

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

have been made, the chairs may request authority and the Legislative Council may grant authority for the constitutional communications committee to meet and conduct its business.

Sec. 5. Duties. Resolved: That the constitutional communications committee shall:

1. Review the federal and state constitutional and statutory requirements concerning adequate communications with counsel for those involved in the criminal justice system;

2. Review recent policies and practices that have resulted in reported violations of the requirements in the State;

3. Review how other jurisdictions ensure confidential communications by telephone, video or electronic communication or in person between counsel and criminal defendants that are incarcerated or detained or in court facilities for court proceedings;

4. Review how other jurisdictions ensure opportunities for document review by incarcerated persons without interception, monitoring, copying, redaction or other action or review of documents by anyone acting on behalf of a correctional facility, a jail or the State;

5. Review remedies used by other jurisdictions when the constitutional and statutory requirements are not met, including, but not limited to, exclusion of evidence, disqualification to participate in prosecution, licensure discipline and expanded opportunities for post-conviction review; and

6. Develop recommendations to implement in this State to ensure that residents of Department of Corrections correctional and detention facilities, persons who are incarcerated in county jails and other county correctional facilities and criminal defendants in court facilities have constitutionally adequate contact with counsel.

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing services to the constitutional communications 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 November 2, 2022, the constitutional communications committee shall submit a report that includes a summary of its activities and recommendations, including suggested legislation, to the Joint Standing Committee on Judiciary for presentation to the First Regular Session of the 131st Legislature.

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

Effective May 8, 2022.

CHAPTER 183 H.P. 1496 - L.D. 2008

Resolve, To Establish the Committee To Study Court- ordered Treatment for Substance Use Disorder

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 Committee To Study Court-ordered Treatment for Substance Use Disorder is needed to explore the legal issues and best medical practices and related issues concerning substance use disorder treatment that is involuntary or includes some form of leverage to ensure adherence to treatment; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; 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. Study committee established. Resolved: That the Committee To Study Court-ordered Treatment for Substance Use Disorder, referred to in this resolve as "the study committee," is established.

Sec. 2. Study committee membership. Resolved: That, notwithstanding Joint Rule 353, the study committee consists of 16 members appointed as follows:

1. Three members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature;

2. Three members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature;

3. One member appointed by the Governor;

4. One member representing hospitals, appointed by the President of the Senate;

5. One member representing substance use disorder treatment providers, appointed by the Speaker of the House;

6. One member representing families affected by substance use disorder, appointed by the President of the Senate;

7. One member with lived experience with substance use disorder, appointed by the Speaker of the House;

8. One member representing primary health care providers, appointed by the President of the Senate;

9. One member representing hospital emergency department providers, appointed by the Speaker of the House;

10. One member representing an organization whose primary mission is the protection of civil liberties, appointed by the President of the Senate;

11. One member representing a statewide organization representing physicians, appointed by the Speaker of the House; and

12. One member representing the Judicial Department, appointed by the Chief Justice of the Supreme Judicial Court.

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 study committee.

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

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

1. Review services and processes currently available in this State for persons with substance use disorder;

2. Review options offered in other jurisdictions for persons with substance use disorder, including but not limited to judicial orders for involuntary treatment as well as other treatment options that include some form of leverage to ensure adherence to treatment, and review outcomes;

3. Review the constitutional and other rights of persons with substance use disorder and how other jurisdictions protect those rights; and

4. Develop recommendations for treatment options for persons with substance use disorder, including implementation plans.

Sec. 6. Staff assistance. Resolved: That the Legislative Council shall provide necessary staffing

services to the study committee, except that the Legislative Council staff support is not authorized when the Legislature is in regular or special session.

Sec. 7. Report. Resolved: That, no later than November 2, 2022, the study committee shall submit a report that includes a summary of its activities and recommendations, including suggested legislation, to the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Judiciary for presentation to the First Regular Session of the 131st Legislature.

Sec. 8. Outside funding. Resolved: That the study committee shall seek funding contributions to fully fund the costs of the study. All funding is subject to approval by the Legislative Council in accordance with its policies. If sufficient contributions to fund the study have not been received within 30 days after the effective date of this resolve, no meetings are authorized and no expenses of any kind may be incurred or reimbursed.

Sec. 9. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Study Commissions - Funding 0444

Initiative: Allocates funds from outside sources for the costs to the Legislature of the Committee To Study Court-ordered Treatment for Substance Use Disorder.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
Personal Services	\$660	\$660
All Other	\$840	\$1,090
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,500	\$1,750

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

Effective May 8, 2022.

CHAPTER 184

S.P. 408 - L.D. 1240

Resolve, To Establish a Commission To Increase Housing Opportunities in Maine by Studying Land Use Regulations and Short-term Rentals

Sec. 1. Commission established. Resolved: That the Commission To Increase Housing Opportunities in Maine by Studying Land Use Regulations and