

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

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

Augusta, Maine
2021

Sec. 42. 5 MRSA §18553, sub-§5-A, ¶A, as amended by PL 1991, c. 469, §5, is further amended to read:

A. A designated beneficiary who is alive at the time of the death of the qualifying member is paid \$150 per month beginning the first month after the death occurs and continuing until the date of the designated beneficiary's death, if the designated beneficiary is certified by ~~the medical board~~ an independent health care provider or the medical review service provider to be permanently mentally incompetent or permanently physically incapacitated and is determined by the executive director to be unable to engage in any substantially gainful employment.

Sec. 43. Implementation plan for mandatory long-term disability insurance. The Maine Public Employees Retirement System shall convene a stakeholder group, including representatives of participant employers and employee groups, to develop an implementation plan for providing mandatory long-term disability insurance coverage to retirement system members through their employers. The Maine Public Employees Retirement System shall submit an implementation plan, including any recommended legislation, to the joint standing committee of the Legislature having jurisdiction over retirement matters no later than January 3, 2023. The joint standing committee of the Legislature having jurisdiction over retirement matters may report out a bill to the 131st Legislature on matters related to the report.

Sec. 44. Report on disability retirement. The Maine Public Employees Retirement System shall report to the joint standing committee of the Legislature having jurisdiction over retirement matters, no later than January 31, 2023, on the experience of the system and its members after the implementation of this Act. The joint standing committee of the Legislature having jurisdiction over retirement matters may report out a bill to the 131st Legislature on matters related to the report.

Sec. 45. Application. This Act applies to disability retirement benefit applications received by the Maine Public Employees Retirement System on or after the effective date of this Act.

See title page for effective date.

CHAPTER 278

S.P. 531 - L.D. 1646

An Act To Amend the Occupational Therapy Licensing Statutes

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

Sec. 1. 32 MRSA §2272, sub-§12, as enacted by PL 1997, c. 294, §2, is repealed.

Sec. 2. 32 MRSA §2272, sub-§12-D is enacted to read:

12-D. Occupational therapy. "Occupational therapy" means the therapeutic use of everyday life activities and occupations with individuals or groups to enhance or enable participation, performance or function in roles and situations in home, school, workplace, community and other settings for the purpose of promoting health and wellness to those who have or are at risk for developing an illness, injury, disease, disorder, condition, impairment, disability, activity limitation or participation restriction. Occupational therapy addresses the physical, cognitive, psychosocial, sensory and other aspects of performance in a variety of contexts to support engagement in everyday occupations that affect physical and mental health, well-being and quality of life. "Occupational therapy" includes:

A. Methods and strategies selected to direct the process of interventions such as:

- (1) Facilitating establishment, remediation or restoration of a skill or ability that has not yet developed, is impaired or is in decline;**
- (2) Compensation, modification or adaptation of an activity or environment to enhance performance or to prevent injuries, disorders or other conditions;**
- (3) Maintenance and enhancement of capabilities without which performance of everyday life activities would decline;**
- (4) Health promotion and wellness to enable or enhance performance in everyday life activities; and**
- (5) Prevention or remediation of barriers to performance, including disability prevention;**

B. Evaluation of client factors affecting activities of daily living, instrumental activities of daily living, education, work, play, leisure and social participation, including:

- (1) Body functions such as neuromuscular, sensory, visual, perceptual, mental and cognitive functions; pain factors; bodily systems such as cardiovascular, digestive, integumentary and genitourinary systems; and structures related to movement;**
- (2) Habits, routines, roles and behavior patterns;**
- (3) Cultural, physical, environmental, social and spiritual contexts and activity demands that affect performance; and**
- (4) Performance skills, including motor, process, emotional regulation, cognitive, sensory**

perceptual, communication and social interaction skills; and

C. Interventions and procedures to promote or enhance safety and performance in activities of daily living, instrumental activities of daily living, education, work, play, leisure and social participation, including:

(1) Therapeutic use of occupations, exercises and activities;

(2) Training in self-care, self-management, home management, community and work integration and reintegration, school activities and work performance;

(3) Development, remediation or compensation of physical, mental and cognitive functions, neuromuscular and sensory functions, pain tolerance and management, developmental skills and behavioral skills;

(4) Therapeutic use of self, including one's personality, insights, perceptions and judgments, as part of the therapeutic process;

(5) Education and training of other individuals, including family members and caregivers;

(6) Care coordination, case management and transition services;

(7) Consultative services to groups, programs, organizations and communities;

(8) Modification of environments such as home, school, workplace and community settings and adaptation of processes, including the application of ergonomic principles;

(9) Assessment, design, fabrication, application, fitting and training in assistive technology, adaptive devices and orthotic devices and training in the use of prosthetic devices;

(10) Assessment, recommendation and training in techniques to enhance functional mobility, including seating and positioning and wheelchair management;

(11) Driver rehabilitation and community mobility;

(12) Management of feeding, eating and swallowing to enable eating and feeding performance; and

(13) Application of physical agent modalities and use of a range of specific therapeutic procedures to enhance performance skills; techniques to enhance sensory, perceptual and cognitive processing; and manual therapy techniques.

Sec. 3. 32 MRSA §2283, sub-§4 is enacted to read:

4. Continuing education requirements for license renewal. As a condition of renewal of a license, the board shall prescribe by rule continuing education requirements as authorized under Title 10, section 8003, subsection 5-A, paragraph D.

See title page for effective date.

**CHAPTER 279
H.P. 1251 - L.D. 1682**

**An Act To Require
Consideration of Climate
Impacts by the Public Utilities
Commission and To
Incorporate Equity
Considerations in Decision
Making by State Agencies**

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

Sec. 1. 35-A MRSA §101, as amended by PL 2013, c. 369, Pt. F, §1, is further amended to read:

§101. Statement of purpose

The purpose of this Title is to ensure that there is a regulatory system for public utilities in the State and for other entities subject to this Title that is consistent with the public interest and with other requirements of law and to provide for reasonable licensing requirements for competitive electricity providers. The basic purpose of this regulatory system as it applies to public utilities subject to service regulation under this Title is to ensure safe, reasonable and adequate service, to assist in minimizing the cost of energy available to the State's consumers and, to ensure that the rates of public utilities subject to rate regulation are just and reasonable to customers and public utilities and to reduce greenhouse gas emissions to meet the greenhouse gas emissions reduction levels set forth in Title 38, section 576-A.

Sec. 2. 35-A MRSA §103-A is enacted to read:

§103-A. Climate requirements

In executing its duties, powers and regulatory functions under this Title, the commission, while ensuring system reliability and resource adequacy, shall facilitate the achievement by the State of the greenhouse gas emissions reduction levels set forth in Title 38, section 576-A.

Sec. 3. Office of Policy Innovation and the Future to incorporate equity considerations and develop related definitions; report. The Office of Policy Innovation and the Future, referred to in this section as "the office," in consultation with other state offices and agencies shall: