

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. [RR 2011, c. 2, §31 (COR).]

SECTION HISTORY

PL 1971, c. 496, §§1,3 (NEW). PL 1971, c. 592, §14 (AMD). PL 1973, c. 136, §4 (AMD). PL 1973, c. 788, §113 (RPR). PL 1975, c. 579, §10 (AMD). PL 1975, c. 771, §268 (AMD). PL 1977, c. 78, §162 (AMD). PL 1981, c. 98, §3 (AMD). PL 1987, c. 251, §2 (AMD). PL 1987, c. 411, §1 (AMD). PL 1987, c. 769, §A103 (RPR). PL 1989, c. 648, §2 (AMD). PL 1991, c. 837, §B6 (AMD). PL 1991, c. 841, §4 (AMD). PL 1993, c. 349, §54 (RPR). PL 1997, c. 657, §2 (AMD). PL 1999, c. 668, §114 (AMD). PL 2003, c. 451, §T4 (AMD). PL 2009, c. 317, Pt. E, §3 (AMD). PL 2011, c. 633, §13 (AMD). RR 2011, c. 2, §31 (COR).

§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. [PL 2009, c. 317, Pt. E, §4 (AMD).]

SECTION HISTORY

PL 1975, c. 579, §11 (NEW). PL 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: [PL 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;

[PL 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;

[PL 2001, c. 559, Pt. KK, §4 (AMD).]

3. Bureau of Liquor Enforcement.

[PL 2003, c. 451, Pt. T, §5 (RP).]

4. Maine Highway Safety Commission.

[PL 1999, c. 668, §115 (RP).]

5. Vehicle Equipment Safety Commission.

[PL 1987, c. 411, §3 (RP).]

6. Maine Drug Enforcement Agency.

[PL 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;
[PL 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;
[PL 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;
[PL 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;
[PL 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
[PL 2011, c. 633, §14 (AMD).]

11. Bureau of Building Codes and Standards.

[PL 2011, c. 633, §15 (RP).]

12. Gambling Control Unit. The Gambling Control Unit.

[PL 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.
[PL 2001, c. 559, Pt. KK, §4 (AMD).]

SECTION HISTORY

PL 1971, c. 592, §15 (NEW). PL 1973, c. 788, §114 (AMD). PL 1975, c. 579, §12 (RPR). PL 1981, c. 98, §§4,5 (AMD). PL 1983, c. 489, §13 (AMD). PL 1983, c. 812, §§153,154 (AMD). PL 1985, c. 737, §A61 (AMD). PL 1985, c. 785, §B113 (AMD). PL 1987, c. 251, §3 (AMD). PL 1987, c. 402, §A153 (AMD). PL 1987, c. 411, §§2-4 (AMD). PL 1987, c. 666, §5 (AMD). PL 1987, c. 769, §§A104,B6 (AMD). PL 1989, c. 503, §B106 (AMD). PL 1989, c. 648, §§3-5 (AMD). PL 1989, c. 700, §A101 (AMD). PL 1991, c. 824, §A54 (AMD). PL 1991, c. 837, §§B7,8

(AMD). PL 1991, c. 841, §§5-7 (AMD). PL 1993, c. 349, §§55,56 (AMD). PL 1999, c. 668, §115 (AMD). PL 2001, c. 559, §KK4 (AMD). PL 2003, c. 451, §T5 (AMD). PL 2009, c. 317, Pt. E, §§5-10 (AMD). PL 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. [PL 2009, c. 317, Pt. E, §11 (AMD).]

SECTION HISTORY

PL 1977, c. 37 (NEW). PL 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. [PL 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; [PL 2001, c. 559, Pt. KK, §5 (AMD).]

B. [PL 2001, c. 559, Pt. KK, §5 (RP).]

C. The State Librarian, for the State Library; [PL 1977, c. 138, §3 (NEW).]

D. The Director of the State Museum, for the State Museum; and [PL 1977, c. 138, §3 (NEW).]

E. The State Archivist, for the State Archives. [PL 1977, c. 138, §3 (NEW).]

[PL 2001, c. 559, Pt. KK, §5 (AMD).]

SECTION HISTORY

PL 1977, c. 138, §3 (NEW). PL 1987, c. 416, §1 (AMD). RR 1991, c. 2, §98 (COR). PL 1993, c. 361, §E1 (AMD). PL 2001, c. 472, §3 (AMD). PL 2001, c. 559, §KK5 (AMD). PL 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. [PL 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. [PL 1987, c. 416, §2 (AMD); PL 2005, c. 236, §4 (REV).]

