

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

Initiative: Provides appropriation and allocation to the Department of Health and Human Services to amend its rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 45.03 to provide reimbursement for patients discharged from Southern Maine Health Care's psychiatric inpatient unit in the amount of \$10,166 per distinct discharge.

GENERAL FUND	2021-22	2022-23
All Other	\$96,177	\$136,805
GENERAL FUND TOTAL	\$96,177	\$136,805
FEDERAL EXPENDITURES FUND	2021-22	2022-23
All Other	\$409,802	\$537,833
FEDERAL EXPENDITURES FUND TOTAL	\$409,802	\$537,833

See title page for effective date.

CHAPTER 120
H.P. 1177 - L.D. 1588

Resolve, To Replace Certain Stigmatizing Language in the Maine Revised Statutes with Respectful Language

Sec. 1. Identification of stigmatizing language; substitution of respectful language.

Resolved: That the Revisor of Statutes shall review the Maine Revised Statutes, Titles 22, 22-A, 25 and 34-A for stigmatizing language in the laws governing the Department of Health and Human Services, the Department of Public Safety and the Department of Corrections. The Revisor of Statutes shall report to the Joint Standing Committee on Criminal Justice and Public Safety by January 15, 2022 and shall provide draft legislation to amend the laws of the 3 departments in the Titles identified to change stigmatizing language as described in this section to respectful language. The Revisor of Statutes shall recommend editing the laws as necessary to accommodate singular and plural forms, masculine and feminine forms and adult and minor forms and, when possible, shall use so-called person-first language. The stigmatizing language to be changed includes "prisoner," "inmate" and "convict," which must be changed to "resident of a correctional facility" or "resident of a jail"; "drug user," which must be changed to "person who uses drugs"; "probationer," which must be changed to "client of the Department of Corrections"; and "mentally ill person," which must be changed to "person with a mental illness."

Sec. 2. Legislation. Resolved: That based on the report from the Revisor of Statutes pursuant to section 1, the Joint Standing Committee on Criminal Justice and Public Safety may report out legislation to change stigmatizing language in the Maine Revised

Statutes, Titles 22, 22-A, 25 and 34-A to respectful language and direct the Department of Health and Human Services, Department of Public Safety and Department of Corrections to amend their rules, policies, procedures, forms and publications to conform to the respectful language that is adopted by the Legislature.

Sec. 3. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE
Legislature 0081

Initiative: Provides one-time funding to the Office of the Revisor of Statutes to contract with an outside entity to review Titles 22, 22-A, 25 and 34-A of the Maine Revised Statutes for stigmatizing language and to prepare a report to the Joint Standing Committee on Criminal Justice and Public Safety by January 15, 2022, with draft legislation to amend the laws to change the stigmatizing language to respectful language.

GENERAL FUND	2021-22	2022-23
All Other	\$11,400	\$0
GENERAL FUND TOTAL	\$11,400	\$0

See title page for effective date.

CHAPTER 121
H.P. 408 - L.D. 563

Resolve, To Create the Criminal Records Review Committee

Sec. 1. Review committee established. Resolved: That the Criminal Records Review Committee, referred to in this resolve as "the review committee," is established.

Sec. 2. Review committee membership. Resolved: That, notwithstanding Joint Rule 353, the review committee consists of the members appointed as follows:

1. Two members of the Senate appointed by the President of the Senate, including one 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 of Representatives, including one member from each of the 2 parties holding the largest number of seats in the Legislature;
3. The Attorney General or the Attorney General's designee;
4. The Commissioner of Health and Human Services or the commissioner's designee;

5. The Commissioner of Public Safety or the commissioner's designee;

6. The Commissioner of Corrections or the commissioner's designee;

7. The President of the Maine Prosecutors Association or the president's designee;

8. The President of the Maine Association of Criminal Defense Lawyers or the president's designee;

9. The President of the Maine Sheriffs' Association or the president's designee;

10. The President of the Maine Chiefs of Police Association or the president's designee;

11. The chair of the Right To Know Advisory Committee or the chair's designee;

12. A representative of a civil rights organization whose primary mission includes the advancement of racial justice, appointed by the President of the Senate;

13. A representative of an organization that provides legal assistance on immigration, appointed by the President of the Senate;

14. A representative of an organization whose primary mission is to address issues related to poverty, appointed by the President of the Senate;

15. A representative of a statewide nonprofit organization whose mission includes advocating for victims and survivors of domestic violence, appointed by the President of the Senate;

16. A representative of a substance use disorder treatment or recovery community, appointed by the President of the Senate;

17. A representative of an adult and juvenile prisoners' rights organization, appointed by the President of the Senate;

18. A representative of newspaper and other press interests, appointed by the President of the Senate;

19. A representative of broadcasting interests, appointed by the Speaker of the House of Representatives;

20. A representative of a statewide nonprofit organization whose mission includes advocating for victims and survivors of sexual assault, appointed by the Speaker of the House of Representatives;

21. A representative of an organization that provides free civil legal assistance to citizens of the State with low incomes, appointed by the Speaker of the House of Representatives;

22. A representative of a mental health advocacy organization, appointed by the Speaker of the House of Representatives;

23. A representative of a civil liberties organization whose primary mission is the protection of civil liberties, appointed by the Speaker of the House of Representatives;

24. A representative of a nonprofit organization whose primary mission is to advocate for victims and survivors of sexual exploitation and sex trafficking, appointed by the Speaker of the House of Representatives;

25. A representative of an organization involved in advocating for juvenile justice reform, appointed by the Speaker of the House of Representatives; and

26. A representative of a public records access advocacy organization, appointed by the Speaker of the House of Representatives.

The review committee shall invite the Chief Justice of the Supreme Judicial Court to designate a member of the judicial branch to serve as a member of the committee.

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 review committee.

Sec. 4. Appointments; convening of review committee. 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 review committee. 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 review committee to meet and conduct its business.

Sec. 5. Duties. Resolved: That the review committee shall:

1. Review activities in other states that address the expungement, sealing, vacating of and otherwise limiting public access to criminal records;

2. Consider "clean slate" legislation options;

3. Consider whether the following convictions should be subject to different treatment:

A. Convictions for conduct that has been decriminalized in this State over the last 10 years and conduct that is currently under consideration for decriminalization; and

B. Convictions for conduct that was committed by victims and survivors of sexual exploitation and sex trafficking;

4. Consider whether there is a time limit after which some or all criminal records should not be publicly available;

5. Invite comments and suggestions from interested parties, including but not limited to victim advocates and prison and correctional reform organizations;

6. Review existing information about the harms and benefits of making criminal records confidential, including the use and dissemination of those records;

7. Invite comments and suggestions concerning the procedures to limit public accessibility of criminal records;

8. Consider who, if anyone, should continue to have access to criminal records that are not publicly available; and

9. Develop options to manage criminal records.

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

Sec. 7. Report. Resolved: That, no later than December 3, 2021, the review committee shall submit to the Joint Standing Committee on Judiciary a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 130th Legislature.

See title page for effective date.

CHAPTER 122

S.P. 501 - L.D. 1559

**Resolve, To Create the
Commission To Develop a Paid
Family and Medical Leave
Benefits Program**

Sec. 1. Commission established. Resolved: That the Commission To Develop a Paid Family and Medical Leave Benefits Program, referred to in this resolve as "the commission," is established.

Sec. 2. Commission membership. Resolved: That, notwithstanding Joint Rule 353, the commission consists of 12 voting members 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. Two members appointed by the President of the Senate as follows:

A. One member with expertise in issues affecting labor and independent contractors; and

B. One employer with more than 50 employees;

4. Three members appointed by the Speaker of the House as follows:

A. One member with expertise in issues related to family and medical leave benefits;

B. One employer with 50 or fewer employees; and

C. One member who is an employer in the hospitality industry;

5. Two members appointed by the Governor as follows:

A. One member with expertise in issues affecting maternity and postpartum care; and

B. One member with expertise in issues affecting elder care; and

6. The Commissioner of Labor or the commissioner's designee.

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. Notwithstanding Joint Rule 353, the chairs may appoint, as nonvoting members, individuals with expertise in paid family and medical leave, social insurance programs or related state infrastructure.

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 shall:

1. Study the paid family and medical leave benefits programs in other states, including those that have established paid family and medical leave benefits programs. In its review of paid family and medical leave benefits programs in other states, the commission shall consider without limitation the following factors for each program:

A. Equity of the program;

B. Program funding;