

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

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.

Sec. 2. 22 MRSA §1700-B, sub-§2, ¶M, as enacted by PL 2021, c. 740, §2, is repealed.

Sec. 3. 22 MRSA §1700-B, sub-§2, ¶N, as enacted by PL 2021, c. 740, §2, is amended to read:

N. One representative of an organization dedicated to providing services to persons with rare diseases;

Sec. 4. 22 MRSA §1700-B, sub-§2, ¶O is enacted to read:

O. One person 18 years of age or older who has had or has a single-gene disorder;

Sec. 5. 22 MRSA §1700-B, sub-§2, ¶P is enacted to read:

P. One person 18 years of age or older who has had or has a rare disease that is not a single-gene disorder;

Sec. 6. 22 MRSA §1700-B, sub-§2, ¶Q is enacted to read:

Q. One parent or guardian who has a child with a single-gene disorder; and

Sec. 7. 22 MRSA §1700-B, sub-§2, ¶R is enacted to read:

R. One parent or guardian who has a child with a rare disease that is not a single-gene disorder.

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

Effective May 17, 2023.

CHAPTER 94

H.P. 570 - L.D. 914

An Act to Amend the Duties of the Office of Affordable Health Care

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

Sec. 1. 5 MRSA §3122, sub-§3, ¶B, as enacted by PL 2021, c. 459, §3, is amended to read:

B. Analyze health care spending trends by consumer categories, payer type, provider categories or any other measurement that presents available data in a manner that may assist the legislative oversight committee in understanding health care cost drivers, health care quality and utilization trends, the impact of emerging technology in health care treatment, consumer experience with the health care system or any other aspect of the health care system;

See title page for effective date.

CHAPTER 95

H.P. 690 - L.D. 1095

An Act to Amend the Laws Regarding Public Sector Bargaining in Public Schools

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

Sec. 1. 26 MRSA §965, sub-§1, ¶B-1, as enacted by PL 2021, c. 752, §2, is amended to read:

B-1. For a public employer that is a school ~~district~~ administrative unit and the bargaining agent representing ~~teachers~~ employees within that school ~~district~~ administrative unit, to meet within 10 days after receipt of written notice from the other party requesting a meeting for collective bargaining purposes, as long as the parties have not otherwise agreed in a prior written contract, except that explicit waivers of collective bargaining over wages, hours, working conditions and contract grievance arbitration in a prior written contract may not be enforced for purposes of this paragraph. ~~This~~ The obligation to meet within 10 days of notice is suspended during the period between a referendum approving a new regional school unit and the operational date of the regional school unit, as long as the parties meet at reasonable times during that period;

See title page for effective date.

CHAPTER 96

H.P. 625 - L.D. 978

An Act to Maintain Legislative Oversight of the Maine Medical Use of Cannabis Program by Requiring Major Substantive Rulemaking

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

Sec. 1. 22 MRSA §2422-A, sub-§2, ¶A, as enacted by PL 2021, c. 652, §1, is amended to read:

A. Notwithstanding Title 5, section 8072, subsection 11 or any other provision of law to the contrary, rules provisionally adopted by the department in accordance with this subsection and submitted for legislative review may not be finally adopted by the department unless legislation authorizing final adoption of those rules is enacted into law.

~~This paragraph is repealed on November 1, 2025.~~