

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

1-B. Adult corrections officer. "Adult corrections officer" means a person who is responsible for the custody or direct supervision of a person confined in a county or regional jail or state adult correctional facility pursuant to an order of a court or as a result of an arrest and who possesses a current and valid certificate issued by the board pursuant to section 2803-A, subsection 5.

Sec. 2. 25 MRSA §2801-A, sub-§2, as amended by PL 2013, c. 147, §5, is repealed and the following enacted in its place:

2. Corrections officer. "Corrections officer" means an adult corrections officer or juvenile corrections officer.

Sec. 3. 25 MRSA §2801-A, sub-§2-B is enacted to read:

2-B. Juvenile corrections officer. "Juvenile corrections officer" means a person who is responsible for the custody or direct supervision of a person confined in a state juvenile correctional facility pursuant to an order of a court or as a result of an arrest and who possesses a current and valid certificate issued by the board pursuant to section 2803-A, subsection 5-B.

Sec. 4. 25 MRSA §2803-A, sub-§5, as amended by PL 2013, c. 147, §8, is further amended to read:

5. Training and certification of adult corrections officers in State. In accordance with this chapter, to establish training and certification standards for all adult corrections officers, set requirements for board-approved courses, prescribe curriculum and certify graduates of board-approved courses and persons for whom the board has waived the training requirements of this chapter. Certification must be based on the officer's demonstration of having acquired specific knowledge and skills directly related to job performance; as a corrections officer who is responsible for the custody or direct supervision of persons confined in a county or regional jail or state adult correctional facility.

A corrections officer who is certified and an employee of a county or regional jail or state adult correctional facility on the date the board establishes a separate basic training course and certification standards for juvenile corrections officers pursuant to subsection 5-B must be certified as an adult corrections officer pursuant to this subsection;

Sec. 5. 25 MRSA §2803-A, sub-§5-B is enacted to read:

5-B. Training and certification of juvenile corrections officers in State. In accordance with this chapter, to establish training and certification standards for all juvenile corrections officers, set requirements for board-approved courses, prescribe curriculum and certify graduates of board-approved courses and persons

for whom the board has waived the training requirements of this chapter. Certification must be based on the officer's demonstration of having acquired specific knowledge and skills directly related to job performance as a corrections officer who is responsible for the custody or direct supervision of persons confined in a state juvenile correctional facility.

A corrections officer who is certified and an employee of a state juvenile correctional facility on the date the board establishes a separate basic training course and certification standards for juvenile corrections officers pursuant to this subsection must be certified as a juvenile corrections officer pursuant to this subsection;

Sec. 6. 25 MRSA §2804-D, as amended by PL 2017, c. 436, §1, is further amended to read:

§2804-D. Basic corrections training

1. Required. As a condition to the continued employment of any person as a corrections officer, that person must successfully complete, within the first 12 months of employment, a basic training course as approved by the board. The board may approve a separate basic training course and certification standards for juvenile corrections officers. Thereafter, as a condition of continued employment as a corrections officer, the officer must satisfactorily maintain the basic certification. The board, under extenuating and emergency circumstances in individual cases, may extend the 12-month period for not more than 180 days. The board, in individual cases, may waive basic training requirements when the facts indicate that an equivalent course has been successfully completed in another state or federal jurisdiction. A full-time correctional trade instructor must meet the training requirements established under this subsection for corrections officers. Beginning January 1, 2018, the basic training course must include 8 hours of training in how to identify, understand and respond to signs of mental illnesses and substance use disorder that is provided by a trainer who is certified by a nationally recognized organization that provides evidence-based mental health first aid training.

See title page for effective date.

CHAPTER 342

H.P. 154 - L.D. 233

An Act to Ensure Efficiency in the Review of Petitions by the Secretary of State by Clarifying Deadlines Related to Those Petitions

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

Sec. 1. 21-A MRSA §905, sub-§1, as amended by PL 2017, c. 277, §6, is further amended to read:

1. Secretary of State. The Secretary of State shall review all petitions filed in the Department of the Secretary of State for a people's veto referendum under the Constitution of Maine, Article IV, Part Third, Section 17, or for a direct initiative under the Constitution of Maine, Article IV, Part Third, Section 18.

The Secretary of State shall determine the validity of the petition and issue a written decision stating the reasons for the decision within 30 business days from the date of filing of a written petition in the Department of the Secretary of State under the Constitution of Maine, Article IV, Part Third, Section 17 or 18, except as provided in paragraph A.

A. In an even-numbered general election year, if a written petition is filed in the Department of the Secretary of State under the Constitution of Maine, Article IV, Part Third, Section 17 or 18 within the 30 calendar days preceding the general election or within the 30 calendar days following the general election, the Secretary of State shall determine the validity of the petition and issue a written decision stating the reasons for the decision within 30 business days after the 30th calendar day following the general election.

The Secretary of State may invalidate a petition if the Secretary of State is unable to verify the notarization of that petition.

See title page for effective date.

CHAPTER 343

H.P. 168 - L.D. 263

An Act to Ensure Access to Family Planning Services

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

Sec. 1. 22 MRSA §332, sub-§1, as enacted by PL 2007, c. 440, §7, is amended to read:

1. Subsequent review following approval. When the commissioner has approved an application filed unconditionally or subject to conditions pursuant to section 335, subsection 8, the commissioner may conduct a subsequent review to ensure compliance with any terms or conditions of approval within 3 years after the approved activity is undertaken. The 3-year time limitation does not apply to a subsequent review to ensure that the requirement set forth in section 335, subsection 1, paragraph G continues to be met. In ~~this~~ any subsequent review, the commissioner may hold a public hearing and may consider any material or significant changes in factors or circumstances relied upon by the commissioner in approving the application and significant and relevant information that either is new or was

withheld by the applicant at the time of the process under section 335. If, upon review, the commissioner determines that any terms or conditions of the approval have not been met, the commissioner may take enforcement action consistent with subsection 3 and other applicable provisions of this Act.

Sec. 2. 22 MRSA §335, sub-§1, ¶D, as amended by PL 2011, c. 424, Pt. B, §15 and affected by Pt. E, §1, is further amended to read:

D. Does not result in inappropriate increases in service utilization, according to the principles of evidence-based medicine adopted by the Maine Quality Forum, as established in Title 24-A, section 6951, when the principles adopted by the Maine Quality Forum are directly applicable to the application; ~~and~~

Sec. 3. 22 MRSA §335, sub-§1, ¶F, as enacted by PL 2011, c. 424, Pt. B, §15 and affected Pt. E, §1, is amended to read:

F. In the case of a nursing facility project that proposes to add new nursing facility beds to the inventory of nursing facility beds within the State, is consistent with the nursing facility MaineCare funding pool and other applicable provisions of sections 333-A and 334-A; ~~and~~

Sec. 4. 22 MRSA §335, sub-§1, ¶G is enacted to read:

G. In the case of a project requiring a certificate of need pursuant to section 329, subsection 1 or section 329, subsection 4-A, paragraph B, will not cause a reduction in access to, geographic proximity of, timeliness of or quality of any family planning services, as defined in section 1902, subsection 4, or any abortion services, except that the commissioner may approve a project that will cause such a reduction if the commissioner finds:

(1) That the project is economically and financially feasible only if an obstetrical care service is closed or reduced in capacity; and

(2) After considering all reasonable alternatives, that access to other health care services will be substantially reduced if the project is not approved.

Sec. 5. 22 MRSA §335, sub-§5-A, ¶H, as enacted by PL 2007, c. 440, §18, is amended to read:

H. Except with regard to a project related to nursing facility services, a written assessment by the Director of the Maine Center for Disease Control and Prevention of the impact of the project on the health of ~~Maine citizens~~ persons living in the State, including without limitation an assessment of the impact of the project on access to, geographic proximity of, timeliness of and quality of any family