

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

Whereas, the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry is a lessor of certain land near the summit of Bald Mountain in the Town of Rangeley under a lease, dated August 31, 2011, pursuant to which RCC Atlantic, Inc., c/o Verizon Wireless, is the lessee and American Tower has a management agreement with RCC Atlantic, Inc. and presently operates a commercial telecommunications tower; now, therefore, be it

Sec. 1. Director of Bureau of Parks and Lands authorized to allow certain actions related to the lease of certain land within the Bald Mountain public reserved lands in the Town of Rangeley. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may authorize RCC Atlantic, Inc. and American Tower to take the following actions on certain land within the Bald Mountain public reserved lands in the Town of Rangeley on which American Tower operates a commercial telecommunications tower pursuant to a lease dated August 31, 2011 under which the bureau is the lessor and RCC Atlantic, Inc. is the lessee and American Tower has a management agreement with RCC Atlantic, Inc. and presently operates the commercial telecommunications tower:

1. Construct an extension at the top of the existing tower, with the extension not to exceed the height of the existing tower by more than 18 feet;
2. Construct an additional custom shelter at the base of the tower with an associated generator; and
3. Allow the installation of communications equipment on the tower by an additional wireless communications company, with the goal of improving local wireless communications service and emergency telecommunications service in the region.

Except as provided in this section, any authorization granted to RCC Atlantic, Inc. or American Tower must be in accordance with the August 31, 2011 lease entered into between the Bureau of Parks and Lands and RCC Atlantic, Inc.

See title page for effective date.

**CHAPTER 138
H.P. 1374 - L.D. 1864**

Resolve, Regarding Legislative Review of Portions of Chapter 33: Family Child Care Provider Licensing Rule, a Major Substantive Rule of the Department of Health and Human Services, Office of Child and Family Services

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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of portions of Chapter 33: Family Child Care Provider Licensing Rule, a provisionally adopted major substantive rule of the Department of Health and Human Services, Office of Child and Family Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:

1. The rule must be amended to remove critical violation in Section 1.B.11 as a category of violation by providers that do not meet licensing requirements;
2. The rule must be amended to remove all references to "CV" for critical violations from the margins;
3. In Section 2.G.12, the rule must be amended to require providers to enroll rather than register with the Quality Rating and Improvement System within the Office of Child and Family Services;
4. In Section 6.F.4, the rule must be amended to remove the requirement for providers to notify the department of a critical violation within 24 hours of occurrence;

5. In Section 7.F.5 and Section 7.F.6, the rule must be amended to specify that the immunization records of providers and staff members document immunity against tetanus, pertussis and diphtheria;

6. In Section 8.A.10, the rule must be amended to clarify that training for staff members on transportation of children is required biennially rather than biannually;

7. In Section 12.A.1.a, the rule must be amended to update the child care immunization standards from those published in September 2019 to those published on August 8, 2021;

8. In Section 14.M, the rule must be amended to remove the requirement for both hot and cold running water in toilet facilities and require only running water; and

9. The rule must be amended to remove administrative fines from Section 20.D as a penalty for noncompliance with licensing rules and from Section 20.P.1.c.v from actions that are subject to the right to appeal.

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

Effective March 31, 2022.

CHAPTER 139

H.P. 1440 - L.D. 1931

Resolve, Regarding Legislative Review of Portions of Chapter 40: Rule for Medication Administration in Maine Schools, a Major Substantive Rule of the Department of Education

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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of portions of Chapter 40: Rule for Medication Administration in Maine Schools, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized, and the Department of Education may make grammatical, formatting, punctuation and other technical, nonsubstantive editing changes to the rule as necessary prior to final adoption.

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

Effective March 31, 2022.

CHAPTER 140

H.P. 1441 - L.D. 1932

Resolve, Regarding Legislative Review of Portions of Chapter 132: Learning Results: Parameters for Essential Instruction, a Major Substantive Rule of the Department of Education

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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of portions of Chapter 132: Learning Results: Parameters for Essential Instruction, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.