

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

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