

# 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.**

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**Augusta, Maine**  
**2022**

and divorce actions. The commission may include interested parties in the review, analysis and development of options. The commission shall submit a report, including any recommendations, to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than December 15, 2022. The joint standing committee may report out legislation related to the report to the 131st Legislature in 2023.

See title page for effective date.

**CHAPTER 149**

**H.P. 1444 - L.D. 1934**

**Resolve, Changing the Identifying and Reporting Responsibilities and Extending the Reporting Deadline for the Identification of Places in the State with Offensive Names**

**Sec. 1. Resolve 2021, c. 98, §1, amended. Resolved:** That Resolve 2021, c. 98, §1 is amended to read:

**Sec. 1. Identification of offensive names for geographic features and other places. Resolved:** That the ~~Department of Agriculture, Conservation and Forestry Permanent Commission on the Status of Racial, Indigenous and Tribal Populations shall work jointly with the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations, jointly referred to in this resolve as "the department and commission,"~~ to review state law regarding offensive place names. The ~~department and commission~~ shall:

1. Review the Maine Revised Statutes, Title 1, section 1101 to determine and suggest any additional words to be included in the current definition of offensive name;
2. Establish a uniform process for renaming geographic features and other places that have offensive names; ~~and~~
3. Explore the most effective methods of identifying the individuals, entities and institutions in the State that profited or benefited in any manner from the global economy of enslavement; and
4. Create the Advisory Committee on Reconciliation in Place Names within the commission, and appoint members to the advisory committee, in order to accelerate the process by which offensive place names in the State are identified and replaced. This subsection governs the creation and activities of the advisory committee.

A. The commission may determine the number of members that will serve on the advisory committee.

B. The commission may determine the expertise of the members appointed to serve on the advisory committee, which may include representation from indigenous and tribal populations; members of the African American community; people with a deep knowledge of civil rights, anthropology or history; representatives of the Department of Agriculture, Conservation and Forestry, Office of the Attorney General or Maine Human Rights Commission; and members of the public.

C. The advisory committee shall consult with local community representatives, municipalities, historically impacted populations, state, federal and local governments and the public in order to broadly solicit, review and recommend to the commission changes that will facilitate the proactive and systematic development and review of name-change proposals.

D. The advisory committee shall establish a process to solicit and assist with proposals to the United States Board on Geographic Names to change offensive place names.

It is the intent of this resolve that the ~~department and commission~~ Permanent Commission on the Status of Racial, Indigenous and Tribal Populations carry out ~~their~~ its responsibilities within the existing resources of the ~~department and commission~~. The ~~department and commission~~ may solicit, accept and expend funds to cover any expenses that are in excess of existing resources.

By December 1, ~~2021~~ 2022, the ~~Department of Agriculture, Conservation and Forestry Permanent Commission on the Status of Racial, Indigenous and Tribal Populations~~ shall submit a report pursuant to this section, including any suggested legislation, to the ~~Joint Standing Committee on Judiciary~~ joint standing committee of the Legislature having jurisdiction over judiciary matters. The joint standing committee may submit a bill related to the report to the ~~Second First~~ Regular Session of the ~~130th~~ 131st Legislature.

See title page for effective date.

**CHAPTER 150**

**H.P. 1518 - L.D. 2036**

**Resolve, Clarifying the Conveyance of Land to the Passamaquoddy Tribe in the Town of Meddybemps**

**Sec. 1. Resolve 2021, c. 133, §1, amended. Resolved:** That Resolve 2021, c. 133, §1 is amended to read:

**Sec. 1. Authority to convey state land. Resolved:** That, notwithstanding any provision of law to

the contrary, the State may transfer a certain parcel of land as described in section 2 to the Passamaquoddy Tribe, subject to such terms and conditions described in sections 3 to 6.

**Sec. 2. Resolve 2021, c. 133, §2, repealed and replaced. Resolved:** That Resolve 2021, c. 133, §2 is repealed and the following enacted in its place:

**Sec. 2. Description of land transferred. Resolved:** That the land authorized to be conveyed pursuant to this resolve is a parcel of land of approximately 1.08 acres located on the northern side of State Route 191 in Meddybemps, Washington County, described in a deed recorded in the Washington County Registry of Deeds, Book 2679, Page 152, together with an access and use easement over a parcel of land located on the northern side of State Route 191 in Meddybemps, Washington County, described in a deed recorded in the Washington County Registry of Deeds, Book 736, Page 157, to the extent such easement is permitted by and consistent with federal and state law or regulations and funding restrictions and subject to any environmentally protective restrictions that are now or may in the future become applicable to the parcel, including but not limited to those set forth in records of decision, environmental covenants and similar deed restrictions.

**Sec. 3. Resolve 2021, c. 133, §3, amended. Resolved:** That Resolve 2021, c. 133, §3 is amended to read:

**Sec. 3. Land subject to terms and conditions. Resolved:** That the State may convey the ~~par-  
eel~~ land described in section 2 upon such terms and conditions as the Commissioner of Environmental Protection considers appropriate and necessary to ensure access to the property transferred, compliance with encumbrances of record and inclusion of any new restrictions determined necessary by the Department of Environmental Protection or the United States Environmental Protection Agency.

**Sec. 4. Resolve 2021, c. 133, §5, amended. Resolved:** That Resolve 2021, c. 133, §5 is amended to read:

**Sec. 5. Release of liability for historical contamination. Resolved:** That the Passamaquoddy Tribe's compliance with the terms, conditions, encumbrances and restrictions described in section 3 releases the Passamaquoddy Tribe of any state environmental contamination claims, including natural resource damage claims, that have or in the future may accrue to the State or its agencies as a result of the historic contamination of the land described in section 2 by parties other than the Passamaquoddy Tribe.

See title page for effective date.

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**CHAPTER 151  
H.P. 1509 - L.D. 2027**

**Resolve, Regarding Legislative  
Review of Portions of Chapter  
101: MaineCare Benefits  
Manual, Chapter III, Section  
97: Private Non-Medical  
Institution Services, a Late-  
filed Major Substantive Rule of  
the Department of Health and  
Human 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 outside the legislative rule acceptance period; 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 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services, a provisionally adopted major substantive rule of the Department of Health and Human Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized.

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

Effective April 14, 2022.

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