ 1987, c. 840, §3 (NEW) . ]

**5. Emergency services.** "Emergency services" includes fire, police, ambulance, rescue services and other services of an emergency nature identified by the commissioner.

[ 1987, c. 840, §3 (NEW) . ]

**5-A. Enhanced 9-1-1 access-only service.** "Enhanced 9-1-1 access-only service" or "E-9-1-1 access-only service" means the provision of E-9-1-1 access to a residential telephone customer's premises when telephone service to the premises has been otherwise suspended or disconnected.

[ 2007, c. 226, §1 (NEW) . ]

**6. Enhanced 9-1-1 services.** "Enhanced 9-1-1 services" or "E-9-1-1" means a system consisting of routing 9-1-1 calls or requests to the proper public safety answering points with the capability of automatic number or other calling party identification and location identification that enables the public to request emergency services. "Enhanced 9-1-1 services" or "E-9-1-1" includes Internet protocol enabled services.

[ 2013, c. 119, §1 (AMD) . ]

**6-A. Private safety agency.** "Private safety agency" means a private entity that provides fire, emergency medical or security services.

[ 1993, c. 566, §2 (NEW) . ]

**6-B. Public safety agency.** "Public safety agency" means a state, county or municipal government entity that provides or has the authority to provide fire, emergency medical or police services.

[ 1993, c. 566, §2 (NEW) . ]

**6-C. Internet protocol enabled services.** "Internet protocol enabled services" means services and applications using Internet protocol, including, but not limited to, voice over Internet protocol and other services and applications provided through wireline, cable, wireless and satellite facilities and any other facility that is capable of connecting users to public safety answering points.

[ 2013, c. 119, §2 (NEW) . ]

**7. Public safety answering point.** "Public safety answering point" means a facility with enhanced 9-1-1 capability, operated on a 24-hour basis, assigned the responsibility of receiving 9-1-1 calls and, as appropriate, directly dispatching emergency services or, through transfer routing or relay routing, passing 9-1-1 calls to public or private safety agencies.

[ 1993, c. 566, §3 (AMD) . ]

**7-A. Relay routing.** "Relay routing" means the method of responding to a 9-1-1 call whereby a public safety answering point notes pertinent information and relays it by telephone to the appropriate public or private safety agency that dispatches the needed service.

[ 1993, c. 566, §4 (NEW) .]

**8. Selective routing.** "Selective routing" means the method employed to direct 9-1-1 calls to the appropriate public safety answering point based on the geographical location from which the call originated.

[ 1987, c. 840, §3 (NEW) .]

**9. Transfer routing.** "Transfer routing" means the method of responding to a 9-1-1 call whereby a public safety answering point transfers the call, including the automatic location and number information, to the appropriate public or private safety agency that dispatches the needed service.

[ 1993, c. 566, §4 (NEW) .]

**10. Local exchange carrier.** "Local exchange carrier" means any person that is engaged in:

A. Service within a telephone exchange, or within a connected system of telephone exchanges within the same exchange area operated to furnish to subscribers intercommunicating service of the character ordinarily furnished by a single exchange, that is covered by the exchange service charge; [ 2001, c. 53, §1 (NEW) .]

B. Service comparable to that described in paragraph A provided through a system or combination of switches or transmission equipment or other facilities by which a subscriber can originate and terminate a telecommunications service; or [ 2001, c. 53, §1 (NEW) .]

C. The offering of access to telephone exchange services or facilities for the purpose of the origination or termination of telephone toll services. [ 2001, c. 53, §1 (NEW) .]

[ 2001, c. 53, §1 (NEW) .]

**11. Public switched telephone network.** "Public switched telephone network" means the network of equipment, lines and controls assembled to establish communication paths between calling and called parties in North America.

[ 2001, c. 53, §1 (NEW) .]

**12. Interconnected voice over Internet protocol service.** "Interconnected voice over Internet protocol service" means a service that enables real-time, 2-way voice communications; requires a broadband connection from the user's location; and permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

[ 2007, c. 68, §2 (NEW) .]

**13. Prepaid wireless telecommunications service.** "Prepaid wireless telecommunications service" means a cellular or wireless telecommunications service that allows a caller to dial 9-1-1 to access the E-9-1-1 system, which service must be paid for in advance and is sold in predetermined units or dollars that declines with use in a known amount.

[ 2009, c. 400, §1 (AMD); 2009, c. 400, §15 (AFF) .]

**13-A. Prepaid wireless telecommunications service consumer.** "Prepaid wireless telecommunications service consumer" or "prepaid wireless consumer" means a person who purchases prepaid wireless telecommunications service in a retail transaction.

[ 2009, c. 400, §2 (NEW); 2009, c. 400, §15 (AFF) .]

**14. Prepaid wireless telecommunications service provider.** "Prepaid wireless telecommunications service provider" means a person that provides prepaid wireless telecommunications service pursuant to a license issued by the Federal Communications Commission.

[ 2009, c. 400, §3 (AMD); 2009, c. 400, §15 (AFF) .]

**15. Retail transaction.** "Retail transaction" means the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale.

[ 2009, c. 400, §4 (NEW); 2009, c. 400, §15 (AFF) .]

**16. Seller.** "Seller" means a person who sells prepaid wireless telecommunications service to another person.

[ 2009, c. 400, §5 (NEW); 2009, c. 400, §15 (AFF) .]

#### SECTION HISTORY

1987, c. 840, §3 (NEW). 1993, c. 566, §§2-4 (AMD). 2001, c. 53, §1 (AMD). 2003, c. 359, §1 (AMD). 2007, c. 68, §§1-4 (AMD). 2007, c. 226, §1 (NEW). 2009, c. 400, §§1-5 (AMD). 2009, c. 400, §15 (AFF). 2013, c. 119, §§1, 2 (AMD).

## **§2922. E-9-1-1 CAPABILITY**

*(REPEALED)*

#### SECTION HISTORY

1987, c. 840, §3 (NEW). 1993, c. 566, §5 (RP).

## **§2923. REQUIREMENTS OF MUNICIPALITIES**

*(REPEALED)*

#### SECTION HISTORY

1987, c. 840, §3 (NEW). 1991, c. 232, §1 (AMD). 1993, c. 566, §6 (RP).

## **§2923-A. REQUIREMENTS OF MUNICIPALITIES**

Each municipality that does not have a public safety answering point shall contract with an entity that does have a public safety answering point, which may be the department, for receiving 9-1-1 calls and, as appropriate, directly dispatching emergency services or, through transfer routing or relay routing, passing 9-1-1 calls to public or private safety agencies that dispatch emergency services. If a municipality without a public safety answering point does not enter into such an agreement, the department shall serve as the public safety answering point for that municipality and the municipality shall pay the department for the provision of those services. Fees received by the department pursuant to this section must be deposited in the Consolidated Emergency Communications Fund established in section 1534. If a fee assessed to a municipality for services provided pursuant to an agreement under this section or by the department is based in whole or in part

on population, the population of the municipality may not include persons held at a correctional facility, as defined in Title 34-A, section 1001, subsection 6, within the municipality. [ 2011, c. 505, §3 (AMD) . ]

## SECTION HISTORY

2007, c. 622, §2 (NEW). 2011, c. 505, §3 (AMD).

**§2924. ESTABLISHMENT OF E-9-1-1 SYSTEM**

*(REPEALED)*

## SECTION HISTORY

1987, c. 840, §3 (NEW). 1993, c. 566, §7 (RP).

**§2925. E-9-1-1 COUNCIL**

The E-9-1-1 Council, established in Title 5, section 12004-I, subsection 74-A, shall advise and assist the bureau in the implementation of the E-9-1-1 system. [1993, c. 566, §8 (AMD) . ]

**1. Membership.** The E-9-1-1 Council is composed of 17 members; one appointed by the Public Utilities Commission; one appointed by the Commissioner of Public Safety; and 15 appointed by the Governor, including one who is a municipal official nominated by the statewide association of municipalities, one county official nominated by a statewide association of county commissioners, one who is a chief of a municipal police department nominated by the statewide association of chiefs of police, one who is the chief of a municipal fire department nominated by the statewide association of fire chiefs, one who is a county sheriff nominated by the statewide association of sheriffs, one who represents small telephone companies, one who represents the largest provider of local exchange telephone services, one who represents cellular or wireless service providers, one who represents a direct provider of emergency medical services, one who is a dispatcher nominated by the statewide association of dispatchers, one who is a member of a volunteer fire department, one to represent the deaf and hearing impaired and 3 to represent the public-at-large. Each member may name a designee who may attend meetings of the council and act on that member's behalf in council proceedings.

[ 1997, c. 291, §1 (AMD) . ]

**2. Terms of office.** The members appointed by the Public Utilities Commission and the Commissioner of Public Safety serve at the pleasure of the appointing authority. The remaining members serve terms of 3 years. A vacancy must be filled by the appointing authority to complete the term of the appointee who vacated the office.

[ 1993, c. 566, §8 (AMD) . ]

**3. Quorum.** A majority of the members of the council constitutes a quorum.

[ 1993, c. 566, §8 (AMD) . ]

**4. Compensation.** Members of the council are entitled to receive expenses only according to Title 5, chapter 379.

[ 1993, c. 566, §8 (AMD) . ]

**5. Chair.** The council shall choose a chair from among its members.

[ 1993, c. 566, §8 (AMD) . ]

**6. Duties.** The council has the following duties.



A. The council shall advise the bureau on activities relating to the establishment of an E-9-1-1 system. [1993, c. 566, §8 (AMD).]

B. The council shall review and comment on rules proposed by the bureau under this chapter. [1993, c. 566, §8 (AMD).]

C. The council shall assist the bureau in providing public information about the implementation and operation of the E-9-1-1 system. [1993, c. 566, §8 (AMD).]

D. The council shall assist the bureau in responding to and resolving service-related complaints and issues regarding the E-9-1-1 system. [2009, c. 219, §1 (NEW).]

[ 2009, c. 219, §1 (AMD) .]

#### SECTION HISTORY

1987, c. 840, §3 (NEW). 1989, c. 30, (AMD). 1989, c. 503, §B107 (AMD).  
1993, c. 566, §8 (AMD). 1997, c. 291, §1 (AMD). 2009, c. 219, §1 (AMD).

## §2926. EMERGENCY SERVICES COMMUNICATION BUREAU

**1. Bureau established.** The Emergency Services Communication Bureau is established within the Public Utilities Commission to implement and manage E-9-1-1, including the deployment of E-9-1-1 service using emerging communications technologies, including, but not limited to, Internet protocol enabled services, that are capable of connecting users to public safety answering points.

[ 2013, c. 119, §3 (AMD) .]

**1-A. Quality assurance.** The bureau shall develop and implement a quality assurance program to audit and monitor compliance with emergency dispatching standards, practices and procedures of public safety answering points.

[ 2009, c. 617, §6 (NEW) .]

**2. System design.** In consultation with the E-9-1-1 Council, the bureau shall develop all necessary system elements, standards and cost estimates necessary to provide for the installation and operation of a statewide E-9-1-1 system, including, but not limited to, the following:

A. Development of network design specifications; [1993, c. 566, §9 (NEW).]

B. Development of minimum public safety answering point requirements including 24-hour operation; emergency backup power; secured communication areas; separate administrative phone lines for nonemergency calls; call recording and playback equipment; TDD equipment, as defined in Title 35-A, section 8702, subsection 6; maximum call handling times; and minimum mandatory staff training requirements for E-9-1-1 call answering and dispatching; [2001, c. 439, Pt. EEEE, §3 (AMD) .]

C. After consultation with the affected public and private safety agency officials, identification of appropriate public safety answering point sites based on consideration of the existing dispatching capabilities of public and private safety agencies, the expressed preferences of municipalities throughout the State and overall system cost; [1993, c. 566, §9 (NEW) .]

D. Identification of appropriate technology for system networks, public safety answering point equipment and data base requirements; [1993, c. 566, §9 (NEW) .]

E. Procedures for developing and maintaining address and routing data bases; [1993, c. 566, §9 (NEW) .]

F. Procedures for cooperation and coordination with telephone utilities and municipalities for implementation and maintenance; [2001, c. 439, Pt. EEEE, §3 (AMD) .]

G. Standards and procedures to establish the confidentiality and prevent the dissemination of reports and records handled by public safety answering points and of the bureau; [1993, c. 566, §9 (NEW).]

H. Estimates of the cost of establishing an operational E-9-1-1 system; [2001, c. 439, Pt. EEEE, §3 (AMD).]

I. Procedures for collecting and administering the necessary funds for E-9-1-1; and [2001, c. 439, Pt. EEEE, §3 (AMD).]

J. Standards and procedures for developing and maintaining the system databases and for ensuring the confidentiality of those databases pursuant to section 2929. [2001, c. 439, Pt. EEEE, §4 (NEW).]

