

MAINE STATE LEGISLATURE

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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

shall consider and appoint residents of the State who have a knowledge of problems facing women in the State, who have experience in advocacy relating to women's issues and who provide leadership in programs or activities that improve opportunities for women. The members of the commission must be chosen from throughout the State, and the majority of members must be women. A member of the Legislature may not be appointed to the commission. The Governor shall appoint ~~7~~ **8** members, each of whom represents one of the following interests: ~~minorities, the elderly, Black people, indigenous people and people of color; older residents of the State; low-income people; persons with disabilities; youth; persons working with victims survivors of domestic violence and; federally recognized Indian nations, tribes and bands in the State; and LGBTQIA+ persons.~~ **The Governor also shall appoint a member who is a person who has not attained 25 years of age.**

For purposes of this section, "LGBTQIA+" includes, but is not limited to, persons who are lesbian, gay, bisexual, transgender, queer, questioning, intersex or asexual.

See title page for effective date.

CHAPTER 657

S.P. 657 - L.D. 1640

An Act Directing the Department of Transportation to Adopt Rules Regarding Corrosion Mitigation Methods for Steel Bridges

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

Sec. 1. 23 MRSA §357 is enacted to read:

§357. Rules governing corrosion mitigation methods for steel bridges

The Department of Transportation shall adopt rules governing corrosion mitigation methods for steel bridges wholly under the control of the State. Rules adopted pursuant to this section must include, but are not limited to, establishing processes for ensuring that corrosion mitigation activities are carried out in accordance with established corrosion mitigation standards and under the supervision of personnel who are trained and certified in corrosion mitigation methods on an appropriate substrate or surface; requiring plans to prevent environmental degradation that might result from corrosion mitigation activities; and requiring compliance with all applicable state and federal rules and regulations of the United States Environmental Protection Agency, the United States Department of Labor, Occupational Safety and Health Administration and the Department of Environmental Protection.

Rules adopted pursuant to this section are not required to apply to routine maintenance work performed by employees of the Department of Transportation employees or its contractors. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

TRANSPORTATION, DEPARTMENT OF Highway and Bridge Capital 0406

Initiative: Provides a one-time allocation to ensure the rules meet the required standards for corrosion mitigation.

HIGHWAY FUND	2023-24	2024-25
All Other	\$0	\$50,000
HIGHWAY FUND TOTAL	\$0	\$50,000

See title page for effective date.

CHAPTER 658

H.P. 1103 - L.D. 1714

An Act to Create a Sustainable Funding Source for Recovery Community Centers Using a Percentage of the Adult Use Cannabis Tax Revenue

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

Sec. 1. 5 MRSA §20012 is enacted to read:

§20012. Recovery Community Centers Fund

The Recovery Community Centers Fund is established as a dedicated, nonlapsing fund within the Office of Behavioral Health for the purposes specified in this section. The fund must be held separate and apart from all other money, funds and accounts. Eligible investment earnings credited to the assets of the fund become part of the assets of the fund. Any unexpended balances remaining in the fund at the end of any fiscal year do not lapse and must be carried forward to the next fiscal year.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Fund" means the Recovery Community Centers Fund established in this section.

B. "Independent, nonprofit organization" means a nonprofit organization that:

- (1) Operates its own agency that is a tax-exempt organization under 26 United States Code, Section 501(c)(3); or

(2) Has a fiscal agent with a fiduciary relationship between a recovery community center and another agency and:

(a) The fiscal agent is limited to managing assets and distributing funds to the recovery community center, free from conflicting self-interests, for the purpose of supporting the recovery community center's mission;

(b) The recovery community center is autonomous in its own decision making, program development, recovery services provided and advocacy efforts through the leadership of an executive board or advisory board consisting of at least 51% members who are individuals in recovery; and

(c) The fiscal agent uses no more than 4% of the revenue received from the fund for administrative purposes.

C. "Office" means the Office of Behavioral Health established in section 20011.

D. "Recovery community center" means an independent, nonprofit organization led and governed by representatives of local recovery communities with a primary focus on recovery from substance use disorder that provides nonclinical, peer recovery support services such as recovery support groups, recovery coaching, telephone recovery support, skill-building groups, harm reduction activities, recovery-focused outreach programs to engage people seeking recovery or in recovery and recovery-focused policy and advocacy activities.

2. Sources of funds. The State Controller shall credit to the fund:

A. Beginning July 1, 2025 and annually thereafter, a transfer of \$2,000,000 from the Adult Use Cannabis Public Health and Safety and Municipal Opt-in Fund established in Title 28-B, section 1101 for operational support for recovery community centers and to provide funding for capacity building for recently established or new recovery community centers;

B. All money from any other source, whether public or private, designated for deposit into or credited to the fund; and

C. Interest earned or other investment income on balances in the fund.

3. Uses of fund. Money credited to the fund pursuant to subsection 2 must be expended by the office to fund recovery community centers. Money distributed from the fund must supplement, and may not supplant, the level of state General Fund dollars received from the

State by a recovery community center in fiscal year 2022-23.

4. Application of fund to office expenses prohibited. Money in the fund may not be applied to any expenses incurred by the office in implementing, administering or enforcing this section.

Sec. 2. 28-B MRSA §1101, sub-§2, ¶C-1 is enacted to read:

C-1. Money credited to the fund must be expended to provide a transfer of \$2,000,000 by July 31st annually to the Recovery Community Centers Fund established pursuant to Title 5, section 20012 for operational support for recovery community centers and to provide funding for capacity building for recently established or new recovery community centers.

