

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. 2. Report. Resolved: That, no later than January 1, 2022, the Department of Education shall submit a report based on the study under section 1 and any recommended legislation to the Joint Standing Committee on Education and Cultural Affairs. The report must include, but is not limited to:

1. A full list of all mandated instruction and training. For each mandated instruction or training, the report must identify:
 - A. The ages of the students affected;
 - B. The broad academic subject area affected; and
 - C. An estimate of the required time and cost to implement each mandated instruction or training;
2. Identification of and recommendations for continuance of mandated instruction and training that are appropriate and effective and recommendations for discontinuance of mandated instruction and training that are onerous, outdated or otherwise ineffective;
3. The impact of mandated instruction and training on the system of learning results pursuant to the Maine Revised Statutes, Title 20-A, section 6209 and the Department of Education's guidelines on early learning and development standards; and
4. Any other findings the department determines relevant.

The Joint Standing Committee on Education and Cultural Affairs may submit legislation on the subject of the report to the Second Regular Session of the 130th Legislature.

See title page for effective date.

CHAPTER 59

H.P. 445 - L.D. 609

Resolve, To Establish a Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions

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

Whereas, this resolve establishes the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; 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. Commission established. Resolved: That the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions, referred to in this resolve as "the commission," is established.

Sec. 2. Commission membership. Resolved: That, notwithstanding Joint Rule 353, the commission consists of 15 members appointed as follows:

1. Two members of the Senate appointed by the President of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature;
2. Two members of the House of Representatives appointed by the Speaker of the House, including a member from each of the 2 parties holding the largest number of seats in the Legislature;
3. The Director of the Maine State Housing Authority, or the director's designee;
4. One member representing the Office of the Governor, appointed by the Governor;
5. Four public members, one representing a statewide municipal association, one representing a statewide organization that advocates for affordable housing, one representing statewide agricultural interests and one who is in the building trades, appointed by the President of the Senate; and
6. Five public members, one representing a regional planning association or a statewide organization that advocates for smart growth policies and projects, one representing the real estate industry, one who is a residential developer, one representing an organization that advocates for low-income or middle-income renters or homeowners and one representing a local or statewide organization promoting civil rights that has racial justice or racial equity as its primary mission, appointed by the Speaker of the House.

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission.

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene

the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business.

Sec. 5. Duties. Resolved: That the commission is authorized to meet 6 times and shall:

1. Review data on housing shortages in the State for low-income and middle-income households;
2. Review state laws that affect the local regulation of housing;
3. Review efforts in other states and municipalities to address housing shortages through changes to zoning and land use restrictions;
4. Consider measures that would encourage increased housing options in the State, including but not limited to municipal incentives, state mandates, eliminating or limiting single-family-only zones and allowing greater housing density near transit, jobs, schools or neighborhood centers; and
5. Review and consider the historical role of race and racism in zoning policies and the best measures to ensure that state and municipal zoning laws do not serve as barriers to racial equality.

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the commission, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.

Sec. 7. Report. Resolved: That, notwithstanding Joint Rule 353, no later than November 3, 2021, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Labor and Housing.

Sec. 8. Outside funding. Resolved: That the commission shall seek funding contributions to fully fund the costs of the study. All funding is subject to approval by the Legislative Council in accordance with its policies. If sufficient contributions to fund the study have not been received within 30 days after the effective date of this resolve, no meetings are authorized and no expenses of any kind may be incurred or reimbursed.

Sec. 9. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Study Commissions - Funding 0444

Initiative: Allocates funds received from contributions for the costs to the Legislature of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
Personal Services	\$880	\$0
All Other	\$1,370	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,250	\$0

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

Effective June 15, 2021.

CHAPTER 60
H.P. 637 - L.D. 869

Resolve, Directing the Department of Health and Human Services To Review the Progressive Treatment Program and Processes by Which a Person May Be Involuntarily Admitted to a Psychiatric Hospital or Receive Court-ordered Community Treatment

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 processes by which a person may be involuntarily admitted to a psychiatric hospital or receive court-ordered treatment in the community are inconsistent; and

Whereas, the inconsistency is preventing access to timely treatment for individuals in crisis, and a more streamlined process could reduce the consequences of delayed treatment or lack of treatment; 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. Department of Health and Human Services to convene stakeholder group to review the progressive treatment program and processes by which a person may be involuntarily admitted to a psychiatric hospital or receive court-ordered community treatment. Resolved: That the Commissioner of Health and Human Services shall convene a stakeholder group to accomplish the following: