

# 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.**

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**Augusta, Maine**  
**2019**

should adopt the uniform law, with or without changes, together with any proposed implementing legislation, to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than January 15, 2021. Following receipt and review of the report, the joint standing committee of the Legislature having jurisdiction over judiciary matters is authorized to report out a bill to the First Regular Session of the 130th Legislature.

See title page for effective date.

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## CHAPTER 12

### H.P. 207 - L.D. 283

#### **Resolve, Regarding Legislative Review of Portions of Chapter 132: Learning Results: Parameters for Essential Instruction, a Major Substantive Rule of the Department of Education**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** a major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 132: Learning Results: Parameters for Essential Instruction, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 19, 2019.

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## CHAPTER 13

### H.P. 400 - L.D. 543

#### **Resolve, To Facilitate the Protection of Public Health through Increased Subsurface Wastewater Inspections**

**Sec. 1. Department of Health and Human Services; report. Resolved:** That, on or before January 15, 2020, the Department of Health and Human Services, in consultation with the Department of Environmental Protection, shall submit a report to the Joint Standing Committee on Environment and Natural Resources that contains the following information:

1. A description of the time frame for adoption of rules pursuant to the Maine Revised Statutes, Title 22, section 42, subsections 3 and 3-B regarding minimum standards for septic system inspections and the qualifications and training required for certification as a septic system inspector by the Department of Health and Human Services and the time frame for implementation of a revised septic system inspector certification program consistent with those new rules following their adoption;

2. If available, an estimate of the number of individuals currently performing septic system inspections in the State, including an estimate of the total number of such individuals who have been certified by the Department of Health and Human Services under the current septic system inspector certification program, as well as an estimate of the number of septic system inspections that are performed in the State in any given calendar year;

3. An assessment by the Department of Health and Human Services of the ability of the State's septic system inspection industry to meet an increased demand for septic system inspections if the Legislature were to amend the Maine Revised Statutes, Title 30-A, section 4216 to require a person purchasing any property on which a septic system is located to have the system inspected prior to purchase, subject to the same exceptions currently included in section 4216. The assessment must, if applicable, include specific proposals to address any identified issues with the industry's ability to meet such increased demand; and

4. Recommendations regarding the need for increased resources or funding for the Department of Health and Human Services to address issues raised by the implementation by the department of a revised septic system inspector certification program described in subsection 1 or by the implementation by the Legislature of the proposal described in subsection 3, as well as any other recommendations relating to the

department's administration of the laws and rules regarding septic system inspections and certification of septic system inspectors.

After reviewing the report under this section, the committee may report out a bill related to the information contained in the report to the Second Regular Session of the 129th Legislature.

See title page for effective date.

**CHAPTER 14**  
**H.P. 83 - L.D. 97**

**Resolve, Regarding Legislative  
Review of Portions of Chapter  
38: Suicide Awareness and  
Prevention in Maine Public  
Schools, a Major Substantive  
Rule of the Department of  
Education**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** the above-named major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 38: Suicide Awareness and Prevention in Maine Public Schools, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A within the rule acceptance period, is authorized only if the following changes are made:

1. The rule must be amended in the Section IV that governs protocols for suicide prevention and intervention by specifying that protocols must be based on the best practices established and maintained by the

National Alliance on Mental Illness or a similar organization authorized by the Department of Health and Human Services through its suicide prevention program and the Department of Education;

2. The rule must be amended in the Section IV that governs protocols for suicide prevention and intervention by providing that the protocol development resources must provide protocol templates, models and examples of forms, protocols and flow charts that can be adapted as needed by school administrative units;

3. The rule must be amended in the Section IV that governs protocols for suicide prevention and intervention by requiring that the school administrative units must certify to the Department of Education that the required protocols are in place;

4. The rule must be amended in the Section IV that governs protocols for suicide prevention and intervention by striking the provision that guidance for protocols is available through the Maine Suicide Prevention Program; and

5. All other necessary changes must be made to the rule to ensure conformity throughout the rule with the changes directed in this section.

The Department of Education is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 22, 2019.

**CHAPTER 15**  
**S.P. 458 - L.D. 1495**

**Resolve, Regarding the  
Revision of Title 28-A of the  
Maine Revised Statutes**

**Sec. 1. Resolve 2017, c. 18, repealed. Resolved:** That Resolve 2017, c. 18 is repealed.

**Sec. 2. Office of Policy and Legal Analysis to prepare and submit analysis. Resolved:** That the Office of Policy and Legal Analysis shall prepare an analysis regarding inconsistencies, duplications and ambiguities contained within the text of the Maine Revised Statutes, Title 28-A and, on or before January 1, 2020, submit that analysis to the Joint Standing Committee on Veterans and Legal Affairs.

**Sec. 3. Authority for legislation. Resolved:** That the Joint Standing Committee on Veterans and Legal Affairs may report out legislation to the Second Regular Session of the 129th Legislature pro-