

# 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.**

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**Augusta, Maine**  
**2021**

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.

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

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

Effective June 15, 2021.

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**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:

**1. Review of the progressive treatment program.** Review the entire process related to a progressive treatment program under the Maine Revised Statutes, Title 34-B, section 3873-A, including, but not limited to, the feasibility of and barriers to filing applications to the District Court by a person authorized to file applications under Title 34-B, section 3873-A, subsection 1; and

**2. Review processes for consistency and efficiency.** Review for consistency and efficiency the processes by which a person may be involuntarily admitted to a psychiatric hospital or receive court-ordered community treatment pursuant to the Maine Revised Statutes, Title 34-B, chapter 3, subchapter 4, article 3 and develop recommendations to make the processes more effective and easier to administer in order to reduce the consequences of delayed treatment or lack of treatment. The review must include a review of how the processes are working, the consistency of requirements and implementation of the processes, who is responsible for initiating the processes and who is responsible for payment for representation of the psychiatric hospitals in those processes.

**Sec. 2. Membership of the stakeholder group. Resolved:** That the Commissioner of Health and Human Services shall invite the following members to participate in the stakeholder group under section 1:

1. At least one representative from the Office of the Attorney General;
2. One representative from the Riverview Psychiatric Center;
3. One representative from Northern Light Acadia Hospital;
4. One representative from Spring Harbor Hospital;
5. One representative from the Maine Hospital Association;
6. One representative from Disability Rights Maine;
7. One representative from the Consumer Council System of Maine;
8. At least one individual who is or has been a patient under the Maine Revised Statutes, Title 34-B, chapter 3, subchapter 4, article 3;
9. One representative from an organization that advocates for family concerns;
10. At least one individual who is a family member of an individual who is or has been a patient under the Maine Revised Statutes, Title 34-B, chapter 3, subchapter 4, article 3;
11. One individual who is the legal guardian of a patient who is the subject of an application for the progressive treatment program under the Maine Revised Statutes, Title 34-B, section 3873-A;

12. One representative from the Alliance for Addiction and Mental Health Services, Maine;
13. One director of a team providing assertive community treatment;
14. At least one representative from a community provider who administers the treatment plan of a patient admitted to a progressive treatment program;
15. One representative from a private nonmedical institution;
16. One psychiatrist from the Maine Association of Psychiatric Physicians;
17. One psychiatric nurse practitioner from the Maine Nurse Practitioner Association; and
18. One law enforcement officer.

The Commissioner of Health and Human Services shall also invite the participation of at least one representative of the Judicial Department.

**Sec. 3. Report. Resolved:** That the Commissioner of Health and Human Services shall present the findings and recommendations of the stakeholder group based on the reviews pursuant to section 1 to the Joint Standing Committee on Health and Human Services no later than December 1, 2021. The committee may report out legislation to the Second Regular Session of the 130th Legislature related to the recommendations of the report.

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

Effective June 15, 2021.

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**CHAPTER 61  
H.P. 1004 - L.D. 1370**

**Resolve, Directing the  
Department of Transportation  
To Develop and Adopt an  
Active Transportation Plan**

**Sec. 1. Active transportation plan. Resolved:** That the Department of Transportation shall develop and adopt an active transportation plan, consistent with the department's comprehensive long-range planning, to serve as a prioritization framework for the development of trails for multimodal uses and other active transportation infrastructure of regional significance. For the purposes of this section, "active transportation" means any mode of transportation that is partially or wholly propelled by human power.

**Sec. 2. Rail corridor evaluation. Resolved:** That the Department of Transportation shall use the active transportation plan developed under section 1 to evaluate reasonable potential uses of state-owned rail