

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2023

B. If, at the expiration of a full or provisional license or during the term of a full license, a licensee fails to comply with applicable laws and rules and, in the judgment of the department, the best interest of the public would be served by the issuance of a conditional license, the department may issue a conditional license or change a full license to a conditional license.

C. A license issued under this section may be suspended or revoked for violation of applicable laws and rules; committing, permitting, aiding or abetting any illegal practices in the operation of the agency; or conduct or practices detrimental to the welfare of persons living in or attending a facility operated by the agency.

D. When the department determines that a license should be suspended or revoked, the department shall file a complaint with the District Court as provided in Title 5, chapter 375.

E. The department may petition the Superior Court to appoint a receiver to operate an agency in the same manner as for a long-term care facility under Title 22, chapter 1666-A.

F. The department may impose a penalty on a licensee for a violation of this section. The department shall establish a schedule of penalties according to the nature of the violation. Each day of violation constitutes a separate offense.

G. The department may impose a penalty on an agency required to be licensed under this section that is operating without the required license. The minimum penalty for operating without a license is \$500 per day but not more than \$10,000 in total.

12. Appeals. A person aggrieved by a final action of the department under this section may obtain judicial review in accordance with Title 5, chapter 375. A final action for purposes of this subsection includes:

- A. Issuing a conditional license;
- B. Amending or modifying a license;
- C. Refusing to issue or renew a full license;
- D. Refusing to issue a provisional license; and
- E. Imposing a sanction.

13. Rules. The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

14. Transitional provisions. An agency that is otherwise required to obtain a license under this section or a residential care facility that provides a setting for an adult with an intellectual disability, autism spectrum disorder, a related condition or an acquired brain injury that is otherwise required to obtain a license under this

section is not required to obtain the license before July 1, 2024.

This subsection is repealed July 2, 2024.

Sec. 8. 34-B MRSA §5001, sub-§5-A is enacted to read:

5-A. Related condition. "Related condition" means a condition that meets the definition in 42 Code of Federal Regulations, Section 435.1010 in effect January 1, 2023.

Sec. 9. 34-B MRSA §5433, sub-§2, as amended by PL 2011, c. 542, Pt. A, §96, is further amended to read:

2. Services and programs. Provide and help finance adult developmental services and programs throughout the State for persons with intellectual disabilities or autism spectrum disorder or related conditions residing in the community and residing in privately owned residential care facilities;

Sec. 10. 34-B MRSA §6002, as repealed and replaced by PL 2007, c. 309, §1, is repealed and the following enacted in its place:

§6002. Autism spectrum disorder and autism defined

1. Generally. "Autism spectrum disorder" or "autism" means a neurodevelopmental disorder characterized by symptoms that typically present in the early developmental period and result in clinically significant impairment in social, occupational or other important areas of functioning, including:

- A. Deficits in social communication and social interaction; and
- B. Restricted repetitive behaviors, interests and activities.

2. Adult with autism spectrum disorder; adult with autism. "Adult with autism spectrum disorder" or "adult with autism" means an adult who has received a diagnosis that meets the diagnostic criteria of autism spectrum disorder, as set forth in department rules.

See title page for effective date.

CHAPTER 90

H.P. 343 - L.D. 538

An Act Regarding the Appointment of Expert Witnesses in Certain Family Court Actions

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 19-A MRSA §1653, sub-§6, ¶H is enacted to read:

H. In cases involving past or current allegations of domestic abuse between the parents, if the court orders an assessment or evaluation that will include providing court recommendations regarding the award of parental rights and responsibilities or conditions of parent-child contact that are in the best interest of the child from a person other than a guardian ad litem appointed under Title 4, section 1554, subsection 1, the court may appoint only a licensed clinical social worker, psychologist or psychiatrist who has training and demonstrated expertise on at least the following topics:

- (1) The domestic abuse tactics affecting adult and child safety after separation of the parents;
- (2) The effects of domestic abuse and violence on children and conditions that support resilience;
- (3) Best practices for recognizing, asking about and assessing the effects of domestic abuse on the parent-child relationship; and
- (4) Methods for reducing post-separation abuse of the nonabusing parent and promoting child safety and security.

See title page for effective date.

CHAPTER 91

H.P. 609 - L.D. 962

An Act Regarding the Transfer of Seized Currency to the Federal Government for Criminal Asset Forfeiture

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 15 MRSA §5821, last ¶, as enacted by PL 2021, c. 454, §5, is amended to read:

~~Unless seized property under this section includes United States currency in excess of \$100,000 in conjunction with a federal criminal case, a law enforcement agency, prosecuting authority, state agency, county or municipality may not enter into an agreement to transfer or refer property seized under this section to a federal agency directly, indirectly, through adoption, through an intergovernmental joint task force or by other means that circumvent the provisions of this section.~~

See title page for effective date.

CHAPTER 92

S.P. 400 - L.D. 981

An Act to Require All Emergency Medical Services Persons to Be Trained to Administer and Dispense Naloxone Hydrochloride

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §85, sub-§8, as enacted by PL 2021, c. 161, §4, is amended to read:

8. Naloxone hydrochloride. An emergency medical services person licensed under this chapter ~~may~~ **shall administer and** dispense naloxone hydrochloride in accordance with Title 22, section 2353, subsection 2-A and the rules adopted and compliance with protocols and training developed for emergency medical services persons under in accordance with this chapter.

Sec. 2. Effective date. This Act takes effect July 1, 2024.

Effective July 1, 2024.

CHAPTER 93

H.P. 678 - L.D. 1083

An Act to Amend the Membership of the Rare Disease Advisory Council

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, a council coordinator to provide administrative support to the Rare Disease Advisory Council is currently being appointed and members of the council will soon be appointed; and

Whereas, to minimize disruption of membership and ensure that members of the council with direct experience of a single-gene disorder will be appointed at the beginning of the council's activities, this legislation must take effect immediately; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §1700-B, sub-§2, ¶L, as enacted by PL 2021, c. 740, §2, is repealed.