

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

ates are deemed to be renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

**CHAPTER 339
H.P. 152 - L.D. 231**

**An Act to Support the Maine
Pediatric and Behavioral
Health Partnership 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, youth in Maine are experiencing increased behavioral and mental health challenges as evidenced by increased rates of depression, suicidal ideation and suicide attempts; and

Whereas, the Department of Health and Human Services, Office of Child and Family Services' 2022 annual report on children's behavioral health services acknowledged that service availability and accessibility are a significant issue; and

Whereas, programs featuring child psychiatry telehealth consultation services for primary care physicians support diagnosis, care coordination and medication management and have demonstrated increased access for child and adolescent populations to mental health services; and

Whereas, the United States Department of Health and Human Services, Health Resources and Services Administration funded the establishment of these programs in over 50 states and territories to support child and adolescent mental health, and Maine's Department of Health and Human Services, along with private partners, developed the Maine Pediatric and Behavioral Health Partnership Program as the State's child psychiatry telehealth consultation service; and

Whereas, this legislation must take effect before the expiration of the 90-day period to timely address the expiration of funding for these programs; 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. 34-B MRSA §15003, sub-§11 is enacted to read:

11. Statewide child psychiatry telehealth consultation service. The department shall, to the extent

funding allows, establish a statewide child psychiatry telehealth consultation service known as the Maine Pediatric and Behavioral Health Partnership Program, referred to in this subsection as "the program," to support primary care physicians who are treating children and adolescent patients and need assistance with diagnosis, care coordination, medication management and any other necessary behavioral health questions to serve their patients. The program must include the following:

A. Oversight by a team consisting of at least one primary care provider and one child and adolescent psychiatrist serving part-time as medical directors to provide assistance to primary care physicians with questions regarding behavioral health services when treating children and adolescents;

B. Regional community teams that use all of the State's child and adolescent psychiatric and behavioral health resources and disseminate resources across the State to primary care physicians with child and adolescent patients;

C. An advisory board of key stakeholders, appointed by the department. The advisory board shall meet at least 4 times a year to assist the medical directors under paragraph A and continually review and evaluate the need for the program;

D. Working agreements with other social service and educational agencies that support primary care physicians; and

E. A system for the appropriate collection and sharing of data as required by the relevant state and federal laws, rules and regulations and as determined appropriate by the medical directors' team under paragraph A.

The department shall seek funding, including public and private grant funds and federal funds, to support the program.

Sec. 2. Funding; reports. The Department of Health and Human Services shall report to the Joint Standing Committee on Health and Human Services no later than January 31, 2024 on the funding sources and financial sustainability of the Maine Pediatric and Behavioral Health Partnership Program established pursuant to the Maine Revised Statutes, Title 34-B, section 15003, subsection 11. The committee is authorized to report out legislation related to the program to the Second Regular Session of the 131st Legislature.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF**

Mental Health Services - Children Z206

Initiative: Provides allocations to establish a statewide child psychiatry telehealth consultation service to support primary care physicians who are treating children

and adolescent patients and need assistance with diagnosis, care coordination and medication management or other necessary behavioral health questions to serve their patients.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$525,000	\$700,000
FEDERAL EXPENDITURES FUND TOTAL	\$525,000	\$700,000

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

Effective June 28, 2023.

**CHAPTER 340
S.P. 244 - L.D. 576**

**An Act to Facilitate
Communication Between Pro
Se Defendants and Prosecutors
While Protecting the Rights of
Those Defendants**

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 enactment of the Maine Revised Statutes, Title 15, section 815, which prohibits most communication between prosecutors and unrepresented defendants, has contributed to a backlog of criminal cases in the judicial system; and

Whereas, this legislation authorizes prosecutors to send written plea offers to unrepresented defendants, to inform unrepresented defendants of diversion programs or steps they can take to avoid pursuit of pending criminal charges and, after unrepresented defendants have been informed of their rights by the court, to negotiate with unrepresented defendants when they appear for dispositional conferences and to communicate with unrepresented defendants who initiate such communications; and

Whereas, the intent of authorizing these forms of communication is to decrease delays in the judicial system while continuing to recognize the fundamental nature of criminal defendants' right to counsel; 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. 15 MRSA §815, sub-§1, ¶C, as amended by PL 2021, c. 668, §1, is repealed.

Sec. 2. 15 MRSA §815, sub-§1, ¶D is enacted to read:

D. Either the defendant initiates the communication or the communication takes place at a dispositional conference and is required by Rule 18(b) of the Maine Rules of Unified Criminal Procedure.

Sec. 3. 15 MRSA §815, sub-§2, as amended by PL 2021, c. 668, §1, is further amended to read:

2. Exception. Notwithstanding subsection 1, a prosecutor may communicate with an unrepresented defendant ~~to~~ **at any time to:**

A. Offer the defendant an opportunity to participate in ~~an established precharge~~ a diversion program or explain steps that the defendant can take, including obtaining reinstatement of the defendant's driver's license or registration or engaging in a certain amount and type of community service, the successful completion of which would result in the prosecutor not prosecuting the charge or charges against the defendant or recommending a dismissal of or filing of the charge or charges. A defendant's failure to successfully complete a diversion program or to successfully undertake any other steps that the prosecutor informed the defendant of under this subsection may not form the basis for imposing any term of imprisonment, suspended or unsuspended, on that defendant if that defendant is later convicted of the charge or charges that were the subject of the discussion; ~~or~~

B. Notify the defendant that a pending criminal matter is being dismissed;

C. Notify the defendant in writing of a plea offer; or

D. Request the defendant's position on a motion to continue or a motion to correct a typographical error in a document filed with the court.

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

Effective June 28, 2023.

**CHAPTER 341
S.P. 34 - L.D. 42**

**An Act Regarding Training for
Corrections Officers**

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

Sec. 1. 25 MRSA §2801-A, sub-§1-B is enacted to read: