

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

may pursue any other remedies available under federal or state law.

§2298. Date of implementation of compact; associated rules; withdrawal; construction; amendments

1. Effective date. This compact becomes effective on the date on which the compact statute is enacted into law in the 10th member state. The provisions, which become effective at that time, are limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rule-making powers necessary to the implementation and administration of the compact.

2. Effect of rules adopted by compact on member states. A state that joins the compact subsequent to the commission's initial adoption of the rules is subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission has the full force and effect of law on the date the compact becomes law in that state.

3. Withdrawal. A member state may withdraw from this compact by enacting a statute repealing the compact.

A. A member state's withdrawal does not take effect until 6 months after enactment of the repealing statute.

B. Withdrawal does not affect the continuing requirement of the withdrawing state's occupational therapy licensing board to comply with the investigative and adverse action reporting requirements of this Act prior to the effective date of withdrawal.

4. Construction. Nothing in this compact may be construed to invalidate or prevent any occupational therapy licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

5. Amendments. This compact may be amended by the member states. An amendment to this compact does not become effective and binding upon any member state until it is enacted into the statutes of all member states.

§2299. Construction and severability

This compact must be liberally construed so as to effectuate its purposes. The provisions of this compact are severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any member state or of the United States or the applicability of this compact to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability of this compact to any government, agency,

person or circumstance are not affected. If this compact is held to be contrary to the constitution of any member state, the compact remains in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

§2300. Binding effect of compact and other laws

A licensee providing occupational therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state. Nothing in this compact prevents the enforcement of any other law of a member state that is not inconsistent with the compact. Any laws in a member state in conflict with the compact are superseded to the extent of the conflict. Any lawful actions of the commission, including all rules and bylaws promulgated by the commission, are binding upon the member states. All agreements between the commission and the member states are binding in accordance with their terms. If any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, the provision is ineffective to the extent of the conflict with the constitutional provision in question in that member state.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Licensing and Enforcement 0352

Initiative: Allocates ongoing funds for the cost of participating in the Occupational Therapy Licensure Compact.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$3,500	\$3,500
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$3,500</u>	<u>\$3,500</u>

See title page for effective date.

**CHAPTER 325
H.P. 148 - L.D. 213**

An Act To Require Coverage for Female Firefighters Facing Reproductive System Cancer

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 39-A MRSA §328-B, sub-§1, ¶A, as enacted by PL 2009, c. 408, §1, is amended to read:

A. "Cancer" means kidney cancer, non-Hodgkin's lymphoma, colon cancer, leukemia, brain cancer, bladder cancer, multiple myeloma, prostate cancer, testicular cancer or breast cancer or gynecologic cancer.

See title page for effective date.

CHAPTER 326
H.P. 224 - L.D. 320

An Act To Provide the Right to Counsel for Juveniles and Improve Due Process for Juveniles

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

Sec. 1. 15 MRSA §3003, sub-§14, as enacted by PL 1977, c. 520, §1, is amended to read:

14. Juvenile. "Juvenile" means any person who has not attained the age of 18 years of age and a person 18 years of age or older during the period of a disposition that includes probation or commitment to a Department of Corrections juvenile facility who was adjudicated before 18 years of age. This definition does not apply to a person whose disposition includes probation or commitment to a Department of Corrections juvenile correctional facility when that person engages in new criminal conduct and is 18 years of age or older at the time of the new criminal conduct.

Sec. 2. 15 MRSA §3203-A, sub-§4, ¶G is enacted to read:

G. Notwithstanding any provision of law to the contrary, a juvenile who has not attained 12 years of age may not be detained at a secure detention facility for more than 7 days except by agreement of the parties.

Sec. 3. 15 MRSA §3203-A, sub-§5, as amended by PL 2003, c. 706, Pt. A, §§2 and 3, is further amended to read:

5. Detention hearing. Upon petition by a juvenile community corrections officer who ordered the detention or an attorney for the State who ordered the detention, the Juvenile Court shall review the decision to detain a juvenile within 48 hours following the detention, excluding Saturday, Sunday and legal holidays, except that if a juvenile is detained pursuant to subsection 7, paragraph B-5, the Juvenile Court shall review the decision to detain the juvenile within 24 hours following the detention, excluding Saturday, Sunday and

legal holidays. When a petition to review detention is filed, the Juvenile Court shall assign counsel to represent the juvenile. The assignment must be reviewed at the juvenile's first appearance before the Juvenile Court. If a juvenile petition with charges based on the conduct at issue in the detention hearing is filed, the assignment continues with respect to the petition to review detention but must be reviewed at the juvenile's first appearance on the juvenile petition.

A. A detention hearing must precede and must be separate from a bind-over or adjudicatory hearing. Evidence presented at a detention hearing may include testimony, affidavits and other reliable hearsay evidence as permitted by the ~~court~~ Juvenile Court and may be considered in making any determination in that hearing.

B. Following a detention hearing, ~~a court~~ the Juvenile Court shall order a juvenile's release, in accordance with subsection 4, unless it finds, by a preponderance of the evidence, that continued detention is necessary to meet one of the purposes of detention provided in that subsection. The Juvenile Court shall ensure, by appropriate order, that any such continued detention is otherwise in accordance with the requirements of subsection 4. The ~~court~~ Juvenile Court may order that detention be continued pending further appearances before the ~~court~~ Juvenile Court or pending conditional release to a setting satisfactory to the juvenile community corrections officer.

C. Continued detention or conditional release may not be ordered unless a Juvenile Court Judge or justice of the peace has determined pursuant to subsection 4-A or the Juvenile Court determines at the detention hearing that there is probable cause to believe that the juvenile has committed a juvenile crime.

D. When ~~a court~~ the Juvenile Court orders detention or a conditional release that authorizes, even temporarily, the juvenile's removal from the juvenile's home, the ~~court~~ Juvenile Court shall determine whether reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from the juvenile's home or that no reasonable efforts are necessary because of the existence of an aggravating factor as defined in Title 22, section 4002, subsection 1-B, and whether continuation in the juvenile's home would be contrary to the welfare of the juvenile. This determination does not affect whether the ~~court~~ Juvenile Court orders detention or a conditional release, which continues to be governed by the other provisions of this section.

Sec. 4. 15 MRSA §3301, sub-§6, as amended by PL 2011, c. 580, §1, is further amended by enacting a new 3rd blocked paragraph to read: