

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

SECOND REGULAR SESSION
January 3, 2024 to May 10, 2024

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 9, 2024

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2024

scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this subchapter and in accordance with standards of practice.

§19603. Confidentiality

When providing telehealth services, a licensee shall comply with all state and federal confidentiality and privacy laws.

§19604. Professional responsibility

All laws and rules governing professional responsibility, unprofessional conduct and generally accepted standards of practice that apply to a licensee also apply to that licensee while providing telehealth services.

§19605. Rulemaking

The board shall adopt rules governing telehealth services by a person licensed under this chapter in accordance with section 19204. These rules must establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.

SUBCHAPTER 7

PRACTICE STATUS CHANGES

§19701. Succession in practice

1. Optometrist taking over established practice.

An optometrist taking over an established practice shall clearly indicate that the new optometrist is responsible individually for the practice, but the optometrist may use the term: "succeeded by," "successor to" or "succeeding" for a period not exceeding 2 years.

2. Written directive identifying successor licensee. A licensee who is closing a practice shall no later than 30 days prior to closure create and maintain a written directive identifying a successor licensee who is willing to assume the responsibility of the licensee's practice, to maintain continuity of treatment, to transfer medical information and to ensure patient health and safety.

§19702. Closing practice

A licensee who is unwilling or unable to operate a practice pursuant to this chapter shall notify the board as soon as practicable and in no event later than 30 days before closure of the practice if there is no successor licensee.

See title page for effective date.

**CHAPTER 581
H.P. 1252 - L.D. 1948**

**An Act to Amend the State's
Data Governance Program**

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

Sec. 1. 1 MRSA §547, as enacted by PL 2021, c. 717, §1, is amended to read:

§547. Data governance program established

The Secretary of State, or the secretary's designee, and the ~~Chief Information Officer~~ Commissioner of Administrative and Financial Services, or the commissioner's designee, shall establish a data governance program.

1. Implementation. Implementation of a data governance program must include:

- A. Establishing data project priorities;
- B. Ensuring data privacy compliance and that best practices are followed;
- C. Developing data structure policies that ensure the best data quality, alignment and availability across systems; and
- D. Establishing data-sharing policies and agreements.

2. Program requirements. The data governance program must:

- A. Support decision making and improve citizen access to government services;
- B. Promote consistent collection of racial and ethnic demographic data;
- C. Use evidence-based strategies to improve data collection;
- D. Address technology barriers that restrict the ability of state agencies to share data between agencies;
- E. Create models for sharing data with the public and for developing policies to reduce disparities and increase equity that take into consideration the norms and expectations of the diverse populations of the State;
- F. Include records management capabilities and compliance; ~~and~~
- G. Ensure that data sharing and usage complies with state and federal laws, rules and regulations; and
- H. Adhere to the records retention schedules developed by the State Archivist pursuant to Title 5, section 95-C.

3. Consultations. Within 30 days of the effective date of this chapter, and at least quarterly thereafter, the Secretary of State, or the secretary's designee, and the ~~Chief Information Officer~~ Commissioner of Administrative and Financial Services, or the commissioner's designee, shall consult at least quarterly with:

A. The Permanent Commission on the Status of Racial, Indigenous and Tribal Populations established by Title 5, section 12004-J, subsection 19 to discuss how racial equity will be incorporated in the data governance program as well as in all projects related to the program. The consultation must include discussion of methods for building racial equity considerations into every aspect of the data life cycle, including planning, data collection, data access, algorithms, statistical tools, data analysis, reporting and dissemination; and

B. The State Archivist, or the archivist's designee, regarding the development and implementation of the data governance program and to generate a records management and retention plan and program in compliance with Title 5, section 95-C.

4. Report. The Secretary of State, or the secretary's designee, the ~~Chief Information Officer~~ Commissioner of Administrative and Financial Services, or the commissioner's designee, and the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations established by Title 5, section 12004-J, subsection 19 shall jointly report on the status of the program and the consultations under subsection 3 to the joint standing committee of the Legislature having jurisdiction over state and local government matters annually by February ~~15~~ 15th. The committee may report out a bill based on the report during the legislative session in which the report is received.

5. State agency designee. Each state agency shall designate an employee with the responsibility to oversee the agency's compliance with the data governance program established pursuant to this section.

6. Inventory. The Commissioner of Administrative and Financial Services, or the commissioner's designee, shall work with the state agency designees under subsection 5 to inventory the collection and availability of demographic data fields by the state agency, including, but not limited to, gender, location, race, ethnicity, birth sex, citizenship, socioeconomic status, education, sexual orientation, veteran status, disability status and age. This inventory is distinct from the definitions and standards developed pursuant to subsection 7 and is not itself data collection.

7. Definitions and standards. The Commissioner of Administrative and Financial Services, or the commissioner's designee, shall develop a definition and

standard for certain demographic data fields, including, but not limited to, gender, location, race, ethnicity, birth sex, citizenship, socioeconomic status, education, sexual orientation, veteran status, disability status and age. The definitions and standards must be developed in consultation with the Department of the Secretary of State and the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations established by Title 5, section 12004-J, subsection 19.

8. Stakeholder group. To the extent resources are available, the Commissioner of Administrative and Financial Services, or the commissioner's designee, shall work with the Department of the Secretary of State and the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations established by Title 5, section 12004-J, subsection 19 to convene a stakeholder group at least once each year to review progress in developing and implementing the data governance program. When inviting members to the stakeholder group, consideration must be given to racial, ethnic, gender, socioeconomic and other demographic diversity.

See title page for effective date.

CHAPTER 582
H.P. 1414 - L.D. 2207

An Act to Establish Municipal Cost Components for Unorganized Territory Services to Be Rendered in Fiscal Year 2024-25

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

Whereas, prompt determination and certification of the municipal cost components in the Unorganized Territory Tax District are necessary to the establishment of a mill rate and the levy of the Unorganized Territory Educational and Services Tax; 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. Municipal cost components for services rendered. In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for