

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2019

A. Challenges and threats to the health of the residents of the State; and

B. The ways in which the Maine Center for Disease Control and Prevention has responded to those challenges and threats and has aided in keeping the residents of the State healthy and safe.

See title page for effective date.

CHAPTER 524

S.P. 472 - L.D. 1523

An Act To Ensure the Quality of and Increase Access to Recovery Residences

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

Sec. 1. 5 MRSA §20001, as amended by PL 2017, c. 407, Pt. A, §10, is further amended to read:

§20001. Title

This chapter may be known and cited as the "Maine Substance Use Disorder Prevention ~~and~~ Treatment and Recovery Act."

Sec. 2. 5 MRSA §20002, sub-§1, as amended by PL 2017, c. 407, Pt. A, §11, is further amended to read:

1. Integrated and comprehensive approach.

To adopt an integrated approach to the problem of substance use disorder and to focus all the varied resources of the State on developing a comprehensive and effective range of substance use disorder prevention ~~and~~ treatment ~~and~~ recovery activities and services;

Sec. 3. 5 MRSA §20002, sub-§2, as amended by PL 2017, c. 407, Pt. A, §12, is further amended to read:

2. Coordination of activities and services. To establish within the Department of Health and Human Services the responsibility for planning, developing, implementing, coordinating and evaluating all of the State's substance use disorder prevention ~~and~~ treatment ~~and~~ recovery activities and services;

Sec. 4. 5 MRSA §20003, sub-§17-B is enacted to read:

17-B. Person recovering from substance use disorder. "Person recovering from substance use disorder" means a person with substance use disorder who is engaged in a process attempting to improve the person's health and wellness, live a self-directed life and reach the person's full potential.

Sec. 5. 5 MRSA §20003, sub-§19-A, as enacted by PL 2017, c. 460, Pt. G, §4, is amended to read:

19-A. Recovery support services. "Recovery support services" means services that recognize recovery is a process of change through which individuals improve their health and wellness, live self-directed lives and strive to reach their full potential, including, but not limited to, safe housing, transportation, peer mentoring and coaching and assistance with and access to employment services. "Recovery support services" may include services provided in an integrated medication-assisted treatment setting ~~or~~ in a separate facility that is staffed by individuals in recovery and that provides services such as mentoring, education and resource provision ~~or in a recovery residence.~~

Sec. 6. 5 MRSA §20003, sub-§§19-C and 19-D are enacted to read:

19-C. Recovery. "Recovery," as it pertains to substance use disorder, means a process of change through which individuals improve their health and wellness, live self-directed lives and strive to reach their full potential.

19-D. Recovery residence. "Recovery residence" means a shared living residence for persons recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder.

Sec. 7. 5 MRSA §20005, sub-§1, as amended by PL 2017, c. 407, Pt. A, §25, is further amended to read:

1. State Government. Establish the overall plans, policies, objectives and priorities for all state substance use disorder prevention ~~and~~ treatment ~~and~~ recovery functions, except the prevention of drug traffic and the State Employee Assistance Program established pursuant to Title 22, chapter 254-A;

Sec. 8. 5 MRSA §20005, sub-§5, as amended by PL 2017, c. 407, Pt. A, §25, is further amended to read:

5. Budget. Develop and submit to the Legislature by January 15th of the first year of each legislative biennium recommendations for continuing and supplemental allocations, deappropriations or reduced allocations and appropriations from all funding sources for all state substance use disorder programs. The department shall make final recommendations to the Governor before any substance use disorder funds are appropriated or deappropriated in the Governor's proposed budget. The department shall formulate all budgetary recommendations for the Driver Education and Evaluation Programs with the advice, consultation

and full participation of the chief executive officer of the Driver Education and Evaluation Programs.

Notwithstanding any other provision of law, funding appropriated and allocated by the Legislature for the department for substance use disorder prevention ~~and~~ treatment and recovery is restricted solely to that use and may not be used for other expenses of the department. By January 15th of each year, the commissioner or the commissioner's designee shall deliver a report of the budget and expenditures of the department for substance use disorder prevention ~~and~~ treatment and recovery to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and human resource matters;

Sec. 9. 5 MRSA §20005, sub-§12, as amended by PL 2017, c. 407, Pt. A, §25, is further amended to read:

12. Rules. Adopt rules, in accordance with the Maine Administrative Procedure Act, necessary to carry out the purposes of this chapter and approve any rules adopted by state agencies for the purpose of implementing substance use disorder prevention ~~or~~ treatment and recovery programs.

All state agencies must comply with rules adopted by the department regarding uniform alcohol and other drug use contracting requirements, formats, schedules, data collection and reporting requirements;

Sec. 10. 5 MRSA §20005, sub-§20, as amended by PL 2005, c. 674, §1, is further amended to read:

20. Review policies. Review the full range of public policies and strategies existing in State Government to identify changes that would strengthen its response, identify policies that might discourage excessive consumption of alcohol and other drugs and generate new funding for alcohol and other drug services; ~~and~~

Sec. 11. 5 MRSA §20005, sub-§21, as enacted by PL 2005, c. 674, §2, is amended to read:

21. List of banned performance-enhancing substances. Develop and maintain a list of banned performance-enhancing substances in accordance with Title 20-A, section 6621-; and

Sec. 12. 5 MRSA §20005, sub-§22 is enacted to read:

22. Certification of recovery residences. Establish by rule criteria for the certification of recovery residences. The criteria for the certification of recovery residences must be based on criteria for recovery residences developed by a nationally recognized organization that supports persons recovering from substance use disorder. Certification of a recovery residence pursuant to this subsection is voluntary. Rules

adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

Sec. 13. 5 MRSA §20006-A, sub-§1, as amended by PL 2017, c. 407, Pt. A, §28, is further amended to read:

