

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTIETH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 29, 2021**

**SECOND REGULAR SESSION**  
**January 5, 2022 to May 9, 2022**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 29, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 8, 2022**

**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**  
**2022**

**3. Uniform policy.** A 2-year postsecondary educational institution or 4-year postsecondary educational institution that has more than one campus in this State shall adopt a uniform policy on the release of student transcripts and diplomas that is consistent across all campuses.

**4. Enforcement by Superintendent of Consumer Credit Protection.** The Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation may take appropriate action to ensure compliance with this section.

**5. Unfair trade practice.** A violation of this section constitutes an unfair or deceptive act or practice in violation of Title 5, chapter 10.

**6. Rules.** The Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**7. Report.** Beginning January 15, 2023 and annually thereafter, each 2-year postsecondary educational institution and 4-year postsecondary educational institution in this State shall submit a report to the joint standing committee of the Legislature having jurisdiction over education matters on requests for the release of transcripts and diplomas. The report must include:

A. The number of transcripts and diplomas released, disaggregated by those released to a student who owes a debt of:

(1) Five hundred dollars or more at a 2-year postsecondary educational institution; and

(2) Twenty-five hundred dollars or more at a 4-year postsecondary educational institution;

B. The number of accounts in a repayment plan and the amounts still outstanding and status of the repayment plan; and

C. The total number of requests for transcripts and diplomas disaggregated by the reason for the request, demographic information of students who request a transcript or diploma, if known, and the nature and age of the debt owed.

The report may include a recommendation on the amount of debt pursuant to subsection 2 over which a 2-year postsecondary educational institution or 4-year postsecondary educational institution may require a student to agree to a repayment plan.

See title page for effective date.

## CHAPTER 539

### H.P. 1364 - L.D. 1843

#### An Act To Allow the Secretary of State To Use an Electronic Lien Titling Program for the Purposes of the Maine Motor Vehicle Certificate of Title and Antitheft Act

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

**Sec. 1. 29-A MRSA §602, sub-§4-A** is enacted to read:

**4-A. Electronic lien titling program.** "Electronic lien titling program" means a program that permits the creation and exchange of an electronic record for maintaining lien information.

**Sec. 2. 29-A MRSA §651-A**, as enacted by PL 1995, c. 645, Pt. A, §7, is amended to read:

**§651-A. Require certificate of lien; certificate of title; certificate of salvage; electronic lien titling program**

Notwithstanding any other provision of this Title, the Secretary of State may require a certificate of lien, certificate of title or certificate of salvage when necessary to perfect a lien. The Secretary of State may use, but may not require the use of, an electronic lien titling program for the purposes of this chapter. If a lienholder elects to participate in an electronic lien titling program used by the Secretary of State under this section:

**1. Mail, delivery and surrender.** Any requirement to mail, deliver or surrender a certificate of title under this chapter may be satisfied by using the electronic lien titling program to provide an electronic record;

**2. Notification of release or update.** The lienholder shall use the electronic lien titling program to notify the Secretary of State when a lien is released or updated; and

**3. Paper copy.** The lienholder may request a paper copy of the certificate of title.

If the Secretary of State uses an electronic lien titling program under this section, the Secretary of State shall adopt rules to administer the program. Rules adopted under this section must include, but are not limited to, rules governing the processes by which a lienholder elects to participate in and stop participating in the electronic lien titling program. Rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 3. Review and report back.** The Secretary of State shall evaluate the needs of the Department of the Secretary of State in implementing an electronic lien

titling program, as defined in the Maine Revised Statutes, Title 29-A, section 602, subsection 4-A, and conduct a review of any relevant provisions of law that may need to be updated in order to properly implement such a program. No later than January 1, 2023, the Secretary of State shall submit a report summarizing the findings of the review to the joint standing committee of the Legislature having jurisdiction over transportation matters. The joint standing committee of the Legislature having jurisdiction over transportation matters may introduce legislation for presentation to the First Regular Session of the 131st Legislature based on the findings in that report.

See title page for effective date.

## CHAPTER 540

H.P. 1369 - L.D. 1848

### An Act To Increase the Availability of Assertive Community Treatment Services

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

**Sec. 1. 34-B MRSA §3801, sub-§7-C** is enacted to read:

**7-C. Prescriber.** "Prescriber" means a licensed health care provider with authority to prescribe, including a licensed physician, certified nurse practitioner or licensed physician assistant who has training or experience in psychopharmacology.

**Sec. 2. 34-B MRSA §3801, sub-§11,** as amended by PL 2017, c. 407, Pt. A, §159, is further amended to read:

**11. Assertive community treatment.** "Assertive community treatment" or "ACT" means a self-contained service with a fixed point of responsibility for providing treatment, rehabilitation and support services to persons with mental illness for whom other community-based treatment approaches have been unsuccessful. Assertive community treatment uses clinical and rehabilitative staff to address symptom stability; relapse prevention; maintenance of safe, affordable housing in normative settings that promote well-being; establishment of natural support networks to combat isolation and withdrawal; the minimizing of involvement with the criminal justice system; individual recovery education; and services to enable the person to function at a work site. Assertive community treatment is provided by multidisciplinary teams who are on duty 24 hours per day, 7 days per week; teams must include a psychiatrist prescriber, registered nurse or licensed practical nurse, certified rehabilitation counselor or certified employment specialist, a peer recovery specialist and a substance use disorder counselor and may include

an occupational therapist, community-based mental health rehabilitation technician, psychologist, licensed clinical social worker or licensed clinical professional counselor. An ACT team member who is a state employee is, while in good faith performing a function as a member of an ACT team, performing a discretionary function within the meaning of Title 14, section 8104-B, subsection 3.

See title page for effective date.

## CHAPTER 541

H.P. 1370 - L.D. 1849

### An Act To Clarify Inspection Requirements for Hospitals and Certain Nursing Facilities

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

**Sec. 1. 22 MRSA §1816,** as amended by PL 2021, c. 398, Pt. MM, §1, is repealed and the following enacted in its place:

#### **§1816. Inspections**

**1. Inspection requirements.** Every building, institution or establishment for which a license has been issued must be periodically inspected by duly appointed representatives of the division of licensing and certification under the rules adopted by the department. An institution licensed pursuant to this chapter may not be required to be licensed or inspected under the laws of this State relating to hotels, restaurants, lodging houses, boardinghouses and places of refreshments. A full license may not be issued until the applicant has furnished the department with a written statement signed by the Commissioner of Public Safety or the proper municipal official designated in Title 25, chapters 313 to 321 to make fire safety inspections that the home and premises comply with Title 25, chapters 313 to 321 relating to fire safety. The department shall establish and pay reasonable fees to the municipal official or the Commissioner of Public Safety for each such inspection. This written statement must be furnished prior to the issuance of full licensure.

**2. Accredited hospitals.** A hospital licensed under this chapter is exempt from department inspection requirements under this chapter if:

**A.** The hospital is certified by the Centers for Medicare and Medicaid Services for participation in the federal Medicare program and holds full accreditation status by a health care facility accrediting organization recognized by the Centers for Medicare and Medicaid Services; and

**B.** The hospital provides, to the department, a copy of the survey findings of the health care facility accrediting organization described in paragraph A.