[ 2001, c. 439, Pt. EEEE, §§3, 4 (AMD) .]

**2-A. Goal.** To the extent possible, the bureau shall establish a total of between 16 and 24 public safety answering points. The bureau shall seek to coordinate any reduction in the number of public safety answering points to achieve this goal with any contractual obligations it may have or may enter into that are or could be affected by that reduction. Prior to implementing a reduction in the number of public safety answering points, the bureau shall make a finding regarding the need for the reduction based on an evaluation of the costs and benefits of the reduction, taking into account impacts on ratepayers, each of the affected municipalities and the State.

[ 2011, c. 420, Pt. A, §28 (AMD) .]

**3. Rulemaking.** The bureau shall adopt by rule its standards, specifications and procedures developed under subsection 2, paragraphs A to F after consultation with the E-9-1-1 Council and following at least 3 public hearings geographically dispersed throughout the State.

[ 1993, c. 566, §9 (NEW) .]

**4. Technical assistance.** The bureau may provide support for the development of street address information sufficient to support E-9-1-1 services. The bureau shall provide technical assistance to any municipality in the development of street address information at the request of the interested municipality.

[ 1993, c. 566, §9 (NEW) .]

**5. Call answering coverage.** The bureau is not required to provide call answering coverage in counties or municipalities that choose not to participate in the E-9-1-1 system.

[ 2001, c. 439, Pt. EEEE, §5 (NEW) .]

**6. System databases.** The system databases, wherever located or stored, are the property of the bureau and their confidentiality is governed by section 2929.

[ 2001, c. 439, Pt. EEEE, §5 (NEW) .]

#### SECTION HISTORY

1993, c. 566, §9 (NEW). 2001, c. 439, §§EEEE3-5 (AMD). 2003, c. 359, §§2,3 (AMD). 2009, c. 219, §2 (AMD). 2009, c. 617, §6 (AMD). 2011, c. 420, Pt. A, §28 (AMD). 2013, c. 119, §3 (AMD).

## §2927. E-9-1-1 FUNDING

*(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)*

**1. Statewide E-9-1-1 surcharge.**

[ 1993, c. 566, §9 (NEW); T. 25, §2927, sub-§7 (RP) .]

**1-A. Statewide E-9-1-1 surcharge.**

[ 1997, c. 409, §1 (AMD); T. 25, §2927, sub-§7-A (RP) .]

**1-B. Statewide E-9-1-1 surcharge.**

[ 2009, c. 617, §13 (AFF); 2009, c. 617, §7 (RP) .]

**1-C. Statewide E-9-1-1 surcharge; prepaid wireless service.**

[ 2009, c. 400, §15 (AFF); 2009, c. 400, §7 (RP) .]

**1-D. (TEXT EFFECTIVE UNTIL 1/1/19) Funding.** The activities authorized under this chapter are funded through:

A. The statewide E-9-1-1 surcharge under subsection 1-E levied on:

- (1) Each residential and business telephone exchange line, including private branch exchange lines and Centrex lines;
- (2) Semipublic coin and public access lines;
- (3) Customers of interconnected voice over Internet protocol service; and
- (4) Customers of cellular or wireless telecommunications service that is not prepaid wireless telecommunications service; and [2009, c. 400, §8 (NEW); 2009, c. 400, §15 (AFF) .]

B. The statewide prepaid wireless E-9-1-1 surcharge under subsection 1-F levied on prepaid wireless telecommunications service consumers. [2009, c. 400, §8 (NEW); 2009, c. 400, §15 (AFF) .]

[ 2009, c. 400, §8 (NEW); 2009, c. 400, §15 (AFF) .]

**1-D. (TEXT EFFECTIVE 1/1/19) Funding.** The activities authorized under this chapter are funded through:

A. The statewide E-9-1-1 surcharge under subsection 1-E levied on:

- (1) Each residential and business telephone exchange line, including private branch exchange lines and Centrex lines;
- (2) Semipublic coin and public access lines;
- (3) Customers of interconnected voice over Internet protocol service; and
- (4) Customers of cellular or wireless telecommunications service that is not prepaid wireless telecommunications service. A surcharge may not be levied under this subparagraph with respect to customers of cellular or wireless telecommunications service that is supported by federal universal service support funds pursuant to 47 Code of Federal Regulations, Part 54; and [2017, c. 422, §1 (AMD); 2017, c. 422, §12 (AFF) .]

B. The statewide prepaid wireless E-9-1-1 surcharge under subsection 1-F levied on prepaid wireless telecommunications service consumers. A surcharge may not be levied under this paragraph with respect to prepaid wireless telecommunications service supported by federal universal service support funds pursuant to 47 Code of Federal Regulations, Part 54, except that a surcharge may be levied under

this paragraph on transactions in which the customer directly purchases optional services that are not supported by federal universal service support funds. [2017, c. 422, §1 (AMD); 2017, c. 422, §12 (AFF).]

[ 2017, c. 422, §1 (AMD); 2017, c. 422, §12 (AFF) .]

**1-E. Statewide E-9-1-1 surcharge.** The statewide E-9-1-1 surcharge is governed by this subsection.

A. The statewide E-9-1-1 surcharge is 37¢ per month per line or number. Beginning July 1, 2010, the statewide E-9-1-1 surcharge is 45¢ per month per line or number. The statewide E-9-1-1 surcharge may not be imposed on more than 25 lines or numbers per customer billing account. [2009, c. 617, §8 (AMD); 2009, c. 617, §13 (AFF).]

B. The statewide E-9-1-1 surcharge must be collected from the customer according to subsection 1-D, paragraph A on a monthly basis by each local exchange telephone utility, cellular or wireless telecommunications service provider and interconnected voice over Internet protocol service provider and be shown separately as a statewide E-9-1-1 surcharge on the customer's bill. [2009, c. 400, §9 (NEW); 2009, c. 400, §15 (AFF).]

C. The place of residence of cellular or wireless telecommunications service customers who are not prepaid wireless telecommunications service consumers must be determined according to the sourcing rules for mobile telecommunications services as set forth in Title 36, section 2556. [2009, c. 400, §9 (NEW); 2009, c. 400, §15 (AFF).]

[ 2009, c. 617, §8 (AMD); 2009, c. 617, §13 (AFF) .]

**1-F. Statewide prepaid wireless telecommunications service E-9-1-1 surcharge.** The statewide prepaid wireless telecommunications service E-9-1-1 surcharge, referred to in this subsection as "the prepaid wireless E-9-1-1 surcharge," is governed by this subsection.

A. The prepaid wireless E-9-1-1 surcharge is 37¢ per retail transaction. Beginning July 1, 2010, the prepaid wireless E-9-1-1 surcharge is 45¢ per retail transaction. [2009, c. 617, §9 (AMD); 2009, c. 617, §13 (AFF).]

B. [2011, c. 600, §10 (AFF); 2011, c. 600, §1 (RP).]

C. [2011, c. 600, §10 (AFF); 2011, c. 600, §1 (RP).]

D. [2011, c. 600, §10 (AFF); 2011, c. 600, §1 (RP).]

E. [2011, c. 600, §10 (AFF); 2011, c. 600, §1 (RP).]

F. [2011, c. 600, §10 (AFF); 2011, c. 600, §1 (RP).]

G. [2011, c. 600, §10 (AFF); 2011, c. 600, §1 (RP).]

H. [2011, c. 600, §10 (AFF); 2011, c. 600, §1 (RP).]

I. [2011, c. 600, §10 (AFF); 2011, c. 600, §1 (RP).]

J. [2011, c. 600, §10 (AFF); 2011, c. 600, §1 (RP).]

[ 2011, c. 600, §1 (AMD); 2011, c. 600, §10 (AFF) .]

**1-G. E-9-1-1 funding obligation; limitation.** The statewide E-9-1-1 surcharge imposed by subsection 1-E and the prepaid wireless E-9-1-1 surcharge imposed by subsection 1-F are the only E-9-1-1 funding obligations imposed with respect to telecommunications services in this State, and another tax, fee, surcharge or other charge may not be imposed by this State, any political subdivision of this State or any intergovernmental agency for funding E-9-1-1 purposes on any telecommunications service with respect to the sale, purchase, use or provision of that telecommunications service.

[ 2009, c. 400, §11 (NEW); 2009, c. 400, §15 (AFF) .]

## 2. Surcharge remittance.

[ 1993, c. 566, §9 (NEW); T. 25, §2927, sub-§7 (RP) .]

### 2-A. Surcharge remittance.

[ 1997, c. 409, §1 (AMD); T. 25, §2927, sub-§7-A (RP) .]

**2-B. Surcharge remittance.** Each local exchange telephone utility, cellular or wireless telecommunications service provider and interconnected voice over Internet protocol service provider shall remit the statewide E-9-1-1 surcharge revenues collected from its customers pursuant to subsection 1-D on a monthly basis and within one month of the month collected, except that a utility or provider whose average monthly surcharge remittance payment for the prior calendar year is less than \$5,000 shall remit the E-9-1-1 surcharge revenues on a quarterly basis, to the Treasurer of State for deposit in a separate account known as the E-9-1-1 fund. Each telephone utility or service provider required to remit statewide E-9-1-1 surcharge revenues shall provide, on a form approved by the bureau, supporting data, including but not limited to the following:

A. The calculation used to arrive at the surcharge remittance amount; [2001, c. 439, Pt. EEEE, §7 (NEW) .]

B. The calculation used to arrive at the uncollectible amount of surcharge; [2001, c. 439, Pt. EEEE, §7 (NEW) .]

C. The total surcharge; [2001, c. 439, Pt. EEEE, §7 (NEW) .]

D. The month and year or the quarter and year for which surcharge is remitted; [2013, c. 119, §4 (AMD) .]

E. The legal name of company and telephone number and, if applicable, the parent company name, address and telephone number; and [2001, c. 439, Pt. EEEE, §7 (NEW) .]

F. The preparer's name and telephone number. [2001, c. 439, Pt. EEEE, §7 (NEW) .]

Prepaid wireless E-9-1-1 surcharges collected by sellers must be remitted to the State Tax Assessor in accordance with Title 35-A, section 7104-C.

[ 2013, c. 119, §4 (AMD) .]

**3. Expenditure of funds.** The bureau may use the revenues in the E-9-1-1 fund to fund staff and to defray costs associated with the implementation, operation and management of E-9-1-1, including the deployment of E-9-1-1 service using emerging communications technologies, including, but not limited to, Internet protocol enabled services, that are capable of connecting users to public safety answering points, and may transfer funds to the Other Special Revenue Funds, Emergency Medical Services account within the Department of Public Safety to defray the costs, including necessary staffing costs, of the Emergency Medical Services' Board in implementing the requirements of Title 32, section 85-A. The bureau, to the extent it determines sufficient funds are available in the E-9-1-1 fund, shall use revenues in the E-9-1-1 fund to reimburse local exchange carriers and cellular and wireless telecommunications service providers for eligible expenses incurred by the carriers and service providers. For purposes of this subsection, the term "eligible expenses" means expenses:

A. Incurred in preparing, correcting, verifying or updating subscriber information for use in databases necessary to implement the E-9-1-1 system; [2003, c. 194, §1 (AMD) .]

B. Determined by the Public Utilities Commission to meet the requirements of paragraph A and to be reasonable expenses for the services provided; and [2003, c. 194, §1 (AMD) .]

C. When incurred by a cellular or wireless telecommunications service provider:

(1) That are approved by the bureau to be properly incurred for the implementation of E-9-1-1 technologies and procedures;

(2) That are not separately billed to customers; and

(3) For which the provider is not reimbursed from any other source. [ 2003, c. 194, §1 (NEW) . ]

The Public Utilities Commission, in consultation with the bureau, shall establish procedures for reviewing and approving expenses pursuant to paragraph B.

[ 2013, c. 119, §5 (AMD) . ]

**3-A. Payment of emergency medical dispatch training costs.** To assist public safety answering points in meeting the requirements of Title 32, section 85-A, the bureau shall provide free training courses for emergency medical dispatchers, as defined in Title 32, section 85-A, subsection 1, paragraph D, or reimburse public safety answering points for reasonable costs, as determined by the bureau, incurred for training courses approved by the bureau and attended by employees of the public safety answering point upon submission by the public safety answering point of adequate documentation of completion of the courses by the employees. The bureau shall provide each public safety answering point a sufficient number of approved Emergency Medical Dispatch Priority Reference System documents in printed or electronic format, as determined by the bureau pursuant to Title 32, section 85-A. All costs incurred by the bureau under this subsection must be paid from the E-9-1-1 fund.

[ 2005, c. 303, §2 (NEW) . ]

**3-B. Support of supervisory positions.**

[ 2009, c. 617, §10 (NEW); T. 25, §2927, sub-§3-B (RP) . ]

**3-C. Payment for standardized dispatch protocols for fire 9-1-1 calls.** To assist public safety answering points in the adoption and implementation of standardized dispatch protocols for answering fire 9-1-1 calls, the bureau shall use up to 5¢ of each surcharge collected under subsections 1-E and 1-F to provide public safety answering points dispatcher training consistent with the protocols, necessary software and printed support materials. The bureau shall provide quality assurance training and software to assist public safety answering points in ensuring compliance with the protocols.

A. The bureau shall adopt rules related to the adoption, implementation and administration of standardized dispatch protocols for answering fire 9-1-1 calls. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [ 2015, c. 230, §1 (NEW) . ]

[ 2015, c. 230, §1 (NEW) . ]

**3-D. (TEXT EFFECTIVE 12/13/18) Grants for dispatch consolidation.** To support the consolidation of dispatch centers into existing public safety answering points, the bureau shall use up to \$1,000,000 from the funds collected from the statewide E-9-1-1 surcharge under subsection 1-E and the statewide prepaid wireless telecommunications service E-9-1-1 surcharge under subsection 1-F to provide grants to dispatch centers for nonrecurring costs associated with the consolidation of the dispatch centers into public safety answering points. The bureau shall adopt rules establishing the application process for the distribution of grants and establishing the allowable uses of grants pursuant to this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2017, c. 428, §1 (NEW) . ]

**4. Unexpended funds; interest.** Any amount of the E-9-1-1 fund not expended at the end of the fiscal year may not lapse but must be carried forward to be expended for the purposes specified in this chapter in succeeding fiscal years. The Treasurer of State shall credit all interest on fund balances to the fund.

[ 1993, c. 566, §9 (NEW) . ]

**5. Legislative annual report.** The bureau shall include in the Public Utilities Commission's annual report pursuant to Title 35-A, section 120, subsection 7 to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters:

A. The bureau's planned expenditures for the year and use of funds for the previous year; [ 2009, c. 617, §11 (RPR) . ]

B. The statewide E-9-1-1 surcharge collected under this section; [ 2009, c. 617, §11 (RPR) . ]

C. The bureau's recommended statewide E-9-1-1 surcharge for the coming year; [ 2009, c. 617, §11 (RPR) . ]

D. The bureau's recommendations for amending existing and enacting new law to improve the E-9-1-1 system; and [ 2009, c. 617, §11 (RPR) . ]

E. The performance of each of the public safety answering points in the State during the previous calendar year, including the results of the bureau's quality assurance program audits under section 2926, subsection 1-A and any recommendations of the bureau relating to the emergency dispatching standards, practices and procedures of public safety answering points. [ 2009, c. 617, §11 (RPR) . ]

[ 2009, c. 617, §11 (RPR) . ]

**5-A. Committee recommendations; budget.** The joint standing committee of the Legislature having jurisdiction over utilities and energy matters shall make recommendations to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs regarding all expenditures from the E-9-1-1 fund.

[ 1999, c. 790, Pt. A, §31 (AMD) . ]

**6. Violations.** A telephone utility, a cellular or wireless telecommunications service provider, including a prepaid wireless telephone service provider, or an interconnected voice over Internet protocol service provider subject to this section that intentionally and knowingly fails to remit the statewide E-9-1-1 surcharge revenues collected under this section commits a civil violation for which a forfeiture of not more than \$500 may be adjudged for each day that payment is not made after the due date.

[ 2007, c. 68, §8 (AMD) . ]

## **7. Repeal.**

[ 1997, c. 409, §1 (RP) . ]

**7-A. Repeal.** Subsections 1-A and 2-A are repealed 90 days after the adjournment of the First Regular Session of the 119th Legislature.

[ 1997, c. 409, §1 (AMD) . ]

**8. Rules.** The Public Utilities Commission shall adopt rules necessary to implement the provisions of this section. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2007, c. 68, §9 (NEW) .]

#### SECTION HISTORY

1993, c. 566, §9 (NEW). 1995, c. 672, §§1-4 (AMD). 1997, c. 409, §1 (AMD). 1999, c. 651, §§1,2 (AMD). 1999, c. 651, §4 (AFF). 1999, c. 790, §A31 (AMD). 2001, c. 439, §§EEEE6,7 (AMD). 2001, c. 584, §1 (AMD). 2001, c. 584, §10 (AFF). 2003, c. 194, §1 (AMD). 2003, c. 359, §4 (AMD). 2003, c. 673, §V4 (AMD). 2003, c. 673, §V29 (AFF). 2005, c. 303, §§1,2 (AMD). 2007, c. 68, §§5-9 (AMD). 2007, c. 637, §1 (AMD). 2009, c. 122, §6 (AMD). 2009, c. 219, §3 (AMD). 2009, c. 400, §§6-12 (AMD). 2009, c. 400, §15 (AFF). 2009, c. 416, §1 (AMD). 2009, c. 617, §§7-11 (AMD). 2009, c. 617, §13 (AFF). 2011, c. 600, §§1, 2 (AMD). 2011, c. 600, §10 (AFF). 2013, c. 119, §§4, 5 (AMD). 2015, c. 230, §1 (AMD). 2017, c. 422, §1 (AMD). 2017, c. 422, §12 (AFF). 2017, c. 428, §1 (AMD).

## §2928. CONFIDENTIAL INFORMATION

*(REPEALED)*

#### SECTION HISTORY

1993, c. 566, §9 (NEW). 1995, c. 672, §5 (AMD). 1997, c. 291, §2 (RP).

## §2929. CONFIDENTIALITY OF SYSTEM INFORMATION

**1. Definition.** As used in this section, "confidential information" means the following information as contained in any database, report, audio recording or other record of the bureau or a public safety answering point:

- A. The names, addresses and telephone numbers of persons listed in E-9-1-1 databases; [1997, c. 291, §3 (NEW).]
- B. Names, addresses and telephone numbers that are omitted from a telephone utility directory list at the request of a customer; [2011, c. 623, Pt. D, §1 (AMD).]
- C. Personally identifying information of a caller to a public safety answering point; [2015, c. 153, §1 (AMD).]
- D. Personally identifying information of and any medical information about a person receiving emergency services through the E-9-1-1 system; or [2015, c. 153, §1 (AMD).]
- E. Personally identifying information of any 3rd party, including, but not limited to, a minor, given during a telephone call to a public safety answering point. [2015, c. 153, §1 (NEW).]

For the purposes of this subsection, "personally identifying information" means any information that directly or by reasonable inference might disclose the identity of or personal information about a specific person or persons, including, but not limited to, a person's name, home address, telephone number, mailing address, e-mail address, date of birth, physical residence location, approximate physical location, global positioning system coordinate location information and social security number. "Personally identifying information" does not include the name, title, official agency contact information or, when applicable, official agency identifying number of a public employee involved in a response to an emergency call in the course of carrying out the public employee's official duties.



For the purposes of this subsection, "medical information" includes, but is not limited to, any information revealing or concerning a person's injury or injuries, physical health status, mental health status, medication use, medical history or medical treatment.

[ 2011, c. 623, Pt. D, §1 (AMD); 2015, c. 153, §1 (AMD) . ]

**2. Confidentiality.** Confidential information may not be utilized for commercial purposes and may not be disclosed in any manner except as follows:

A. A public safety answering point may disclose confidential information to public or private safety agencies and emergency responders for purposes of processing emergency calls and providing emergency services; [1997, c. 291, §3 (NEW) . ]

B. A public safety answering point may disclose confidential information to a criminal justice agency, as defined in Title 16, section 803, subsection 4, for the purposes of the administration of criminal justice, as defined in Title 16, section 803, subsection 2, and the administration of juvenile justice, as defined in Title 15, section 3308-A, subsection 1, paragraph A, related to an E-9-1-1 call; [2015, c. 153, §2 (AMD) . ]

C. A public safety answering point may disclose confidential information to designees of the bureau director for the purpose of system maintenance and quality control; and [1997, c. 291, §3 (NEW) . ]

D. The bureau director may disclose confidential information to public safety answering points, public or private safety agencies, emergency responders or others within the E-9-1-1 system to the extent necessary to implement and manage the E-9-1-1 system. [1997, c. 291, §3 (NEW) . ]

Confidential information that is required to be disclosed to providers of emergency services and providers of emergency support services pursuant to 47 United States Code, Section 222(g) remains subject to the confidentiality provisions of this section, and a provider of emergency services and emergency support services that acquires such confidential information pursuant to that provision of federal law may use the information solely for the purposes of delivering or assisting in the delivery of emergency notification services as defined in 47 United States Code, Section 222(h)(6). System databases, including, but not limited to, those disclosed pursuant to 47 United States Code, Section 222(g), remain the property of the bureau pursuant to section 2926, subsection 6. The name, address and telephone number of any person to whom any outgoing emergency notification call is made using confidential information acquired pursuant to 47 United States Code, Section 222(g) are confidential and may not be disclosed except as provided in this section.

[ 2015, c. 153, §2 (AMD) . ]

**3. Disclosure required.** The restrictions on disclosure provided under subsection 2 apply only to those portions of databases, reports, audio recordings or other records of the bureau or a public safety answering point that contain confidential information. Other information that appears in those records and other records, except information or records declared to be confidential under other law, is subject to disclosure pursuant to Title 1, section 408-A. The bureau shall develop procedures to ensure protection of confidential records and information and public access to other records and information. Procedures may involve developing edited copies of records containing confidential information or the production of official summaries of those records that contain the substance of all nonconfidential information.

[ 2011, c. 662, §16 (AMD) . ]

**4. Audio recordings of E-9-1-1 calls; confidential.** Audio recordings of emergency calls made to the E-9-1-1 system are confidential and may not be disclosed except as provided in this subsection. Except as provided in subsection 2, information contained in the audio recordings is public information and must be disclosed in transcript form in accordance with subsection 3. Subject to all the requirements of subsection 2, the bureau or a public safety answering point may disclose audio recordings of emergency calls made to the E-9-1-1 system in the following circumstances:

A. To persons within the E-9-1-1 system to the extent necessary to implement and manage the E-9-1-1 system; [1997, c. 291, §3 (NEW).]

B. To a criminal justice agency, as defined in Title 16, section 803, subsection 4, for the purposes of the administration of criminal justice, as defined in Title 16, section 803, subsection 2, and the administration of juvenile justice, as defined in Title 15, section 3308-A, subsection 1, paragraph A, related to an E-9-1-1 call; [2015, c. 153, §3 (AMD).]

C. To designees of the bureau director for the purpose of system maintenance and quality control; [2015, c. 153, §3 (AMD).]

C-1. To a person accused of a crime or that person's agent or attorney for trial and sentencing purposes if authorized by:

- (1) The responsible prosecutorial office or prosecutor; or
- (2) A rule or order of a court of competent jurisdiction.

As used in this paragraph, "agent" means a licensed professional investigator or an expert witness, or a parent, foster parent or guardian if the accused person has not attained 18 years of age; and [2015, c. 153, §4 (NEW).]

D. In accordance with an order issued on a finding of good cause by a court of competent jurisdiction. [1997, c. 291, §3 (NEW).]

[2015, c. 153, §§3, 4 (AMD).]

**5. Unlisted telephone numbers.** The name and address associated with the number of a telephone company customer with an unlisted telephone number may be furnished to the E-9-1-1 system for processing a request for E-9-1-1 services from that number and for the provision of emergency services resulting from the request.

[1997, c. 291, §3 (NEW).]

**6. Penalty for disseminating information.** Knowingly disclosing confidential information in violation of subsection 2 or knowingly disclosing audio recordings of emergency calls to the E-9-1-1 system in violation of subsection 4 is a Class E crime.

[2007, c. 209, §6 (AMD).]

#### SECTION HISTORY

1997, c. 291, §3 (NEW). 2003, c. 124, §1 (AMD). 2007, c. 209, §6 (AMD). 2011, c. 623, Pt. D, §1 (AMD). 2011, c. 662, §16 (AMD). 2015, c. 153, §§1-4 (AMD).

## §2930. IMMUNITY

**1. Governmental entity.** Subject to all the limitations and exceptions provided under the Maine Tort Claims Act, Title 14, chapter 741, a government entity is immune from tort liability for property damages, bodily injury or death resulting from acts or omissions occurring in developing, establishing, implementing, maintaining or operating the E-9-1-1 system.

[1997, c. 291, §3 (NEW).]

**2. Telecommunications providers.** A telecommunications provider assisting in the implementation and operation of the statewide E-9-1-1 system, including, but not limited to, the development, establishment and maintenance of the E-9-1-1 system, is subject to tort liability:

A. For property damages, bodily injury or death resulting from any defect in the E-9-1-1 system or inadequacy in the provision of E-9-1-1 service caused by the telecommunications provider's negligent acts or omissions in developing, establishing, implementing, maintaining or operating the E-9-1-1 system, up to a maximum amount for any and all claims arising out of a single occurrence not to exceed \$300,000 or the dollar amount that appears in Title 14, section 8105, subsection 1, whichever is greater; and [1999, c. 209, §1 (NEW).]

B. For property damages, bodily injury or death resulting from any defect in the E-9-1-1 system or inadequacy in the provision of E-9-1-1 service caused by the telecommunications provider's intentional, willful or reckless acts or omissions in developing, establishing, implementing, maintaining or operating the E-9-1-1 system, without limitation on the amount. [1999, c. 209, §1 (NEW).]

For purposes of this subsection, the term "telecommunications provider" means a local exchange carrier, a commercial mobile service provider, as defined in 47 United States Code, Section 332(d), or an interconnected voice over Internet protocol service provider; an employee of a local exchange carrier, commercial mobile service provider or interconnected voice over Internet protocol service provider acting within the scope of the employee's employment; or an agent of a local exchange carrier, commercial mobile service provider or interconnected voice over Internet protocol service provider acting within the scope of the agent's agency.

For purposes of this subsection, the term "E-9-1-1 system" includes, but is not limited to, the networks, databases and call processing services necessary to provide enhanced 9-1-1 services or enhanced 9-1-1 access-only services in accordance with this chapter and rules adopted under this chapter.

[ 2007, c. 504, §1 (AMD) .]

#### SECTION HISTORY

1997, c. 291, §3 (NEW). 1999, c. 209, §1 (AMD). 2007, c. 68, §10 (AMD). 2007, c. 504, §1 (AMD).

## §2931. MISUSE OF E-9-1-1 SYSTEM

**1. Prohibited use.** A person is guilty of misuse of the E-9-1-1 system if without reasonable cause the person, after having been forbidden to do so by a public safety answering point manager or administrator or a law enforcement officer:

A. Makes repeated telephone calls to a public safety answering point by dialing 9-1-1 to make nonemergency reports or inquiries; [2003, c. 452, Pt. N, §7 (AMD); 2003, c. 452, Pt. X, §2 (AFF).]

B. Causes telephone calls to be made to a public safety answering point using an alarm or other alerting device that automatically dials 9-1-1 and transmits a prerecorded signal or message; or [2003, c. 452, Pt. N, §7 (AMD); 2003, c. 452, Pt. X, §2 (AFF).]

C. Violates paragraph B after having previously violated paragraph B. [2003, c. 452, Pt. N, §8 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. N, §§7, 8 (AMD); 2003, c. 452, Pt. X, §2 (AFF) .]

### 2. Penalty.

[ 2003, c. 452, Pt. N, §9 (RP); 2003, c. 452, Pt. X, §2 (AFF) .]

**2-A. Penalty.** The following penalties apply to violations of this section.

A. Violation of subsection 1, paragraph A or C is a Class E crime. Violation of subsection 1, paragraph A or C is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A. [2003, c. 452, Pt. N, §10 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. Violation of subsection 1, paragraph B is a civil violation for which a fine of not more than \$500 may be adjudged. [2003, c. 452, Pt. N, §10 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. N, §10 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

#### SECTION HISTORY

1997, c. 291, §3 (NEW). 1999, c. 80, §1 (RPR). 2003, c. 452, §§N7-10 (AMD). 2003, c. 452, §X2 (AFF).

## §2932. DESIGNATED EMERGENCY TELEPHONE NUMBER

**1. Designated emergency telephone number.** The primary telephone number to be used in a telephone exchange to request emergency services following the activation of E-9-1-1 services for that exchange, including the number for telecommunications devices for communication for the deaf, hard-of-hearing and speech-impaired, is 9-1-1. A person may not advertise or promote for emergency response services any telephone number other than 9-1-1.

[ 2015, c. 62, §1 (AMD) .]

**2. Publishing of 9-1-1.** A publisher of a directory of Maine telephone numbers for use by telephone subscribers in Maine must include in a conspicuous portion of the directory:

A. [2015, c. 62, §2 (RP).]

B. The telephone number 9-1-1 as the primary telephone number to request emergency services. The number "9-1-1" must be accompanied by words indicating it is accessible by teletypewriter device, or TTY, such as "TTY/Voice." [2015, c. 62, §2 (AMD).]

[ 2015, c. 62, §2 (AMD) .]

**3. Commercial use of the number 9-1-1.** The number 9-1-1 may not be used for commercial purposes in a manner that is deceptive or likely to produce confusion with respect to its use as the primary emergency telephone number to request emergency services.

[ 1999, c. 651, §3 (NEW) .]

**4. Display of 9-1-1.** When displayed on signs and in other formats designed to advertise the number and its use to the public printed after the effective date of this subsection or on emergency vehicles, 9-1-1 must be:

A. Printed in plain block numerals with a dash between the numerals; [1999, c. 651, §3 (NEW) .]

B. Accompanied by the word "emergency"; and [1999, c. 651, §3 (NEW) .]

C. Except in the case of emergency vehicles, accompanied by words indicating accessibility by teletypewriter device, such as "TTY/Voice." [1999, c. 651, §3 (NEW) .]

[ 1999, c. 651, §3 (NEW) .]

**5. Penalty.** A violation of subsection 1 or 3 is a civil offense for which a forfeiture of up to \$500 may be adjudged. A forfeiture may not be imposed under this subsection unless the person alleged to have violated subsection 1 received notification from the bureau director that the person's promotion or advertisement of a number other than 9-1-1 for emergency response services is, in the opinion of the bureau director, a violation of subsection 1 or the person alleged to have violated subsection 3 received notification from the

bureau director that the person's commercial use of the number 9-1-1 is, in the opinion of the bureau director, a violation of subsection 3. A person alleged to have violated either subsection 1 or 3 must be provided an opportunity to respond to a notification of violation prior to the filing of an action pursuant to this subsection.

[ 2015, c. 62, §3 (AMD) .]

#### SECTION HISTORY

1999, c. 651, §3 (NEW). 2015, c. 62, §§1-3 (AMD).

## §2933. LOCAL EXCHANGE CARRIER PARTICIPATION

**1. Implementation of E-9-1-1 by local exchange carrier.** Each local exchange carrier offering service over the public switched network, in accordance with rules and procedures adopted by the bureau, shall implement the E-9-1-1 system and provide the universal emergency telephone number 9-1-1 for use by the public in seeking emergency services assistance through the E-9-1-1 system.

[ 2001, c. 53, §2 (NEW) .]

**2. Required information for E-9-1-1 database.** Each local exchange carrier shall provide to the bureau or its designee the automatic number identification, automatic location identification and any other information required to establish and maintain the E-9-1-1 database and service in accordance with the rules adopted by the bureau.

[ 2001, c. 53, §2 (NEW) .]

**3. Coordination of E-9-1-1 service; coordinator.** Each local exchange carrier and cellular or wireless telecommunications service provider within the State shall coordinate all implementation, operation and maintenance directly relating to E-9-1-1 through the bureau and shall designate a primary contact person, who may delegate the authority to one or more other persons, to coordinate with and provide all relevant information to the bureau to carry out the purposes of the chapter.

[ 2001, c. 53, §2 (NEW) .]

**4. Penalties.** On petition by the bureau, the Public Utilities Commission, in an adjudicatory proceeding, may impose the following administrative penalties for a violation by a local exchange carrier of subsection 1 or 2 or any rules adopted by the bureau implementing subsection 1 or 2:

A. An administrative penalty of up to \$1,000 for each day of the violation; and [ 2001, c. 53, §2 (NEW) .]

B. In extraordinary cases, as determined by the Public Utilities Commission, revocation of the commission's authorization of the local exchange carrier's authority to provide local exchange service in this State. [ 2001, c. 53, §2 (NEW) .]

[ 2003, c. 505, §5 (AMD) .]

Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [ 2003, c. 505, §6 (AMD) .]

#### SECTION HISTORY

2001, c. 53, §2 (NEW). 2001, c. 667, §C16 (AMD). 2003, c. 505, §§5,6 (AMD).

## §2934. MULTILINE TELEPHONE SYSTEMS

**1. Requirements.** The bureau may by rule establish requirements for locating emergency calls, and initiating emergency responses to such calls, made from within multiline telephone systems, including network-based or premises-based systems and voice over Internet protocol systems, whether owned or leased by a public or private entity, such as private branch exchanges or Centrex systems. Rules adopted pursuant to this section:

- A. May not require any local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenues; [2003, c. 478, §1 (NEW).]
- B. Apply only to multiline telephone systems installed, introduced, established or replaced after the effective date of the rules; [2003, c. 478, §1 (NEW).]
- C. Must provide for appropriate standards, exemptions and waivers that balance the benefits of improved methods of locating emergency calls, and initiating emergency responses to such calls, made from within multiline telephone systems and the cost of achieving those improvements. The rules must allow, in appropriate circumstances, for methods that do not utilize automatic location identification and automatic number identification standards used in processing enhanced 9-1-1 calls; and [2003, c. 478, §1 (NEW).]
- D. May establish appropriate technical, procedural or any other standards relating to multiline telephone systems, telecommunications carrier interconnectivity, databases, dialing instructions, signaling or other matters necessary or appropriate to carry out the purposes of this section. [2003, c. 478, §1 (NEW).]

[ 2017, c. 48, §1 (AMD) .]

**2. Rules.** Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. The bureau may not provisionally adopt any rule under this section that has not been approved by the Public Utilities Commission.

[ 2003, c. 478, §1 (NEW) .]

### SECTION HISTORY

2003, c. 478, §1 (NEW). 2017, c. 48, §1 (AMD).

## §2934-A. EMERGENCY CALLING FROM MULTILINE TELEPHONE SYSTEMS

**1. Direct dialing of 911.** A public or private entity that installs or operates a multiline telephone system shall ensure that the system is connected to the public switched telephone network in such a way that when an individual using the system dials 911, the call connects to the public safety answering point without requiring the user to first dial any other number or set of numbers. This subsection does not apply to any local unit of government if complying would necessitate additional expenditures from local revenues.

[ 2017, c. 48, §2 (NEW) .]

**2. Compliance period.** A public or private entity shall comply with subsection 1 within one year after the effective date of this section or, if the public or private entity does not have a multiline telephone system capable of complying with subsection 1, by the date that the multiline telephone system is next upgraded to a system capable of complying with subsection 1.

[ 2017, c. 48, §2 (NEW) .]

### SECTION HISTORY

2017, c. 48, §2 (NEW).

## §2935. E-9-1-1 ACCESS-ONLY SERVICE

**1. Provision of E-9-1-1 access-only service.** It is the policy of this State that E-9-1-1 be broadly available where it is economically and technologically practical. The bureau shall, by rule, establish requirements for the provision of E-9-1-1 access-only service, including, but not limited to, the circumstances in which E-9-1-1 access-only service is and is not required and which telephone service providers are and are not subject to the requirements.

[ 2007, c. 226, §2 (NEW) .]

**2. Rulemaking.** The bureau shall adopt rules to implement this section. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2007, c. 226, §2 (NEW) .]

### SECTION HISTORY

2007, c. 226, §2 (NEW) .

## Chapter 353: MAINE DRUG ENFORCEMENT ACT OF 1992

## §2951. SHORT TITLE

This chapter is known and may be cited as the "Maine Drug Enforcement Act of 1992." [1991, c. 837, Pt. B, §10 (AMD).]

### SECTION HISTORY

1987, c. 411, §5 (NEW). 1991, c. 837, §B10 (AMD).

## §2952. DEFINITION

**1. Drug.** "Drug" means scheduled drugs, controlled substances or illegal drugs as defined by the Maine Criminal Code, Title 17-A, chapter 45 or federal law.

[ 1987, c. 411, §5 (NEW) .]

**2. Agency.** "Agency" means the Maine Drug Enforcement Agency.

[ 1991, c. 837, Pt. B, §11 (NEW); 1991, c. 841, §8 (NEW) .]

**3. Assistant director.** "Assistant director" means the Assistant Director of the Maine Drug Enforcement Agency.

[ 1991, c. 837, Pt. B, §11 (NEW); 1991, c. 841, §8 (NEW) .]

**4. Board.** "Board" means the Maine Drug Enforcement Agency Advisory Board.

[ 1991, c. 837, Pt. B, §11 (NEW); 1991, c. 841, §8 (NEW) .]

**5. Commissioner.** "Commissioner" means the Commissioner of Public Safety.

[ 1991, c. 837, Pt. B, §11 (NEW); 1991, c. 841, §8 (NEW) .]

**6. Director.** "Director" means the Director of the Maine Drug Enforcement Agency.

[ 1991, c. 837, Pt. B, §11 (NEW); 1991, c. 841, §8 (NEW) .]

#### SECTION HISTORY

1987, c. 411, §5 (NEW). 1991, c. 837, §B11 (AMD). 1991, c. 841, §8 (AMD).

### §2953. POLICY

The Legislature finds that the distribution of scheduled drugs into, out of and within the State presents an unprecedented threat to the health and safety of this State. To meet this threat, this Act is established to develop a statewide drug enforcement program and strategy based on principles of integration and unification at all levels of law enforcement, including federal, state, county and municipal levels and prosecutorial as well as investigative agencies. [1991, c. 841, §9 (AMD).]

#### SECTION HISTORY

1987, c. 411, §5 (NEW). 1991, c. 841, §9 (AMD).

### §2954. MAINE DRUG ENFORCEMENT AGENCY ADVISORY BOARD

In order to develop, coordinate and carry out a statewide drug enforcement program and strategy, there is established the Maine Drug Enforcement Agency Advisory Board. The board consists of the Attorney General or a designee; the Chief of the State Police; a state law enforcement officer selected by the Governor with the advice of the Chief of the State Police; a district attorney selected by the Governor with the advice of the Maine Prosecutors Association; the United States Attorney for the District of Maine or a designee; 3 municipal police chiefs selected by the Governor with the advice of the Maine Chiefs of Police Association; a county sheriff selected by the Governor with the advice of the Maine Sheriffs' Association; the Commissioner of Corrections or a designee; and 2 citizens, one of whom has experience with drug treatment and education programs, appointed for 2-year terms by the Governor. [1993, c. 680, Pt. B, §2 (RPR).]

The board shall provide advice and consultation to the Commissioner of Public Safety for the drug law enforcement effort within the State. This effort must include the integration and coordination of investigative and prosecutorial functions in the State with respect to drug law enforcement. The board shall also make recommendations to the Legislature as it determines to be appropriate for the implementation of an effective drug law enforcement program. [1993, c. 680, Pt. B, §2 (RPR).]

The board, in addition to these responsibilities, shall provide advice to the commissioner regarding the integration of law enforcement officers from county, municipal and all state law enforcement agencies, into the agency. [1993, c. 680, Pt. B, §2 (RPR).]

#### SECTION HISTORY

1987, c. 411, §5 (NEW). 1987, c. 666, §6 (AMD). 1991, c. 837, §B12 (AMD). 1991, c. 841, §10 (AMD). 1993, c. 680, §B2 (RPR).

### §2955. MAINE DRUG ENFORCEMENT AGENCY

The commissioner shall establish and operate within the Maine Drug Enforcement Agency such regional investigative task forces as the commissioner determines, in consultation with the board, are required for effective drug law enforcement throughout the State. [1993, c. 680, Pt. B, §3 (RPR).]

The investigative component of each task force is comprised of law enforcement officers drawn from municipal, county and state law enforcement agencies, who, during the period in which they serve in the task force, must be placed on a temporary assignment by their employing law enforcement agencies and in the nonclassified positions within the agency as established. All agency investigative personnel may not be state employees, for the purposes of Title 26, chapter 9-B. All agency investigative personnel shall act in



accordance with rules, policies and procedures established by the commissioner. In determining the number, areas of responsibility and investigative complement of these task forces, the commissioner shall take into account geography, population, the need for service and the advice provided by the board. [ 1993, c. 680, Pt. B, §3 (RPR) . ]

**1. Director.** The agency is managed by a director who reports to the commissioner. The director must be an experienced law enforcement officer. The Chief of the State Police, the Maine Sheriffs' Association and the Maine Chiefs of Police Association may each nominate one candidate as director for submission to the Maine Drug Enforcement Agency Advisory Board. The advisory board shall submit one of the 3 nominations to the commissioner, who may appoint that person with the approval of the Governor. If the commissioner or the Governor does not approve of the candidate submitted, each of the nominating groups is requested to submit an additional nomination. The director serves at the pleasure of the commissioner. Eligibility for this appointment is not dependent upon the parent law enforcement agency, if any, of the person selected. If the person selected is currently an employee of any state, county or local law enforcement agency, the person must be placed on a temporary assignment by the person's employing agency. The director reports directly to the commissioner, notwithstanding any existing command structure of the person's employing agency. Notwithstanding any other provision of law, the person retains and continues to accrue seniority and retirement rights and benefits within the person's employing agency for the time in which the person serves as director.

[ 1993, c. 680, Pt. B, §3 (RPR) . ]

**2. Assistant director.** The director of the agency is assisted by an assistant director. The assistant director must be an experienced law enforcement officer and may exercise any of the powers of the director as the director may delegate. The assistant director is appointed by and serves at the pleasure of the commissioner.

Eligibility for the selection is not dependent upon the parent law enforcement agency, if any, of the person selected. The assistant director is compensated in a manner equivalent to that of a captain in the State Police, with respect to both regular and overtime compensation. If the person selected is currently an employee of any state, county or local law enforcement agency, the person must be placed on a temporary assignment by the person's employing agency. The assistant director reports directly to the director, notwithstanding any existing command structure of the person's employing agency. Notwithstanding any other provision of law, the person retains and continues to accrue seniority and retirement rights and benefits within the person's employing agency for the time in which the person serves as assistant director.

[ 1993, c. 680, Pt. B, §3 (RPR) . ]

#### **2-A. Regional commanders.**

[ 1993, c. 680, Pt. B, §3 (RP) . ]

**3. Commanders.** There may be no more than 3 commanders within the agency who may exercise any powers the director may delegate. Each commander must be an experienced law enforcement officer appointed by the director with the concurrence of the commissioner and serves at the pleasure of the director. The appointment of commanders is not dependent upon the parent law enforcement agency, if any, of the person selected. Commanders are compensated from the budget of the agency in a manner equivalent to that of a lieutenant in the State Police, with respect to both regular and overtime compensation. If the person selected is currently an employee of any state, county or local law enforcement agency, the person must be placed on a temporary assignment by the person's employing agency. A commander reports directly to the director or assistant director, notwithstanding any existing command structure of the person's employing

agency. Notwithstanding any other provision of law, the person retains and continues to accrue seniority and retirement rights and benefits within the person's employing agency for the time in which the person serves as commander.

[ 1993, c. 680, Pt. B, §3 (RPR) . ]

**4. Task force investigative supervisors.** Each task force is supervised by a task force investigative supervisor. Each supervisor must be an experienced law enforcement officer appointed by the director with the concurrence of the commissioner and serves at the pleasure of the director. The appointment of supervisors is not dependent upon the parent law enforcement agency, if any, of the person selected. Supervisors are compensated from the budget of the agency in a manner equivalent to that of a sergeant assigned to the State Police, with respect to both regular and overtime compensation. If the person selected is currently an employee of any state, county or local law enforcement agency, the person must be placed on a temporary assignment by the person's employing agency. A supervisor reports directly to the assistant director or a commander, notwithstanding any existing command structure of the person's employing agency. Notwithstanding any other provision of law, the person retains and continues to accrue seniority and retirement rights and benefits within the person's employing agency for the time in which the person serves as supervisor.

[ 1993, c. 680, Pt. B, §3 (RPR) . ]

**5. Task force investigative agents.** The investigative complement of each task force is comprised of task force investigative agents. Agents may be selected from municipal, county and state law enforcement agencies within the State and other state agencies, as long as the prospective agent is certified pursuant to section 2803-A, subsection 1; or may be other experienced law enforcement officers, as long as each is certified pursuant to section 2803-A, subsection 1. Agents are selected and appointed at the discretion of the director with the concurrence of the commissioner from among those persons nominated by the chief administrative officer of a prospective agent's employing agency and other experienced law enforcement officers who apply. Agents serve at the pleasure of the director. Agents receive compensation, paid from the budget of the agency, equivalent to that of a detective in the State Police, with respect to both regular and overtime compensation with the additional credit given to seniority based upon law enforcement experience. If the person selected as an agent is currently an employee of any municipal, county or state law enforcement agency, or any other state agency, the person must be placed on a temporary assignment by the person's employing agency. An agent reports directly to the task force supervisor, notwithstanding any existing command structure of the person's employing agency. Notwithstanding any other provisions of law, the person retains and continues to accrue seniority and retirement rights and benefits within the person's employing agency for the time in which the person serves as an agent.

Any person employed as a senior agent or special agent investigator within the State Police may be temporarily assigned to the agency. During that temporary assignment, the State Police retains the positions of senior agent and special agent investigator.

A. [1993, c. 680, Pt. B, §3 (RP) . ]

B. [1993, c. 680, Pt. B, §3 (RP) . ]

C. [1993, c. 680, Pt. B, §3 (RP) . ]

[ 1993, c. 680, Pt. B, §3 (RPR) . ]

**6. Authority of agency officers.** The director, assistant director, commanders, supervisors and agents are vested at the discretion of the commissioner with the following:

A. The authority throughout the State to arrest pursuant to Title 17-A, section 15; [1993, c. 680, Pt. B, §3 (NEW) . ]

B. The same powers and duties throughout the several counties of the State as sheriffs have in their respective counties to serve criminal process, to investigate and prosecute violators of any law of this State and to arrest without warrant and detain persons found violating or attempting to violate any other penal law of the State until a warrant can be obtained. They have the same rights as sheriffs to require aid in executing the duties of their office; and [1993, c. 680, Pt. B, §3 (NEW).]

C. The same powers and duties throughout the several counties of the State as sheriffs have in their respective counties to serve civil process in all matters relating to investigations or violations of Title 17-A, chapter 45 or actions arising under or initiated pursuant to Title 15, chapter 517. [1993, c. 680, Pt. B, §3 (NEW).]

[ 1993, c. 680, Pt. B, §3 (RPR) .]

**7. Task force attorneys.** The Attorney General, the United States Attorney for the District of Maine and the respective district attorneys may assign as many of their assistants and special assistants as they determine to be appropriate to each of the task forces or to the agency generally. The attorneys must be available to the agency officers for purposes of ongoing consultation and advice on the propriety and legal consequences of methods of investigation and are responsible for coordinating, with the commanders and supervisors, the prosecutorial and investigative priorities of the task forces. The Attorney General shall appoint one assistant attorney general as a full-time coordinator of drug prosecution matters. That assistant attorney general is responsible to coordinate the efforts of each of the attorneys assigned to the agency.

[ 1993, c. 680, Pt. B, §3 (RPR) .]

**8. Compensation; State Police personnel.** Notwithstanding any other provision in this section, State Police officers, senior agents and special investigative agents who are temporarily assigned to the agency continue to be paid from the budget of the Bureau of State Police, except that any additional compensation arising from such a temporary assignment must be paid from the budget of the agency.

[ 1993, c. 680, Pt. B, §3 (NEW) .]

#### SECTION HISTORY

1987, c. 411, §5 (NEW). 1987, c. 666, §§7-9 (AMD). 1989, c. 522, §§1-5 (AMD). 1991, c. 154, §§1,2 (AMD). 1991, c. 837, §B13 (AMD). 1991, c. 837, §B19 (AFF). 1991, c. 841, §11 (AMD). 1993, c. 680, §B3 (RPR).

## §2956. AUTHORITY OF COMMISSIONER

**1. Rules.** The commissioner shall, with the advice of the board, adopt rules, practices and policies respecting the administration of the agency. The rules, practices and policies of the agency must be in conformity with state law and must accomplish the goal of an integrated drug enforcement effort. These rules, practices and policies may include:

A. The qualifications, hiring, term of service and disciplinary standards for commanders, supervisors and agents; [1999, c. 790, Pt. A, §32 (RPR).]

B. Protection as to financial and employment security for any law enforcement officer selected as any official of the agency with respect to the person's position with any municipal, county or state law enforcement policy or political subdivision; [1999, c. 790, Pt. A, §32 (RPR).]

C. Standard operating procedures for the agency; [1999, c. 790, Pt. A, §32 (RPR).]

D. Procurement procedures; or [1999, c. 790, Pt. A, §32 (RPR).]

E. Procedures for dissemination of records. [1999, c. 790, Pt. A, §32 (RPR).]

[ 1999, c. 790, Pt. A, §32 (RPR) .]

**2. Grants and property.** The commissioner may accept grants and property decreed forfeit by any court of competent jurisdiction.

[ 1987, c. 411, §5 (NEW) .]

**3. Contracts or agreements.** The commissioner may enter into contracts and agreements with municipal, county and state law enforcement agencies to accomplish the goal of the agency and carry out the rules, policies and practices of the agency.

[ 1991, c. 837, Pt. B, §14 (AMD); 1991, c. 841, §12 (AMD) .]

#### SECTION HISTORY

1987, c. 411, §5 (NEW). 1987, c. 666, §10 (AMD). 1991, c. 837, §B14 (AMD). 1991, c. 841, §12 (AMD). 1999, c. 790, §A32 (AMD).

### **§2957. CONFIDENTIALITY**

Notwithstanding any other provisions of law, the investigative records of the agency are confidential and all meetings of the board are subject to Title 1, chapter 13, subchapter 1, except that those meetings may be held in executive session to discuss any case investigations or any disciplinary actions. [2011, c. 662, §17 (AMD).]

#### SECTION HISTORY

1987, c. 411, §5 (NEW). 1991, c. 837, §B15 (AMD). 1991, c. 841, §13 (AMD). 1999, c. 790, §A33 (RPR). 2011, c. 662, §17 (AMD).

### **§2958. PROSECUTION PROTOCOL**

The Attorney General, after consultation with the 8 district attorneys, the United States Attorney for the District of Maine and the board, shall establish by rule a protocol that governs the selection of the state or federal court system for prosecution of drug cases investigated by the agency. [1999, c. 790, Pt. D, §8 (RPR).]

#### SECTION HISTORY

1991, c. 837, §B16 (NEW). 1991, c. 841, §14 (NEW). 1999, c. 790, §D8 (RPR).

## **Chapter 355: ADVISORY COMMITTEE ON BIAS-BASED PROFILING BY LAW ENFORCEMENT OFFICERS AND LAW ENFORCEMENT AGENCIES**

### **§3001. ADVISORY COMMITTEE ON BIAS-BASED PROFILING BY LAW ENFORCEMENT OFFICERS AND LAW ENFORCEMENT AGENCIES**

*(REPEALED)*

#### SECTION HISTORY

2009, c. 353, §2 (NEW). MRSA T. 25, §3003 (RP).

### **§3002. ADVISORY COMMITTEE ON BIAS-BASED PROFILING BY LAW ENFORCEMENT OFFICERS AND LAW ENFORCEMENT AGENCIES FUND**

*(REPEALED)*

#### SECTION HISTORY

2009, c. 353, §2 (NEW). MRSA T. 25, §3003 (RP).

**§3003. REPEAL**

*(REPEALED)*

SECTION HISTORY

2009, c. 353, §2 (NEW). MRSA T. 25, §3003 (RP).

## Part 9: LAW ENFORCEMENT AGENCIES IN GENERAL

### Chapter 401: DISPOSAL OF UNCLAIMED, LOST OR STOLEN PERSONAL PROPERTY BY LAW ENFORCEMENT AGENCIES

#### §3501. APPLICATION OF CHAPTER

This chapter applies to all personal property of which possession is transferred to a police department or other law enforcement agency of the State or any political subdivision thereof, under circumstances supporting a reasonable belief that such property was abandoned, lost or stolen, or otherwise illegally possessed, except property seized during search and retained and ultimately returned, destroyed or otherwise disposed of pursuant to a court order or some other law applicable to specific property or circumstance. This chapter applies to personal property seized during search and retained that is not offered or admitted as evidence and that, after retention by a police department or other law enforcement agency, becomes abandoned. This chapter does not apply to unclaimed personal property that has been confiscated at courthouses by judicial marshals. Such property that remains unclaimed for more than 30 days may be disposed of under the direction of the State Court Administrator. [2015, c. 158, §2 (AMD).]

#### SECTION HISTORY

1975, c. 558, (NEW). 1983, c. 254, §1 (AMD). 2015, c. 158, §2 (AMD).

#### §3502. CUSTODY AND RETURN OF PROPERTY BELIEVED TO BE ABANDONED, LOST OR STOLEN

Such property believed to be abandoned, lost or stolen or otherwise illegally possessed, as is covered by this chapter, must be retained in custody by the chief of police or the principal official of the law enforcement agency, who shall make reasonable inquiry and efforts to identify and notify the owner or other person entitled to possession of the property and shall return the property after such person provides reasonable and satisfactory proof of that person's ownership or right to possession and reimburses the agency and others authorized to incur expenses by the agency for all reasonable expenses of such custody. If the owner of such property or any other person entitled to possession of the property has not been identified after at least 30 days from the initial date of custody of such property by a law enforcement agency, the principal official of such agency shall cause to be published, at least once in a newspaper of general circulation in the county in which such official has authority or in a newspaper of general circulation in the county in which the property was taken into custody in the case of a state law enforcement agency, a notice of the law enforcement agency's possession of such property and its inability to ascertain the owner of the property. Such notice must also contain a brief description of the property and a statement to the effect that, if the owner of such property or any other person entitled to possession of the property has not claimed such property within 5 months of the date of such published notice, such property will be surrendered to the person who found it, if any, sold to the highest bidder at public auction, donated to a nonprofit organization or charity or disposed of as waste. [2011, c. 267, §1 (AMD).]

#### SECTION HISTORY

1975, c. 558, (NEW). 2011, c. 267, §1 (AMD).

#### §3503. SALE OF UNCLAIMED PROPERTY

If the identity or location of the owner or other person entitled to possession of the property has not been ascertained within 6 months after the law enforcement agency obtains such possession, or said identity has been determined and such person does not claim possession within this 6-month period, and the finder of such property, if any, has not claimed it pursuant to the provisions of section 3507 within 15 days after the expiration of said 6-month period, the principal official thereof shall effectuate the sale of the property for cash to the highest bidder at a public auction, notice of which, including time, place and a brief description

of such property, shall be published at least once in a newspaper of general circulation in the county wherein such official has authority at least 10 days prior to such auction or in the state paper in the case of a state law enforcement agency. Property offered but not sold at such public auction may be offered and sold at a subsequent public auction without further notice, donated to a nonprofit organization or charity or disposed of as waste. [2011, c. 267, §2 (AMD).]

A law enforcement agency shall appropriately and properly dispose of as waste any property that poses a possible health risk. [2011, c. 267, §2 (NEW).]

At no time may any property that has been disposed of by a law enforcement agency as waste be owned or personally used by any member of a law enforcement agency or by any immediate family member of any member of a law enforcement agency. [2011, c. 267, §2 (NEW).]

#### SECTION HISTORY

1975, c. 558, (NEW). 2011, c. 267, §2 (AMD).

### **§3503-A. DISPOSAL OF FIREARMS AND AMMUNITION**

Notwithstanding any other provision of this chapter, a police department or other law enforcement agency retaining firearms and ammunition covered by this chapter, Title 15, section 3314 or chapter 517, or Title 17-A, section 1158-A may auction the firearms to federally licensed firearms dealers or the public, use the firearms and ammunition for training purposes or destroy the firearms and ammunition. [2003, c. 657, §11 (AMD).]

#### SECTION HISTORY

1983, c. 254, §2 (NEW). 1999, c. 47, §1 (AMD). 2003, c. 657, §11 (AMD).

### **§3503-B. BICYCLE DISPOSAL**

Notwithstanding section 3503, a local legislative body in a municipality may dispose of unclaimed bicycles in a manner decided by that body and is exempt from Title 33, chapter 41 with respect to unclaimed bicycles. [2003, c. 77, §1 (NEW).]

#### SECTION HISTORY

2003, c. 77, §1 (NEW).

### **§3504. DEPOSIT OF PROCEEDS**

Proceeds of the sale of the property at public auction, less reimbursement to the law enforcement agency and others authorized of the reasonable expenses of custody, must be disposed of according to Title 33, chapter 41. [1997, c. 508, Pt. A, §3 (AFF); 1997, c. 508, Pt. B, §6 (AMD).]

#### SECTION HISTORY

1975, c. 558, (NEW). 1979, c. 641, §7 (AMD). 1995, c. 625, §A30 (AMD). 1997, c. 508, §B6 (AMD). 1997, c. 508, §A3 (AFF).

### **§3505. RECOVERY OF PROPERTY BY OWNER OR PERSON ENTITLED TO POSSESSION; LIMITATION**

The owner or other person entitled to possession of such property may claim and recover possession of the property at any time before its sale at public auction, upon providing reasonable and satisfactory proof of ownership or right to possession and reimbursing the law enforcement agency and others authorized for all reasonable expenses for custody thereof. [1975, c. 558, (NEW).]

#### SECTION HISTORY

1975, c. 558, (NEW).

## §3506. DAMAGES OCCASIONED BY ACTS OR OMISSIONS

No person shall be responsible for subsequent damages to another occasioned by an act or omission in compliance with this chapter. [1975, c. 558, (NEW).]

### SECTION HISTORY

1975, c. 558, (NEW).

## §3507. PROPERTY RETURNED TO FINDER

Any person may surrender property which he has found to a law enforcement agency. Such person shall be entitled to have such property surrendered to him if the owner thereof or other person entitled to possession thereof has not properly claimed the property within 6 months of its surrender to the law enforcement agency, provided such person who so surrendered the property reimburses the law enforcement agency and others authorized for reasonable expenses incurred in its custody of such property. [1975, c. 558, (NEW).]

### SECTION HISTORY

1975, c. 558, (NEW).

# Chapter 403: SOLICITATION BY LAW ENFORCEMENT OFFICERS

## Subchapter 1: GENERAL PROVISIONS

### §3701. DEFINITIONS

As used in this chapter, unless the context clearly indicates otherwise, the following words shall have the following meanings. [1977, c. 449, (NEW).]

**1. Law enforcement agency.** "Law enforcement agency" means any state, county, municipality or other political unit within the territory belonging to the State or any department, agency or subdivision of any of the foregoing, or any corporation or other association carrying out the functions of government that employs law enforcement officers.

[ 1977, c. 449, (NEW) .]

**2. Law enforcement association.** "Law enforcement association" means a corporation, partnership, unincorporated association or any other legal entity, including a benevolent association, whose members are primarily law enforcement officers.

[ 1977, c. 449, (NEW) .]

**3. Law enforcement officer.** "Law enforcement officer" means any person who by virtue of public employment is vested by law with a duty to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

[ 1977, c. 449, (NEW) .]

**4. Property.** "Property" means any money, service, gift or anything of value, including a promise.

[ 1977, c. 449, (NEW) .]

**5. Solicit.** "Solicit" means to request property. The word means and includes, but is not limited to, the following methods of securing property:



A. Any verbal request, including, but not limited to, a request that is made in person, by telephone or through any advertising media; [1981, c. 267, §1 (RPR).]

B. Any written request, including, but not limited to, a request that is sent, delivered or distributed or any advertisement posted in a public place or appearing in a newspaper, television or other advertising media; and [1981, c. 267, §1 (RPR).]

C. The sale of, offer or attempt to sell, any advertising, advertisements, advertising space, book, card, tag, coupon, ticket, device, magazine, membership, subscription or other tangible item or thing of value. [1977, c. 449, (NEW).]

[ 1981, c. 267, §1 (AMD) .]

#### **6. Solicitation agent.**

[ 2001, c. 582, §1 (NEW); 2003, c. 560, §1 (AMD); T. 25, §3701, sub-§6 (RP) .]

**7. Solicitation agent.** "Solicitation agent" means a person or entity that receives payment for or retains any portion of the proceeds from soliciting. "Solicitation agent" includes, but is not limited to, a person or entity that receives or retains reimbursement for expenses related to soliciting.

[ 2005, c. 397, Pt. C, §18 (NEW) .]

**8. Catastrophic illness.** "Catastrophic illness" means an unforeseen, prolonged and extended illness, medical condition or injury that will likely cause death or permanent disability as determined by a licensed physician whose determination must be in writing.

[ 2007, c. 633, §1 (NEW) .]

**9. Designated public benefit corporation.** "Designated public benefit corporation" means a "public benefit corporation," as described in Title 13-B, section 1406, subsection 1, that does not employ or have on its board of directors any certified law enforcement officer and that has entered into an agreement with a law enforcement agency or law enforcement association as provided in section 3702-C.

[ 2007, c. 633, §2 (NEW) .]

**10. Immediate family member.** "Immediate family member" means a law enforcement officer's spouse, domestic partner, child or legal dependent.

[ 2007, c. 633, §3 (NEW) .]

#### SECTION HISTORY

1977, c. 449, (NEW). 1979, c. 575, §1 (AMD). 1981, c. 267, §1 (AMD). 2001, c. 582, §1 (AMD). 2003, c. 560, §1 (AMD). 2005, c. 397, §C18 (AMD). 2007, c. 633, §§1-3 (AMD).

### **§3702. SOLICITATION UNLAWFUL**

*(REPEALED)*

#### SECTION HISTORY

1977, c. 449, (NEW). 1983, c. 330, (AMD). 1991, c. 510, §1 (RP).

### **§3702-A. SOLICITATION UNLAWFUL**

*(REPEALED)*

## SECTION HISTORY

1991, c. 510, §2 (NEW). 2001, c. 582, §2 (AMD). 2003, c. 560, §2 (AMD).  
MRS T. 25, §3702-A (RP).

**§3702-B. SOLICITATION UNLAWFUL**

*(REPEALED)*

## SECTION HISTORY

2001, c. 582, §3 (NEW). 2003, c. 560, §3 (RP).

**§3702-C. SOLICITATION UNLAWFUL; EXCEPTIONS**

Except as provided in this section, a law enforcement agency, law enforcement association, law enforcement officer or solicitation agent may not solicit property from the general public when the property or any part of that property in any way tangibly benefits, is intended to tangibly benefit or is represented to be for the tangible benefit of any law enforcement officer, law enforcement agency or law enforcement association. Any violation of this chapter constitutes a violation of the Maine Unfair Trade Practices Act. [2007, c. 633, §4 (AMD).]

**1. Limited solicitation.** A law enforcement agency or association may solicit property from the general public, a law enforcement officer, a law enforcement agency or a law enforcement association for the tangible benefit of a law enforcement officer, or an immediate family member of a law enforcement officer, suffering from a catastrophic illness by hosting fund-raising events or by written solicitation. A law enforcement agency or association that conducts a limited solicitation under this subsection may, but is not required to, retain a designated public benefit corporation to participate in the fund-raising event.

A. A law enforcement agency or association may host ticketed fund-raising events that are open to the public as long as the events are advertised only through public announcements. [2017, c. 90, §1 (AMD).]

B. A law enforcement agency or association may make general public solicitations for donations through public announcements or paid advertisements. Solicitations may not be sent directly to potential donors by mail or any other direct means. [2017, c. 90, §1 (AMD).]

Nothing in this subsection may be construed to allow a law enforcement agency or association to engage in door-to-door solicitation.

[ 2017, c. 90, §1 (AMD) .]

**2. Required notice.** Any public solicitation or advertisement for a fund-raising event conducted under the limited exception in subsection 1 must contain a notice that clearly identifies the name and address of any designated public benefit corporation that has been retained to participate in the fund-raising event and the law enforcement officer or immediate family member for whom the solicitation is made. The notice must also specify that any questions about the solicitation may be directed to the Office of the Attorney General.

A. If a public benefit corporation is retained to participate in the fund-raising event, a notice for a fund-raising event must read: "This event is sponsored by (insert name of law enforcement agency or association) for the sole benefit of (insert name and agency). All donations made pursuant to this solicitation must be sent to the designated public benefit corporation, which may not disclose the names of donors." [2017, c. 90, §1 (AMD).]

B. If a public benefit corporation is retained to participate in the fund-raising event, a notice for a public solicitation must read: "This solicitation is made by (insert name of law enforcement agency or association) for the sole benefit of (insert name and agency). All donations made pursuant to this solicitation must be sent to the designated public benefit corporation, which may not disclose the names of donors." [2017, c. 90, §1 (AMD).]

[ 2017, c. 90, §1 (AMD) . ]

**3. Standardized written agreement.** Prior to engaging in any solicitation activity under this section, a law enforcement agency or a law enforcement association and any designated public benefit corporation that is retained to participate in the fund-raising event must enter into a signed written agreement that specifies the obligations of each party. The Office of the Attorney General shall provide a standardized written agreement that must be used by the parties.

[ 2017, c. 90, §1 (AMD) . ]

**4. No disclosure of donors.** A designated public benefit corporation that engages in solicitation pursuant to this section may not disclose the names of any donors to any person, except to the Attorney General.

[ 2007, c. 633, §4 (NEW) . ]

**5. Limited reimbursement.** The law enforcement agency or law enforcement association may reimburse the designated public benefit corporation only for its advertising costs and may not otherwise pay the designated public benefit corporation for its services provided under this section.

[ 2007, c. 633, §4 (NEW) . ]

**6. Registration and reporting.** Each party to the written agreement pursuant to subsection 3 shall comply with all requirements for reporting to and registration with the Department of Professional and Financial Regulation as a charitable organization, or as a charitable organization that is exempt from registration, pursuant to the Charitable Solicitations Act and shall comply with any other reporting and registration requirements related to the event or solicitation.

[ 2017, c. 90, §1 (AMD) . ]

**7. Escrow account.** All funds collected by any designated public benefit corporation under this section must be held in an escrow account pursuant to this subsection.

A. The escrow account must be established by the designated public benefit corporation in a bank or trust company authorized to do business in this State within the meaning of Title 9-B, section 131, subsection 2. The funds deposited in the escrow account must be kept and maintained in an account separate from any other accounts. [2007, c. 633, §4 (NEW).]

B. Checks, drafts and money orders from donors may be made payable only to the bank or trust company described in paragraph A. [2007, c. 633, §4 (NEW).]

C. Funds deposited in the escrow account are not subject to any liens or charges by the escrow agent or judgments, garnishments or creditor's claims against the designated public benefit corporation or beneficiary. [2007, c. 633, §4 (NEW).]

D. The funds may be paid only to the beneficiary, or to the heirs of the beneficiary if the beneficiary dies, and must be paid within 30 days of the conclusion of the event or written solicitation. [2007, c. 633, §4 (NEW).]

[ 2017, c. 90, §1 (AMD) . ]

**8. Accounting.** Upon request, any designated public benefit corporation that is retained to participate in a fund-raising event shall provide an accounting of the funds received from the event or written solicitation and any documents related to the fund-raising event or solicitation, including the names of the donors, to the Attorney General. The Attorney General may enforce application of funds given or appropriated to public charities and prevent breaches of trust in their administration, pursuant to Title 5, section 194, subsection 2.

[ 2017, c. 90, §1 (AMD) .]

SECTION HISTORY

2005, c. 397, §C19 (NEW). 2007, c. 633, §4 (AMD). 2011, c. 596, §1 (AMD). 2017, c. 90, §1 (AMD).

### **§3703. EXCEPTION FOR LAW ENFORCEMENT OFFICERS ELECTED TO PUBLIC OFFICE**

Nothing in this chapter shall prevent any person from soliciting funds to pay obligations incurred or about to be incurred in the furtherance of, or as the result of, a campaign by a law enforcement officer for public office. [1977, c. 449, (NEW).]

SECTION HISTORY

1977, c. 449, (NEW).

### **§3704. EXCEPTIONS**

*(REPEALED)*

SECTION HISTORY

1979, c. 575, §2 (NEW). 1981, c. 267, §2 (RP).

### **§3705. EXCEPTION FOR CERTAIN PUBLICATIONS OF THE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE**

*(REPEALED)*

SECTION HISTORY

1983, c. 819, §A56 (NEW). 1991, c. 510, §3 (RP).

### **§3706. SALE OF CONSUMER EDUCATION MATERIALS**

*(REPEALED)*

SECTION HISTORY

1989, c. 653, (NEW). 1991, c. 510, §4 (RP).

## Subchapter 2: LAW ENFORCEMENT OFFICERS AND PUBLIC OFFICE HOLDING

### **§3711. NO SOLICITATION WHILE DRESSED IN UNIFORM**

No law enforcement officer, as defined in section 3701, may solicit funds or anything of value in the furtherance of any campaign for public office while he is dressed in uniform or while wearing the badge of the law enforcement agency that employs him. [1985, c. 56, §3 (NEW).]

SECTION HISTORY

1985, c. 56, §3 (NEW).

### **§3712. NO SOLICITATION BY LAW ENFORCEMENT OFFICERS**

No law enforcement officer, as defined in section 3701, may solicit funds or anything of value for the furtherance of his campaign for a nonpartisan public office. Nothing in this subchapter may be construed to prohibit any other person from soliciting money for the campaign of a law enforcement officer for nonpartisan office. [1985, c. 56, §3 (NEW).]

#### SECTION HISTORY

1985, c. 56, §3 (NEW).

### **§3713. PROHIBITED ACTIVITIES OF LAW ENFORCEMENT OFFICERS FOR PUBLIC OFFICE**

**1. Use of authority.** No law enforcement officer, as defined in section 3701, may use his official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for public office.

[ 1985, c. 56, §3 (NEW) .]

**2. Coercion of contributions.** No law enforcement officer, as defined in section 3701, or any other person representing a law enforcement officer may directly or indirectly coerce, attempt to coerce or command any person to pay, lend or contribute anything of value for the furtherance of a campaign by a law enforcement officer for public office.

[ 1985, c. 56, §3 (NEW) .]

#### SECTION HISTORY

1985, c. 56, §3 (NEW).

### **§3714. PENALTY**

Any person found to be in violation of this subchapter is guilty of a Class E crime. [1985, c. 56, §3 (NEW).]

#### SECTION HISTORY

1985, c. 56, §3 (NEW).

## **Chapter 405: POLICE STANDOFFS**

### **§3801. CREATING POLICE STANDOFF**

*(REPEALED)*

#### SECTION HISTORY

1997, c. 426, §1 (NEW). 2017, c. 86, §2 (RP).

## **Chapter 407: TRANSPORTATION AND STORAGE OF FORENSIC EXAMINATION KITS FOR ALLEGED VICTIMS OF SEXUAL ASSAULT**

## **§3821. TRANSPORTATION AND STORAGE OF FORENSIC EXAMINATION KITS**

For the purposes of this section, "sexual assault" means any crime enumerated in Title 17-A, chapter 11. [2017, c. 156, §4 (NEW).]

If an alleged victim of sexual assault has a forensic examination and has not reported the alleged offense to a law enforcement agency when the examination is complete, the licensed hospital or licensed health care practitioner that completed the forensic examination shall notify the nearest law enforcement agency. That law enforcement agency shall transport the completed kit, identified only by a tracking number assigned by the kit manufacturer, to its evidence storage facility. The law enforcement agency shall store the kit for at least 90 days from the time of receipt. If during that 90-day period the alleged victim reports the offense to a law enforcement agency, the investigating agency shall take possession of the kit. [2017, c. 156, §4 (AMD).]

In the case of a forensic examination performed under Title 24, section 2986, subsection 5, the law enforcement agency must immediately notify the district attorney for the district in which the hospital or health care practitioner is located that such a forensic examination has been performed and a forensic examination kit has been completed under Title 24, section 2986, subsection 5. [2005, c. 538, §3 (NEW).]

### SECTION HISTORY

1999, c. 719, §4 (NEW). 1999, c. 719, §11 (AFF). 2005, c. 538, §3 (AMD). 2007, c. 209, §7 (AMD). 2017, c. 156, §4 (AMD).

## **Chapter 409: PUBLIC NOTICE OF CONVICTION OF SEX OFFENSE AGAINST A CHILD**

## **§3831. NOTICE TO THE PUBLIC REGARDING CONVICTION IN CANADA OF A SEX OFFENSE AGAINST A CHILD**

A law enforcement agency, referred to in this section as "the agency," that obtains from the United States Customs and Border Protection, upon request or otherwise, written documentation that a person resident in the jurisdiction of the agency has been deported from Canada to the United States because the person was convicted in Canada of a sex offense against a child may provide notice to the public as determined by the agency to be appropriate to ensure the public safety. Neither the failure to perform the actions permitted by this section nor actions taken in compliance with this section subject any state, municipal or county official or employee to liability in a civil action. [2015, c. 76, §1 (NEW).]

### SECTION HISTORY

2015, c. 76, §1 (NEW).

## Part 10: BUREAU OF LIQUOR ENFORCEMENT

### Chapter 451: BUREAU OF LIQUOR ENFORCEMENT

#### §3901. BUREAU OF LIQUOR ENFORCEMENT

*(REPEALED)*

##### SECTION HISTORY

1987, c. 45, §A2 (NEW). 1993, c. 730, §§2,3 (AMD). 1997, c. 373, §9 (AMD). 2003, c. 451, §T6 (RP).

#### §3902. ENFORCEMENT POWERS

*(REPEALED)*

##### SECTION HISTORY

1987, c. 45, §A2 (NEW). 1995, c. 65, §A78 (AMD). 1995, c. 65, §§A153,C15 (AFF). IB 2003, c. 1, §7 (AMD). 2003, c. 451, §T6 (RP). 2003, c. 687, §B7 (AMD). 2003, c. 687, §B11 (AFF).

## Part 11: CRITICAL INCIDENTS

### Chapter 501: CRITICAL INCIDENT STRESS MANAGEMENT TEAMS

#### §4201. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [ 2009, c. 289, §1 (NEW) . ]

**1. Critical incident.** "Critical incident" means a work-related incident that causes or has the potential to cause an employee of or emergency dispatcher for a criminal justice agency to experience emotional or physical stress. "Critical incident" includes, but is not limited to, use-of-force encounters that may result in the death of or serious injury to another person or an officer, fatal motor vehicle accidents, child abuse investigations and death investigations.

[ 2015, c. 112, §1 (AMD) . ]

**2. Critical incident stress management team.** "Critical incident stress management team" means a team composed of members designated by the chief law enforcement officer of a law enforcement agency, or the chief law enforcement officer's designee, that is trained, in accordance with standards established by rule by the Commissioner of Public Safety, to assist and provide support to any person employed by the team's own agency or another criminal justice agency who has been involved in a critical incident that may affect, or has affected, the person's work performance or general well-being. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[ 2015, c. 112, §1 (AMD) . ]

**3. Criminal justice agency.** "Criminal justice agency" has the same meaning as in Title 16, section 803, subsection 4.

[ 2015, c. 112, §2 (NEW) . ]

#### SECTION HISTORY

2009, c. 289, §1 (NEW). 2015, c. 112, §§1, 2 (AMD).

#### §4202. CRITICAL INCIDENT STRESS MANAGEMENT TEAMS

**1. Information confidential.** Except as provided in subsection 2, all proceedings, communications and records, including, but not limited to, information concerning the identity of a person seeking or being furnished assistance, connected in any way with the work of a critical incident stress management team are confidential and are not subject to compulsory legal process or otherwise discoverable or admissible in evidence in any civil action unless the confidentiality is waived by the affected person. Statistical data not identifying a person seeking the assistance of a critical incident stress management team must be made available for statistical evaluation and may not be made available for any other purpose.

[ 2009, c. 289, §1 (NEW) . ]

**2. Mandatory disclosure of information.** Unless protected by a privilege of law recognized by this State, a member of a critical incident stress management team must disclose to appropriate federal, state or local government agencies or law enforcement agencies the following types of information:

A. An admission by a person seeking the assistance of the critical incident stress management team that the person has committed a crime; [ 2009, c. 289, §1 (NEW) . ]



B. A disclosure of information by a person seeking the assistance of a critical incident stress management team that must be reported pursuant to any applicable law; or [ 2009, c. 289, §1 (NEW) . ]

C. A disclosure of information by a person seeking the assistance of a critical incident stress management team that would lead one to reasonably think that the person seeking assistance is a danger to that person or to another person. [ 2009, c. 289, §1 (NEW) . ]

Information disclosed under this subsection is no longer confidential unless it is otherwise designated confidential by statute.

[ 2009, c. 289, §1 (NEW) . ]

#### SECTION HISTORY

2009, c. 289, §1 (NEW) .

## Part 12: UNMANNED AERIAL VEHICLES

### Chapter 551: REGULATION OF UNMANNED AERIAL VEHICLES

#### §4501. REGULATION OF UNMANNED AERIAL VEHICLES

**1. Findings.** The Legislature finds that evolving technology regarding unmanned aerial vehicles presents a potential economic driver for the State, an opportunity for research and development and a very real benefit for security, for search and rescue efforts and for disaster prevention and relief, as well as a tool for the investigation of serious crimes, but the technology also presents a potential threat to the privacy of citizens of this State if used by law enforcement in the conduct of criminal investigations without appropriate guidelines and supervision.

[ 2015, c. 307, §1 (NEW) . ]

**2. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Law enforcement agency" has the same meaning as in section 3701, subsection 1. [ 2015, c. 307, §1 (NEW) . ]

B. "Unmanned aerial vehicle" means an aircraft operated without a physical human presence within or on the aircraft that, in the manner in which the aircraft is used or the manner in which it is equipped, is capable of performing audio or visual surveillance. [ 2015, c. 307, §1 (NEW) . ]

[ 2015, c. 307, §1 (NEW) . ]

**3. Acquisition of unmanned aerial vehicles.** The acquisition of an unmanned aerial vehicle by a law enforcement agency must be approved by the governing body of the governmental unit overseeing the law enforcement agency seeking to make such an acquisition or, in the case of a state agency, by the commissioner of that agency.

[ 2015, c. 307, §1 (NEW) . ]

**4. Law enforcement agency operation of unmanned aerial vehicles.** A law enforcement agency's operation of an unmanned aerial vehicle must fully comply with all Federal Aviation Administration requirements and guidelines, including the acquisition of a certificate of authorization or waiver from the Federal Aviation Administration. Additionally, a law enforcement agency's use of an unmanned aerial vehicle is governed by the following provisions.

A. A law enforcement agency may not use an unmanned aerial vehicle before adopting standards that meet, at a minimum, the standards set forth in subsection 5. [ 2015, c. 307, §1 (NEW) . ]

B. Except as permitted by a recognized exception to the requirement for a warrant under the Constitution of Maine or the United States Constitution, a law enforcement agency may not use an unmanned aerial vehicle for criminal investigations without a warrant. [ 2015, c. 307, §1 (NEW) . ]

C. Notwithstanding paragraph A, a law enforcement agency may use an unmanned aerial vehicle for the purpose of a search and rescue operation when the law enforcement agency determines that use of an unmanned aerial vehicle is necessary to alleviate an immediate danger to any person or for training exercises related to such uses. [ 2015, c. 307, §1 (NEW) . ]

D. Notwithstanding paragraph A, a law enforcement agency may use an unmanned aerial vehicle for purposes other than the investigation of crime, including, but not limited to, aerial photography for the assessment of accidents, forest fires and other fire scenes, flood stages and storm damage. [ 2015, c. 307, §1 (NEW) . ]

E. In no case may a weaponized unmanned aerial vehicle be used or its use facilitated by a state or local law enforcement agency in this State. [2015, c. 307, §1 (NEW).]

F. A law enforcement agency may not use an unmanned aerial vehicle to conduct surveillance of private citizens peacefully exercising their constitutional rights of free speech and assembly. [2015, c. 307, §1 (NEW).]

G. Notwithstanding paragraph A, a law enforcement agency may use an unmanned aerial vehicle for an emergency use approved by the chief administrative officer of the agency or the Governor. [2015, c. 307, §1 (NEW).]

[ 2015, c. 307, §1 (NEW) .]

**5. Minimum standards for law enforcement.** The Board of Trustees of the Maine Criminal Justice Academy, in consultation with the Office of the Attorney General, shall establish minimum standards for written policies and protocols for use of unmanned aerial vehicles by law enforcement agencies. The standards must include at a minimum:

A. Training and certification requirements for a person operating an unmanned aerial vehicle; [2015, c. 307, §1 (NEW).]

B. Requirements for prior authorization for the use of an unmanned aerial vehicle by the chief administrative officer of the law enforcement agency seeking to use such a vehicle; [2015, c. 307, §1 (NEW).]

C. Approval by the Attorney General or chief prosecuting attorney for the appropriate jurisdiction for the deployment of an unmanned aerial vehicle for criminal investigation purposes; [2015, c. 307, §1 (NEW).]

D. Restrictions on the use of night vision technology, high-powered zoom lenses, video analytics, facial recognition technology, thermal imaging and other such enhancement technology; [2015, c. 307, §1 (NEW).]

E. Procedures to minimize the inadvertent audio or visual recording of private spaces of 3rd parties who are not under investigation; [2015, c. 307, §1 (NEW).]

F. Procedures for destroying any unnecessary audio or visual recordings without further duplication or dissemination; [2015, c. 307, §1 (NEW).]

G. Recommended minimum altitudes and speeds at which an unmanned aerial vehicle may be flown in order to minimize the invasion of privacy of 3rd parties who are not under investigation; [2015, c. 307, §1 (NEW).]

H. Methods to minimize the number of unmanned aerial vehicles deployed at any one time in any one area or at any one event; [2015, c. 307, §1 (NEW).]

I. Procedures to avoid hazards to persons and property on land and in the air due to the operation of unmanned aerial vehicles; [2015, c. 307, §1 (NEW).]

J. Methods for tracking and recording the flight of each unmanned aerial vehicle; [2015, c. 307, §1 (NEW).]

K. Requirements for regular statistical reporting of all uses of unmanned aerial vehicles, including the purposes, the results and the duration of such uses, to the appropriate governmental bodies; and [2015, c. 307, §1 (NEW).]

L. Accountability of a law enforcement agency for any mistake in deployment or misuse of an unmanned aerial vehicle, including sanctions as provided in section 2803-C or section 2806-A, as applicable. [2015, c. 307, §1 (NEW).]

[ 2015, c. 307, §1 (NEW) .]

**6. Data collection.** On or before July 1, 2016 and July 1st of each subsequent year, the Commissioner of Public Safety shall submit to the Legislature a report containing the number of instances in which an unmanned aerial vehicle has been deployed by any law enforcement agency in the State with summary descriptions of the number of deployments for investigative purposes, the general nature of those investigations and the number of search warrants sought and the number of search warrants obtained for the deployment of unmanned aerial vehicles.

[ 2015, c. 307, §1 (NEW) .]

SECTION HISTORY

2015, c. 307, §1 (NEW).

## Part 13: SUBSTANCE USE DISORDER ASSISTANCE

### Chapter 601: SUBSTANCE USE DISORDER ASSISTANCE PROGRAM

#### §5101. SUBSTANCE USE DISORDER ASSISTANCE PROGRAM

**1. Substance Use Disorder Assistance Program.** The Substance Use Disorder Assistance Program, referred to in this chapter as "the program," is established to support persons with presumed substance use disorder by providing grants to municipalities and counties to carry out projects designed to reduce substance use, substance use-related crimes and recidivism.

[ 2017, c. 407, Pt. A, §104 (AMD) . ]

**2. Eligibility; program targets; projects.** Grants may be awarded to:

A. Municipal or county governments or regional jails for projects designed to assist persons with presumed substance use disorder by diverting alleged low-level offenders into community-based treatment and support services. Projects may include, but are not limited to:

- (1) Referral of program participants to evidence-based treatment programs, including medically assisted treatment; and
- (2) Provision of case management services to program participants in order to secure appropriate treatment and support services such as housing, health care, job training and mental health services for program participants; and [2017, c. 407, Pt. A, §104 (AMD).]

B. County governments or regional jails for projects in county or regional jails designed to assist persons with presumed substance use disorder. Projects may include, but are not limited to:

- (1) Provision of evidence-based treatment programs, including medically assisted treatment, to jail inmates; and
- (2) Provision of case management or other support services to program participants to assist in transition from jail upon release. [2017, c. 407, Pt. A, §104 (AMD).]

[ 2017, c. 407, Pt. A, §104 (AMD) . ]

**3. Requirements.** A grant application for a project described in subsection 2 must include the following:

A. A statement of purpose and measurable goals for the project and use for the funds; [2015, c. 481, Pt. E, §1 (NEW).]

B. The elements of the project, which must include the targeted population, the nature of services or assistance to be provided and expected outcomes; [2015, c. 481, Pt. E, §1 (NEW).]

C. For diversion projects, a statement of the municipality's or county's diversion policy, including criteria for selecting participants for the project; [2015, c. 481, Pt. E, §1 (NEW).]

D. A review of other substance use disorder services available in the applicant municipality or county and communities adjacent to the applicant municipality or county and a statement of the unmet needs to be addressed by the project; [2017, c. 407, Pt. A, §104 (AMD).]

E. A review of efforts to collaborate among relevant law enforcement agencies, treatment providers, harm reduction services, recovery support services and other community resources and a summary of collaborative approaches included in the project, if any; and [2015, c. 481, Pt. E, §1 (NEW) . ]

F. A summary of data to be collected to assess the effectiveness of the project and the methodology that will be used to make that assessment. The data to be collected must include measurements of the long-term health, treatment and criminal justice involvement outcomes for participants and must be included in reports filed under subsection 6 as part of a rigorous evaluation process. [2015, c. 481, Pt. E, §1 (NEW).]

[ 2017, c. 407, Pt. A, §104 (AMD) .]

**4. Selection of grant recipients; steering committee.** The Commissioner of Public Safety shall review applications submitted by municipalities and counties for grants under this chapter. Preference must be given to collaborative approaches that include treatment providers or community-based organizations. The following steering committee shall advise the Commissioner of Public Safety in selecting grant recipients. The steering committee consists of the Commissioner of Corrections or the commissioner's designee and representatives of the following organizations, programs and associations selected by the Commissioner of Public Safety from suggestions provided by the organizations, programs and associations: a statewide organization of police chiefs; a statewide organization of sheriffs; a statewide organization representing physicians; a statewide organization representing prosecutors; a statewide organization representing providers of legal services for the indigent; peer recovery programs; and harm reduction associations.

[ 2015, c. 481, Pt. E, §1 (NEW) .]

**5. Administration of funds.** The policy board established in this State to carry out the State's responsibilities under the federal Justice Assistance Act of 1984, the federal Anti-Drug Abuse Act of 1986, the federal Anti-Drug Abuse Act of 1988 and the federal Violent Crime Control and Law Enforcement Act of 1994, known as "the Justice Assistance Council," shall administer grant funds appropriated for use under this chapter and disburse the funds to municipalities, counties and regional jails selected under subsection 4. The department may retain up to 5% of funds to cover administrative expenses.

[ 2015, c. 481, Pt. E, §1 (NEW) .]

**6. Reports.** A recipient of a grant under subsection 4 shall report to the Commissioner of Public Safety annually on the anniversary date of the grant award regarding the status of the project for which the grant was awarded. The report must include a description of how the grant funds were spent, the results of the project and any recommendations for modification of the project, including any available information concerning the project's effectiveness in reducing substance use disorder and recidivism.

[ 2017, c. 407, Pt. A, §104 (AMD) .]

#### SECTION HISTORY

2015, c. 481, Pt. E, §1 (NEW). 2017, c. 407, Pt. A, §104 (AMD).

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