SECTION HISTORY

PL 1977, c. 138, §3 (NEW). PL 1987, c. 416, §2 (AMD). PL 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. [PL 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. [PL 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. [PL 2009, c. 317, Pt. E, §13 (NEW).]

SECTION HISTORY

PL 1977, c. 138, §3 (NEW). PL 1987, c. 416, §3 (AMD). PL 1991, c. 528, §RRR (AFF). PL 1991, c. 528, §W1 (AMD). PL 1991, c. 591, §W1 (AMD). PL 1991, c. 665, §§1,2 (AMD). PL 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. [PL 1977, c. 138, §3 (NEW).]

All user fees shall be credited to the General Fund. [PL 1977, c. 138, §3 (NEW).]

SECTION HISTORY

PL 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.

[PL 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.

[PL 2009, c. 317, Pt. E, §14 (NEW).]

SECTION HISTORY

PL 1977, c. 138, §3 (NEW). PL 1985, c. 785, §B114 (AMD). PL 1987, c. 416, §4 (AMD). PL 1989, c. 857, §59 (RPR). PL 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. [PL 1977, c. 138, §3 (NEW).]

SECTION HISTORY

PL 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. [PL 1991, c. 665, §3 (AMD).]

SECTION HISTORY

PL 1977, c. 138, §3 (NEW). PL 1987, c. 416, §5 (RPR). PL 1991, c. 665, §3 (AMD).

§2911. Division of Special Investigations

(REPEALED)

SECTION HISTORY

PL 1977, c. 561, §1 (NEW). PL 1981, c. 316, §J (RP).

§2912. Board of Directors

(REPEALED)

SECTION HISTORY

PL 1977, c. 561, §1 (NEW). PL 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. [PL 1993, c. 508, Pt. K, §1 (NEW).]

SECTION HISTORY

PL 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.

[PL 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.

[PL 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.

[PL 1993, c. 707, Pt. L, §1 (NEW).]

SECTION HISTORY

PL 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.

[PL 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.

[PL 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.

[PL 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.

[PL 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.

[PL 2017, c. 156, §3 (AMD).]

SECTION HISTORY

PL 1999, c. 719, §3 (NEW). PL 1999, c. 719, §11 (AFF). PL 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. [PL 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. [PL 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. [PL 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. [PL 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. [PL 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. [PL 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. [PL 2001, c. 309, §1 (NEW).]

SECTION HISTORY

PL 2001, c. 309, §1 (NEW). PL 2001, c. 667, §C15 (AMD).

§2917. Contact person program

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Contact person program" or "program" means the program developed and operated pursuant to this section. [PL 2019, c. 442, §1 (NEW).]

B. Law enforcement officer" has the same meaning as in section 3701, subsection 3. [PL 2019, c. 442, §1 (NEW).]

C. "Participating person" means a person:

(1) Who voluntarily provides to a law enforcement agency contact information for a person or persons to assist with communications; or

(2) Who has a legal guardian under Title 18-C, section 5-301 or 5-701 and for whom the legal guardian provides to a law enforcement agency contact information to assist with communications. [PL 2019, c. 442, §1 (NEW).]

[PL 2019, c. 442, §1 (NEW).]

2. Contact person program. The Department of Public Safety shall develop and implement a contact person program to assist a law enforcement officer with communications with a participating person during an encounter between the participating person and the law enforcement officer. The program must provide the law enforcement officer with access to contact information for a person that is voluntarily submitted by a participating person or the legal guardian of a participating person. The program must interface with the State's telecommunications and radio message switching system.

[PL 2019, c. 442, §1 (NEW).]

3. Standards of procedure. The program must include standards of procedure for law enforcement agencies consistent with policies adopted by the Department of Public Safety. The standards must address processing the application of a participating person or that person's legal guardian, determining the validity of identity and legal guardianship information, entering contact information into the State's telecommunications and radio message switching system, procedures for a participating person or that person's legal guardian to withdraw from the program and procedures for a law enforcement officer to access contact information.

[PL 2019, c. 442, §1 (NEW).]

SECTION HISTORY

PL 2019, c. 442, §1 (NEW).

§2918. Vehicle emissions goals

The Department of Public Safety in acquiring and managing light-duty motor vehicles shall do so in accordance with Title 5, section 1830, subsection 12. [PL 2021, c. 693, §4 (NEW).]

SECTION HISTORY

PL 2021, c. 693, §4 (NEW).

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