

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

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

planning services, as defined in section 1902, subsection 4, and any abortion services; and

Sec. 6. 22 MRSA §336, sub-§3, as amended by PL 2011, c. 648, §12, is further amended by enacting at the end a new blocked paragraph to read:

The commissioner may not find that a project primarily involves day-to-day operation of the facility in its current form if the commissioner finds that the project would result in a reduction of 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 unless the commissioner determines that the exceptions described in section 335, subsection 1, paragraph G are met.

See title page for effective date.

CHAPTER 344

S.P. 236 - L.D. 565

An Act to Improve Maine's System for Protecting Sixth Amendment Rights

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

Sec. 1. 4 MRSA §1804, sub-§2, as amended by PL 2021, c. 720, §1, is further amended to read:

2. Standards Rulemaking. The commission shall develop standards adopt rules governing the delivery of indigent legal services, including by assigned counsel, contract counsel and public defenders. The rules adopted by the commission must include:

- A. Standards governing eligibility for indigent legal services. The eligibility standards must take into account the possibility of a defendant's or civil party's ability to make periodic installment payments toward counsel fees and the cost of private legal services in the relevant geographic area;
- B. Standards prescribing minimum experience, training and other qualifications for contract counsel and, assigned counsel and public defenders;
- C. Standards for assigned counsel and, contract counsel and public defender case loads;
- D. Standards for the evaluation of assigned counsel and, contract counsel and public defenders. The commission shall review the standards developed pursuant to this paragraph at least every 5 years, or earlier upon the earlier recommendation of the executive director;
- E. Standards for independent, quality high-quality and efficient representation of clients whose cases present conflicts of interest;

F. Standards for the reimbursement of expenses incurred by assigned counsel and, contract counsel and public defenders, including attendance at training events provided by the commission; and

G. Other standards considered necessary and appropriate to ensure the delivery of adequate indigent legal services.

Sec. 2. 4 MRSA §1804, sub-§3, ¶A, as amended by PL 2021, c. 481, §1, is further amended to read:

A. Develop and maintain a system that ~~may employ attorneys, use~~ employs public defenders, uses appointed private attorneys and contract contracts with individual attorneys or groups of attorneys. The commission shall consider other programs necessary to provide quality and efficient indigent legal services;

Sec. 3. 4 MRSA §1804, sub-§3, ¶F, as enacted by PL 2009, c. 419, §2, is amended to read:

F. Establish rates of compensation for assigned counsel and contract counsel;

Sec. 4. 4 MRSA §1804, sub-§3, ¶G, as enacted by PL 2009, c. 419, §2, is amended to read:

G. Establish a method for accurately tracking and, monitoring and enforcing case ~~loads of~~ load standards for assigned counsel and, contract counsel and public defenders;

Sec. 5. 4 MRSA §1804, sub-§3, ¶H, as amended by PL 2017, c. 284, Pt. UUUU, §4, is further amended by amending subparagraph (1) to read:

- (1) An evaluation of: contracts; services provided by contract counsel and, assigned counsel and public defenders; any contracted professional services; and cost containment measures; and

Sec. 6. 4 MRSA §1806, sub-§4 is enacted to read:

4. Rules of professional conduct. Nothing in this section prohibits the executive director or the executive director's designee from reporting potential professional misconduct under the Maine Rules of Professional Conduct to the Board of Overseers of the Bar or from disclosing information and records related to potential professional misconduct to the board.

Sec. 7. 30-A MRSA §1662, sub-§3, as enacted by PL 2017, c. 214, §2, is amended to read:

3. Pretrial detention. ~~Beginning November 1, 2017, a~~ A county jail or regional jail shall report twice per month to the Unified Criminal Docket in the judicial region in which the jail is located and to the Maine Commission on Indigent Legal Services on the pretrial