Sec. 3. 28-B MRSA §1101, sub-§2, ¶D, as enacted by PL 2023, c. 444, §1, is amended to read:

D. Any funds remaining in the fund after expenditures made in accordance with paragraphs A to C-1 must be used to fund:

(1) The cost of the tax deductions for business expenses related to carrying on a business as a cannabis establishment or a testing facility provided pursuant to Title 36, section 5122, subsection 2, paragraph PP and Title 36, section 5200-A, subsection 2, paragraph BB. By June 1st annually, the State Tax Assessor shall determine the cost of those deductions during the prior calendar year and report that amount to the State Controller, who shall transfer that amount from the remaining funds in the fund to the General Fund; and

(2) The cost of the position in the Bureau of Revenue Services within the department to administer the tax deductions provided pursuant to Title 36, section 5122, subsection 2, paragraph PP and Title 36, section 5200-A, subsection 2, paragraph BB. By June 1st annually, the commissioner shall determine the cost of the position in the bureau to administer those deductions during the prior calendar year and report that amount to the State Controller, who shall transfer that amount from the remaining funds in the fund to the General Fund.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF**

Recovery Community Centers Fund N445

Initiative: Provides allocation to allow expenditures for recovery community centers.

OTHER SPECIAL	2023-24	2024-25
REVENUE FUNDS		

All Other	\$0	\$500
OTHER SPECIAL REVENUE	\$0	\$500
FUNDS TOTAL		

See title page for effective date.

CHAPTER 659

H.P. 1193 - L.D. 1863

An Act to Facilitate the Provision of Medically Appropriate Levels of Care for Clients of Correctional Facilities

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

Sec. 1. 34-A MRSA §1402, sub-§5, as amended by PL 2021, c. 620, §4, is further amended to read:

5. Grievance procedures. The commissioner shall establish procedures for hearing grievances of clients. The commissioner shall establish a separate grievance process for addressing complaints by prisoners about their medical and mental health treatment as well as a separate grievance process for addressing complaints regarding compliance with the standards established pursuant to sections 1208, 1208-A and 1208-B. The commissioner shall track data for all grievances filed by prisoners about their medical or mental health treatment and shall publish monthly on the department's publicly accessible website the data tracked pursuant to this subsection in a manner that does not violate the confidentiality requirements of section 1216 or any other provision of state or federal law.

Sec. 2. 34-A MRSA §3036-A, sub-§10, as amended by PL 2023, c. 399, §1, is further amended to read:

10. Terminally ill or incapacitated prisoner. With the consent of the prisoner, the commissioner may transfer a prisoner committed to the department from a correctional facility to supervised community confinement without meeting the eligibility requirements of subsection 2, paragraphs B and C and without meeting the criteria or fulfilling the process provided for under subsection 2-A if the department's director of medical care has determined that the prisoner has a terminal or severely incapacitating medical condition or has a worsening prognosis that is likely to result in a terminal or severely incapacitating medical condition and that care outside a correctional facility is medically appropriate. Except as set out in this subsection, the prisoner must live in a hospital or other appropriate care facility, such as a nursing facility, residential care facility or a facility that is a licensed hospice program pursuant to Title 22,

section 8622, approved by the commissioner. As approved by the commissioner, the prisoner may receive hospice services from an entity licensed pursuant to Title 22, chapter 1681, subchapter 1 or other care services provided by an entity approved by the commissioner and, subject to approval by the commissioner, may live at home while receiving these services. The commissioner may exempt a prisoner transferred to supervised community confinement pursuant to this subsection from any mandatory condition under subsection 3 that the commissioner determines to be inapplicable. The prisoner shall provide any information pertaining to the prisoner's medical condition or care that is requested by the commissioner at any time while the prisoner is on supervised community confinement. If the commissioner determines that the prisoner has failed to fully comply with a request or if at any time the department's director of medical care determines that the prisoner does not have a terminal or severely incapacitating medical condition or a worsening prognosis that is likely to result in a terminal or severely incapacitating medical condition or that care outside a correctional facility is not medically appropriate, the commissioner shall revoke the transfer to supervised community confinement.

Sec. 3. 34-A MRSA §3036-A, sub-§12, as enacted by PL 2021, c. 376, §6, is amended to read:

12. Information for prisoners. The department shall make available to all prisoners written information about supervised community confinement, including eligibility requirements, the application process and the criteria and process for determining whether a prisoner eligible for transfer to supervised community confinement may be approved for transfer. The department shall include information about the determination and approval process for prisoners who have a terminal or severely incapacitating medical condition or have a worsening prognosis that is likely to result in a terminal or severely incapacitating medical condition and for whom care outside a correctional facility is medically appropriate. The department shall publish this information on its publicly accessible website.

Sec. 4. 34-A MRSA §3036-A, sub-§13, as amended by PL 2023, c. 399, §2, is further amended to read:

13. Data tracking. The department shall track data for all prisoners who apply for supervised community confinement and approval, denial and, if approved, completion of the program. The department also shall track data for all prisoners who are transferred to supervised community confinement under subsection 10. Such data must include, but is not limited to, demographic data regarding race and ethnicity, gender, age and convictions leading to the prisoner's current incarceration. The department shall publish monthly on its publicly accessible website the data tracked pursuant to