

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

physician assistant who delegates an activity permitted under this subsection is legally liable for the activity performed by an employee, a medical assistant, support staff or a member of a health care team.

Sec. 4. 32 MRSA §3270-A, first ¶, as amended by PL 2019, c. 627, Pt. B, §15, is further amended to read:

This chapter may not be construed as prohibiting a physician or surgeon from delegating to the physician's or surgeon's employees or support staff certain activities relating to medical care and treatment carried out by custom and usage when the activities are under the control of the physician or surgeon; the activities being delegated do not, unless otherwise provided by law, require a license, registration or certification to perform; the physician or surgeon ensures that the employees or support staff have the appropriate training, education and experience to perform these delegated activities; and the physician or surgeon ensures that the employees or support staff perform these delegated activities competently and safely. The physician delegating these activities to employees or support staff, to program graduates or to participants in an approved training program is legally liable for the activities of those individuals, and any individual in this relationship is considered the physician's agent. This section may not be construed to apply to registered nurses acting pursuant to chapter 31 and licensed physician assistants acting pursuant to this chapter and chapter 36.

Sec. 5. 32 MRSA §3270-E, sub-§4, as amended by PL 2019, c. 627, Pt. B, §16, is further amended to read:

4. Delegation by physician assistant. A physician assistant may delegate to the physician assistant's employees or support staff or members of a health care team, including medical assistants, certain activities relating to medical care and treatment carried out by custom and usage when the activities are under the control of the physician assistant; the activities being delegated do not, unless otherwise provided by law, require a license, registration or certification to perform; the physician assistant ensures that the employees or support staff or members of a health care team have the appropriate training, education and experience to perform these delegated activities; and the physician assistant ensures that the employees or support staff perform these delegated activities competently and safely. The physician assistant who delegates an activity permitted under this subsection is legally liable for the activity performed by an employee, a medical assistant, support staff or a member of a health care team.

See title page for effective date.

CHAPTER 133

H.P. 51 - L.D. 81

An Act to Address Recovery Residence Participation in the Municipal General Assistance Program

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

Whereas, housing security is vital for those in recovery from substance use disorder; and

Whereas, Public Law 2021, chapter 472 ensured access to general assistance benefits for rental payments by prohibiting municipalities from denying an eligible applicant housing assistance for the sole reason that the applicant resides in a recovery residence; and

Whereas, the law lacks clarity regarding who is eligible to receive payments for recovery residence housing assistance from municipal general assistance administrators; and

Whereas, this lack of clarity has resulted in delayed payments, threatening the housing security of individuals in recovery and causing confusion for recovery residence operating managers and property owners; 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 §4301, sub-§8-B is enacted to read:

8-B. Landlord. "Landlord" means a person who owns a property and allows another person to use that property in return for payment.

Sec. 2. 22 MRSA §4301, sub-§11-A is enacted to read:

11-A. Operator. "Operator" means the lawful owner of a recovery residence or an individual or company designated by the lawful owner to have primary responsibility for the day-to-day operations of the recovery residence and for acquiring and maintaining certification pursuant to Title 5, section 20005, subsection 22 of the recovery residence in order to receive housing assistance payments through the general assistance program.

Sec. 3. 22 MRSA §4309, sub-§6, as enacted by PL 2021, c. 472, §3, is amended to read:

6. Eligibility; recovery residence; exception. The overseer in a municipality may not deny general assistance to a person for the sole reason that the person is residing in a recovery residence. Beginning July 1, 2022, a municipality may not provide housing assistance to a person residing in a recovery residence that has not been certified in accordance with Title 5, section 20005, subsection 22, except that the person may receive housing assistance while residing in an uncertified recovery residence for one 30-day period only and the overseer shall inform the person of the requirements of this subsection. A person who is ineligible for housing assistance under this subsection may remain eligible to receive general assistance for other basic necessities. Upon request by a person residing in a certified recovery residence who has been determined eligible for housing assistance, a municipality shall issue a housing assistance payment to the operator of the certified recovery residence instead of to a landlord.

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

Effective June 8, 2023.

**CHAPTER 134
H.P. 336 - L.D. 531**

**An Act to Add Gray Squirrels
and Red Squirrels to the
Species List for the Open
Training Season for Hunting
Dogs**

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

Whereas, this legislation adds gray squirrels and red squirrels to the species list for the open training season for hunting dogs; and

Whereas, the earliest date of the open season for training hunting dogs in this State is July 1, 2023; and

Whereas, this legislation must take effect in time for the start of the hunting dog training season; 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. 12 MRSA §12051, sub-§1, ¶A, as repealed and replaced by PL 2013, c. 588, Pt. A, §16, is amended to read:

A. A person may train dogs on foxes, snowshoe hare, gray squirrels, red squirrels and raccoons from July 1st through the following March 31st, including Sundays.

Sec. 2. 12 MRSA §12051, sub-§3, as amended by PL 2011, c. 253, §22, is further amended to read:

3. Possessing firearm while training dogs. A person may not possess a firearm while training a dog outside of the open training season on foxes, snowshoe hare, gray squirrels, red squirrels and raccoons as set out in subsection 1, paragraph A.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

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

Effective June 8, 2023.

**CHAPTER 135
H.P. 8 - L.D. 4**

**An Act to Update Provisions of
the Department of Corrections
Laws Regarding Operation and
Administration of Jails,
Women's Services and Juvenile
Detention**

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

Sec. 1. 34-A MRSA §1001, sub-§8-A, as amended by PL 2017, c. 148, §5, is further amended to read:

8-A. Detention facility. "Detention facility" means the Long Creek Youth Development Center ~~and, to the extent it houses juveniles, the Mountain View Correctional Facility.~~

Sec. 2. 34-A MRSA §1208, sub-§6, as enacted by PL 1983, c. 581, §§10 and 59, is repealed.

Sec. 3. 34-A MRSA §1208-B, sub-§4, as enacted by PL 2021, c. 732, Pt. C, §1, is amended to read:

4. Requirements; rulemaking by commissioner. The jails shall operate in accordance with best practices applicable to facilities of their type and size, including the mandatory standards, policies and procedures established by rules adopted by the commissioner under subsection 1 and standards adopted under section 1208, and with the following requirements as set forth in rules