

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

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.

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

Effective March 31, 2022.

CHAPTER 141

H.P. 1381 - L.D. 1871

Resolve, Directing the Maine Human Rights Commission To Extend Its Pilot Program To Investigate and Report on Incidents of Harassment Due to Housing Status, Lack of Employment and Other Issues

Sec. 1. Resolve 2019, c. 113, §1, amended. Resolved: That Resolve 2019, c. 113, §1 is amended to read:

Sec. 1. Maine Human Rights Commission pilot program to investigate and report on incidents and complaints of harassment due to housing status, lack of employment and other issues. Resolved: That the Maine Human Rights Commission shall, within budgeted resources, implement a ~~2-year~~ 4-year pilot program to receive, review and investigate incidents and complaints of harassment due to a person's lack of employment or housing status and other reports of interference with a person's access to public accommodations.

In carrying out the pilot program, the commission shall investigate and respond to incidents and complaints of harassment as set out in the Maine Revised Statutes, Title 5, sections 4611 and 4612. The commission may use any of its powers under Title 5, section 4566 to carry out the pilot program. The commission may limit the scope of the pilot program in the interest of efficiency.

The commission shall produce an interim report for submission to the ~~Joint Standing Committee on Judiciary~~ joint standing committee of the Legislature having jurisdiction over judiciary matters by September 15, ~~2021~~ 2023. The commission shall produce a final report for submission to the joint standing committee of the Legislature having jurisdiction over judiciary matters by September 15, ~~2022~~ 2024. Either report may contain recommendations on changes to the pilot program or for its continuation as well as suggested legislation to carry out any of the recommendations.

Sec. 2. Retroactivity. Resolved: That this resolve is retroactive to June 16, 2020.

See title page for effective date.

**CHAPTER 142
S.P. 605 - L.D. 1853**

Resolve, To Increase Oversight of the Child Welfare System

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 duty to protect children from abuse and neglect is a fundamental priority of the Legislature; and

Whereas, the joint standing committee of the Legislature having jurisdiction over health and human services matters must receive reports from citizen review panels and the Department of Health and Human Services, Office of Child and Family Services as soon as possible in order to consider legislation affecting the duty to protect children from abuse and neglect; 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. Citizen panels quarterly reports. Resolved: That the child welfare advisory panel, referred to in this section as "the advisory panel," established pursuant to the Maine Revised Statutes, Title 22, section 4010-D and the child death and serious injury review panel, referred to in this section as "the review panel," established in Title 22, section 4004, subsection 1, paragraph E, shall submit reports to the joint standing committee of the Legislature having jurisdiction over health and human services matters at least every 3 months beginning in June 2022 and until June 30, 2024. The advisory panel and the review panel may choose to submit combined reports or separate reports. Any presentations of the reports to the committee must be presented by the citizen members of the panels to the extent possible. Each quarterly report must contain, at minimum, the following:

1. A summary of generalized and anonymized observations in the prior 3-month period regarding efforts by the Department of Health and Human Services, Office of Child and Family Services to improve the child welfare system;
2. A summary of the collaboration between the advisory panel and the review panel as well as the Justice for Children Task Force established in 2006 that reports to the Supreme Judicial Court; and
3. Any recommendations on how to further protect the State's children through Department of Health and Human Services policy and rulemaking and through legislation.