

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

**CHAPTER 69
H.P. 367 - L.D. 504**

**Resolve, Regarding
Certification for Certain
Mental Health Rehabilitation
Technicians**

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 legislation implements a recommendation of the Working Group on Mental Health to address critical workforce shortages and reduce barriers to employment for those providing mental health services; and

Whereas, this legislation requires the Department of Health and Human Services to amend its guidelines for mental health rehabilitation technician/community certification to allow an individual with a bachelor's degree or graduate-level degree in a mental health-related field to receive certification; and

Whereas, it is important that this legislation take effect as soon as possible so that the department can amend its guidelines no later than October 1, 2021; 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 amend its guidelines on community-based mental health rehabilitation technician certification. Resolved: That, no later than October 1, 2021, the Department of Health and Human Services shall amend its guidelines for the mental health rehabilitation technician/community certification, also known as an MHRT/C certification, in order to allow an individual who has completed a 4-year postsecondary educational degree program in a mental health-related field or obtained a graduate degree in a mental health-related field to receive the MHRT/C certification notwithstanding any other guidelines for certification.

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

Effective June 17, 2021.

**CHAPTER 70
S.P. 457 - L.D. 1407**

**Resolve, Regarding Authority
of Municipalities To Regulate
Timber Harvesting**

Sec. 1. Stakeholder group regarding authority of municipalities to regulate timber harvesting. Resolved: That the Director of the Maine Forest Service within the Department of Agriculture, Conservation and Forestry shall convene a group of stakeholders, including, but not limited to, organizations representing municipalities, family woodland owners, logging contractors, farmers, outdoor recreation and environmental interests and consulting foresters who work in multiple municipalities, to review and assess the law in the Maine Revised Statutes, Title 12, section 8869, subsection 8 and the corresponding process relating to a municipal proposal to adopt or amend a timber harvesting ordinance. The director shall report the findings and recommendations of the stakeholder group, including suggested legislation, to the Joint Standing Committee on Agriculture, Conservation and Forestry by December 15, 2021. The joint standing committee may submit a bill to the 130th Legislature relating to the subject matter of the report.

See title page for effective date.

**CHAPTER 71
S.P. 376 - L.D. 1113**

**Resolve, To Direct the
Permanent Commission on the
Status of Racial, Indigenous
and Maine Tribal Populations
To Study and Propose
Solutions to Disparities in
Access to Prenatal Care in the
State**

Sec. 1. Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations to study and propose solutions to disparities in access to prenatal care in the State. Resolved: That the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations, established under the Maine Revised Statutes, Title 5, section 12004-I, subsection 74-J and referred to in this resolve as "the commission," shall study the extent of disparities in access to prenatal care for the State's racial, indigenous and tribal populations through data and other information; study the causes of the disparities in access to prenatal care, including through interviews with those women who had no prenatal visit until the last trimester or had no prenatal care at all; and recommend solutions to disparities in access to prenatal

care in the State. The commission may submit legislation that serves to create equity in access to prenatal care in the State to the Second Regular Session of the 130th Legislature in accordance with Title 5, section 25007, subsection 2, paragraph D. Notwithstanding Title 5, section 12004-I, subsection 74-J, for their expenses incurred in the work of the commission pursuant to this section, members of the commission receive reimbursement pursuant to Title 5, section 12002-A.

Sec. 2. Report. Resolved: That, notwithstanding section 1 and no later than January 15, 2022, the commission shall submit a report to the Joint Standing Committee on Health and Human Services on the results of the study of disparities in access to prenatal care in accordance with section 1. The Joint Standing Committee on Health and Human Services may report out legislation to the Second Regular Session of the 130th Legislature related to the report.

See title page for effective date.

CHAPTER 72

H.P. 456 - L.D. 620

Resolve, To Develop a Plan for Teachers To Collect Social Security

Sec. 1. Develop plan for teachers to collect social security. Resolved: That the Maine Public Employees Retirement System shall examine options and make recommendations for a plan to allow teachers in the State to contribute, accumulate credit and collect benefits under the United States Social Security Act in addition to collecting benefits under the Maine Public Employees Retirement System. In examining options, the Maine Public Employees Retirement System shall consider and outline the process for an amendment to the State's so-called Section 218 Agreement with the United States Social Security Administration and any other available avenues to allow teachers to collect social security. In conducting its work under this section, the Maine Public Employees Retirement System shall consult, as needed, with experts in public retirement and social security issues. In making recommendations, the Maine Public Employees Retirement System shall develop implementation timelines and outline statutory and other changes necessary to implement the plan. For the purposes of this section, "teacher" has the same meaning as in the Maine Revised Statutes, Title 5, section 17001, subsection 42.

Sec. 2. Report. Resolved: That no later than December 1, 2021, the Maine Public Employees Retirement System shall submit to the Joint Standing Committee on Labor and Housing a report, including its findings and recommendations as required under section 1, for a plan to allow teachers to collect social security in addition to collecting benefits under the Maine

Public Employees Retirement System. Following receipt and review of the report, the committee is authorized to submit a bill to the Second Regular Session of the 130th Legislature.

See title page for effective date.

CHAPTER 73

H.P. 474 - L.D. 643

Resolve, Directing the Department of Education To Establish a Working Group To Determine Best Practices and Accountability Standards for School Boards To Manage the Performance of Superintendents

Sec. 1. Department of Education to establish working group. Resolved: That the Commissioner of Education shall establish a working group to improve the training of school boards in their role of hiring, evaluating and overseeing superintendents. The working group shall develop a best practices module for diverse and inclusive executive hiring practices and create a standardized performance evaluation system that solicits feedback from multiple sources and from a variety of points of view, akin to a 360-degree performance evaluation system and that incorporates best practices and board member training tools. The commissioner shall invite the following members to participate in the working group:

1. One member from a statewide organization representing school board members;
2. One member from an organization with expertise in measurement and evaluation in service of strategic school systems and states;
3. One member from an organization with cross-sectoral specialization in organizational governance, goal setting based on specific, measurable, attainable, relevant, and time-bound criteria and 360-degree performance evaluation systems;
4. One member with expertise in diversity, equity and inclusion in hiring and evaluation; and
5. Three members who are active school board members or community volunteers.

Sec. 2. Report. Resolved: That the Commissioner of Education shall report to the Joint Standing Committee on Education and Cultural Affairs, no later than January 1, 2022, on the findings and any recommendations developed pursuant to section 1. The Joint Standing Committee on Education and Cultural Affairs