1. Alternatives. Propose alternatives to current substance use disorder prevention ~~and~~ treatment and recovery programs and services;

Sec. 14. 5 MRSA §20006-A, sub-§2, as amended by PL 2017, c. 407, Pt. A, §29, is further amended to read:

2. Investigate. Conduct investigations and studies of any substance use disorder prevention, treatment and recovery program or community service provider operating under the control of the department or providing treatment under this chapter through a contract with the department under section 20008 that are licensed pursuant to section 20024 or any facility funded in whole or in part by municipal, state or local funds, as necessary; and

Sec. 15. 5 MRSA §20009, first ¶, as amended by PL 2017, c. 407, Pt. A, §32, is further amended to read:

The department shall plan substance use disorder prevention ~~and~~ treatment and recovery activities in the State and prepare and submit to the Legislature the following documents:

Sec. 16. 22 MRSA §3739, sub-§2, ¶G, as amended by PL 2017, c. 407, Pt. A, §79, is further amended to read:

G. One employee of the organizational unit of the department that provides programs and services for substance use disorder prevention ~~and~~ treatment and recovery, appointed by the commissioner;

Sec. 17. 22-A MRSA §203, sub-§1, ¶F, as amended by PL 2017, c. 407, Pt. A, §90, is further amended to read:

F. Substance use disorder prevention ~~and~~ treatment and recovery services.

Sec. 18. 22-A MRSA §206, sub-§8, as amended by PL 2017, c. 407, Pt. A, §91, is further amended to read:

8. Substance use disorder prevention, treatment and recovery. The commissioner shall administer and carry out the purposes of the Maine Substance Use Disorder Prevention ~~and~~ Treatment and Recovery Act.

Sec. 19. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 5, Part 25, in the Part headnote, the words "substance use disorder prevention and treatment" are amended to read "substance use disorder

prevention, treatment and recovery" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. 20. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 5, chapter 521, in the chapter headnote, the words "substance use disorder prevention and treatment" are amended to read "substance use disorder prevention, treatment and recovery" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. 21. Rental subsidies for certified recovery residences. The Maine State Housing Authority shall develop a pilot project to provide a short-term rental subsidy for a person recovering from substance use disorder, as defined in the Maine Revised Statutes, Title 5, section 20003, subsection 17-B, to reside in a recovery residence, as defined in Title 5, section 20003, subsection 19-D, certified pursuant to Title 5, section 20005, subsection 22 and that allows medication-assisted treatment. The Maine State Housing Authority may adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 525

H.P. 1135 - L.D. 1573

An Act To Clarify Provisions of the Maine Juvenile Code Regarding Inspection, Disclosure and Dissemination of Juvenile Case Records and To Change Gender-specific Terms

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

Sec. 1. 15 MRSA §3003, sub-§3, as amended by PL 1979, c. 681, §38, is further amended to read:

3. Bind-over hearing. "~~Bind-over~~ Bind-over hearing" means a hearing at which the Juvenile Court determines whether ~~or not~~ to permit the State to proceed against a juvenile as if ~~he~~ the juvenile were an adult.

Sec. 2. 15 MRSA §3003, sub-§§4-C, 4-D and 5-A are enacted to read:

4-C. Court-generated information. "Court-generated information" means records, information and documents created by the Juvenile Court to document activity in a case, including docket entries and other similar records.

4-D. Disclosure. "Disclosure" means the transmission of information contained in juvenile case records by any means, including orally, in writing or electronically, upon request.

5-A. Dissemination. "Dissemination" means release of, transmission in any manner of and access to information contained in juvenile case records expressly authorized by statute, executive order, court rule, court decision or court order.

Sec. 3. 15 MRSA §3003, sub-§6, as enacted by PL 1977, c. 520, §1, is amended to read:

6. Emancipation. "Emancipation" means the release of a juvenile from the legal control of ~~his~~ the juvenile's parents.

Sec. 4. 15 MRSA §3003, sub-§8, as enacted by PL 1977, c. 520, §1, is amended to read:

8. Guardian. "Guardian" means a person lawfully invested with the power, and charged with the duty, of taking care of ~~the~~ a person and managing the property and rights of ~~another~~ the person, who, because of age, is considered incapable of administering ~~his~~ the person's own affairs.

Sec. 5. 15 MRSA §3003, sub-§10-A is enacted to read:

10-A. Inspection. "Inspection" means access to and review of juvenile case records in a manner prescribed by the Supreme Judicial Court. "Inspection" does not include disclosure or dissemination of juvenile case records.

Sec. 6. 15 MRSA §3003, sub-§14-C is enacted to read:

14-C. Juvenile case records. "Juvenile case records" means all records, regardless of form or means of transmission, that comprise a juvenile court file of an individual case, including, but not limited to, court-generated information, information and documents filed by filers, transcripts of depositions, hearings, proceedings and interviews, documentary exhibits in the custody of the clerk of the court, electronic records, videotapes and records of other proceedings filed with the clerk of the court. "Juvenile case records" does not include administrative or operational records of the judicial branch.

Sec. 7. 15 MRSA §3003, sub-§19-B is enacted to read:

19-B. Officer of the court. "Officer of the court" means a judicial officer, including a judge, an attorney or an employee of the court including a clerk or a marshal.

Sec. 8. 15 MRSA §3003, sub-§23, as amended by PL 1979, c. 681, §2, is further amended to read:

23. Probation. "Probation" means a legal status created by court order in cases involving a juvenile