

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.

Augusta, Maine
2022

hospital or other health care facility setting if those services are:

- A. Rendered in the person's capacity as an employee of the hospital or health care facility;
- B. Authorized by the hospital or health care facility; and
- C. Delegated in accordance with section 2594-A or 3270-A.

Sec. 2. Critical access integrated paramedic projects. Notwithstanding any provision of law to the contrary and as authorized in accordance with the Maine Revised Statutes, Title 32, chapter 2-B, an emergency medical services person is authorized to provide the services described in the application approved by the Emergency Medical Services' Board on October 6, 2021 for a pilot project to be implemented in the Town of Jackman, jointly sponsored by North East Mobile Health Services, St. Joseph Hospital, Penobscot Community Health Center and the Town of Jackman and known as "the Maine EMS Critical Access Integrated Paramedic (CAIP) Pilot Project," for as long as the project remains approved by the Emergency Medical Services' Board.

Sec. 3. Development of guidance for emergency medical services persons acting under delegated authority. The Board of Licensure in Medicine and the Board of Osteopathic Licensure, in consultation with the Emergency Medical Services' Board and interested stakeholders, shall develop guidance under which physicians and physician assistants may delegate activities pursuant to the Maine Revised Statutes, Title 32, sections 2594-A and 3270-A to an individual acting contemporaneously pursuant to a contractual arrangement as a medical assistant under delegated authority and as an emergency medical services person under a license issued in accordance with Title 32, section 82. The guidance for the contractual arrangements required to be developed by this section must address the legal relationship of the parties to such arrangements, the appropriate settings for the arrangements, the scope and extent of supervision under delegated authority for the arrangements and any education and training requirements for persons acting under delegated authority pursuant to the arrangements. The boards shall submit a report including the guidance and any recommendations for necessary statutory changes to the joint standing committee of the Legislature having jurisdiction over physician licensing matters no later than January 31, 2023. The committee may submit legislation related to the report to the First Regular Session of the 131st Legislature.

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

Effective April 12, 2022.

**CHAPTER 588
S.P. 702 - L.D. 1966**

An Act To Facilitate Access to Heating Assistance

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

Whereas, COVID-19 has decreased in-person access to community action agencies that administer fuel assistance; and

Whereas, individuals must apply annually for fuel assistance; and

Whereas, there is currently no online application for fuel assistance; and

Whereas, this legislation requires the Maine State Housing Authority to adopt rules requiring that online applications for fuel assistance be accepted beginning no later than the next winter season; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §4992, sub-§4, as enacted by PL 1991, c. 622, Pt. J, §23 and affected by §25, is amended to read:

4. Availability standards. Standards requiring local program operators and administrators to be available to the general public for a minimum specified period of time each week; ~~and~~

Sec. 2. 30-A MRSA §4992, sub-§5, as enacted by PL 1991, c. 622, Pt. J, §23 and affected by §25, is amended to read:

5. Expeditious provision of assistance standards. Standards that ensure that qualified program recipients are expeditiously provided with assistance by the local program operator or administrator; and

Sec. 3. 30-A MRSA §4992, sub-§6 is enacted to read:

6. Application. Standards that, beginning no later than the 2022-23 winter season, require local program operators and administrators to accept online applications for the fuel assistance program. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

Effective April 12, 2022.

CHAPTER 589

H.P. 1399 - L.D. 1889

An Act To Amend the Whistleblowers' Protection Act To Ensure Coverage in Unionized Workplaces

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

Sec. 1. 26 MRSA §837, as enacted by PL 1983, c. 452 and reallocated by c. 583, §15, is repealed.

See title page for effective date.

CHAPTER 590

H.P. 1465 - L.D. 1970

An Act To Implement Agency Recommendations Relating to Sea Level Rise and Climate Resilience Provided Pursuant to Resolve 2021, Chapter 67

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

PART A

Sec. A-1. 12 MRSA §685-B, sub-§1-A, ¶A, as amended by PL 2001, c. 402, §4, is repealed and the following enacted in its place:

A. A permit is not required for the repair and maintenance of an existing road culvert or for the replacement of an existing road culvert, including ancillary culverting activities such as excavation and filling, as long as:

- (1) Erosion control measures are taken to prevent sedimentation of the water;
- (2) The road culvert does not block passage for fish in flowing water; and
- (3) For replacements of existing road culverts crossing flowing water:
 - (a) The replacement culvert is designed, installed and maintained to match the natural grade of the channel bed of the water to avoid drops or perching; and
 - (b) As site conditions allow, culverts that are not open bottomed are embedded in the channel bed of the water a minimum

of one foot or at least 25% of the culvert or other structure's diameter, whichever is greater, except that a culvert does not have to be embedded more than 2 feet.

For purposes of this paragraph, "repair and maintenance" includes, but is not limited to, the riprapping of side slopes or culvert ends; removing debris and blockages within the culvert structure and at its inlet and outlet; and installing or replacing culvert ends if less than 50% of the culvert structure is being replaced;

Sec. A-2. 12 MRSA §685-B, sub-§4, ¶C, as amended by PL 2011, c. 682, §19, is repealed and the following enacted in its place:

C. Adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in order to ensure there will be no undue adverse effect on existing uses, scenic character and natural and historic resources in the area likely to be affected by the proposal.

(1) In making a determination under this paragraph regarding whether an applicant has made adequate provision for fitting the proposal harmoniously into the existing natural environment, the commission may consider the effect of at least 1.5 feet of sea level rise by 2050 and 4 feet of relative sea level rise by 2100 as specified by the commission by rule adopted pursuant to section 685-A, subsection 3.

(2) In making a determination under this paragraph regarding development to facilitate withdrawal of groundwater, the commission shall consider the effects of the proposed withdrawal on waters of the State, as defined by Title 38, section 361-A, subsection 7; water-related natural resources; and existing uses, including, but not limited to, public or private wells, within the anticipated zone of contribution to the withdrawal. In making findings under this subparagraph, the commission shall consider both the direct effects of the proposed withdrawal and its effects in combination with existing water withdrawals.

(3) In making a determination under this paragraph regarding a community-based offshore wind energy project, the commission shall consider the project's effects on scenic character and existing uses related to scenic character in accordance with Title 35-A, section 3452.

(4) In making a determination under this paragraph regarding a wind energy development, as defined in Title 35-A, section 3451, subsection 11, that is not a grid-scale wind energy development, that has a generating capacity of 100 kilowatts or greater and that is proposed