

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

See title page for effective date.

**CHAPTER 47
S.P. 599 - L.D. 1479**

Resolve, Directing the Public Utilities Commission to Convene a Stakeholder Group Regarding Liquefied Propane Gas Systems and the So-called Dig Safe Law

Sec. 1. Public Utilities Commission to convene stakeholder group relating to liquefied propane gas. Resolved: That the Public Utilities Commission, referred to in this resolve as "the commission," shall convene a group of stakeholders under section 2 to discuss matters relating to liquefied propane gas, including:

1. The amendment to then-existing law in Public Law 2019, chapter 592, section 1;
2. The options available to the commission to ensure that the safety measures established by the underground facility damage prevention system are maintained while reducing the administrative requirements for membership and participation in the system that are applicable to liquefied propane gas distribution systems that have an underground tank or pipe; and
3. Any additional considerations that the stakeholder group determines are relevant related to the participation in the underground facility damage prevention system of liquefied propane gas distribution systems that have an underground tank or pipe.

Sec. 2. Stakeholder group. Resolved: That members of the stakeholder group in section 1 must include:

1. One or more representatives from the Maine Energy Marketers Association;
2. One or more representatives from the Propane Gas Association of New England;
3. One or more individuals who own or operate a liquefied propane gas distribution system of various sizes that has an underground tank or pipe;
4. One individual representing the Department of Environmental Protection;
5. One individual representing the Maine Fuel Board;
6. One individual representing the Office of the State Fire Marshal;
7. One individual representing the interests of property and casualty insurers;

8. One individual representing the Maine chapter of the Associated General Contractors of America; and

9. Any other person that the commission determines necessary to ensure that all interests regarding the discussion in section 1 are represented fairly.

Sec. 3. Report. Resolved: That, by December 6, 2023, the commission shall submit a report summarizing the discussion under section 1 and any recommended legislation to the Joint Standing Committee on Energy, Utilities and Technology, which may report out legislation to the Second Regular Session of the 131st Legislature.

See title page for effective date.

**CHAPTER 48
H.P. 1198 - L.D. 1868**

Resolve, to Name 2 Brooks in the Town of Orient

Sec. 1. Brooks named. Resolved: That the Department of Administrative and Financial Services, Office of Information Technology, Office of Geographic Information Systems shall name the following brooks and provide a recommendation about the naming of the brooks to the United States Department of the Interior, United States Geologic Survey, United States Board on Geographic Names:

1. The brook in the Town of Orient, Aroostook County, that flows under Boundary Road and into MacAllister Cove of Grand Lake is the Calais Bound Brook; and
2. The brook in the Town of Orient, Aroostook County, that flows under Boundary Road and Route 1, towards Skagrock Brook is the Bangor Bound Brook.

See title page for effective date.

**CHAPTER 49
H.P. 244 - L.D. 393**

Resolve, Regarding Legislative Review of Portions of Chapter 33: Rules Governing Physical Restraint and Seclusion, a Major Substantive Rule of the Department of Education

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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 33: Rules Governing Physical Restraint and Seclusion, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following change is made: the rule must be amended in Section 9, subsection 2, paragraphs A and B, which concern a response to multiple incidents of physical restraint and seclusion, to require meetings after every 3 incidents of physical restraint or seclusion rather than after the 3rd incident and there must be an exception that provides that, notwithstanding the meeting requirements in Section 9, subsection 2, paragraphs A and B, schools are not required to hold more than one meeting within any 30-school-day period.

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

Effective June 16, 2023.

CHAPTER 50

H.P. 1238 - L.D. 1930

Resolve, to Authorize the Exchange of Interest in Certain Lands Owned by the State in Piscataquis County

Preamble. The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

Whereas, certain real estate authorized for conveyance by this resolve is under the designations described in the Maine Revised Statutes, Title 12, section 598-A; and

Whereas, the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may exchange interest in lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, section 1851; now, therefore, be it

Sec. 1. Director of Bureau of Parks and Lands authorized to convey certain interests in land in Piscataquis County. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may by quitclaim deed without covenant, on other terms and conditions as the director may direct, exchange interest in land described on Map PI054 Plan 01, Lot 1, in the Township of Chesuncook for land of comparable market value described on Map PI054 Plan 02, Lot 32, in the Township of Chesuncook, all in Piscataquis County. The cost of a survey of the property boundaries and recording costs may not be paid by the bureau.

See title page for effective date.

CHAPTER 51

H.P. 1242 - L.D. 1934

Resolve, to Improve the Coordination and Delivery of Planning Grants and Technical Assistance to Communities in Maine

Sec. 1. Review of planning grants and technical assistance to communities in this State. Resolved: That the Office of Policy Innovation and the Future shall review opportunities and structural changes in the organization of State Government and make recommendations that will result in the improved coordination and implementation of planning grants and technical assistance programs for communities in this State and regional planning and development organizations. The review must:

1. Consider the municipal planning grants and technical assistance needs of communities, especially the smallest and most underfunded communities, particularly related to navigating complex challenges, including, but not limited to, land use planning, climate resilience, natural resource protection, transportation, housing development, economic development and infrastructure;

2. Consider state programs that currently exist to provide municipal planning grants and technical assistance to communities in this State to help them address those needs, and identify gaps in services and geographic coverage;

3. Consider mechanisms to support municipalities and regional planning and development organizations