

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

in competing for ongoing competitive state and federal funding opportunities;

4. Recommend the most effective organizational structure for state-funded programs that support local government to ensure that municipalities and regional planning and development organizations that support communities have the support they need in a coordinated, easily accessible manner with fewer points of entry; and

5. Recommend the optimal organizational structure and staffing configurations and include a summary of budget implications to improve coordination and implementation of planning grants and technical assistance.

Sec. 2. Consultation. Resolved: That the Office of Policy Innovation and the Future shall consult with diverse stakeholders, including representatives of municipalities and regional planning and development organizations, to provide input on their needs and recommendations, and the office shall coordinate recommendations with leadership and staff from the state agencies that manage programs and grant funds across State Government that support community planning and technical assistance, including the Department of Agriculture, Conservation and Forestry, the Department of Community and Economic Development, the Department of Marine Resources, the Department of Transportation, the Department of Inland Fisheries and Wildlife and the Department of Environmental Protection, and coordinate with the Department of Administrative and Financial Services to consider and develop recommendations regarding any budget and staffing issues.

Sec. 3. Report. Resolved: That the Office of Policy Innovation and the Future shall submit a report including proposed legislation and financial and staffing implications with regard to its review and consultation under this resolve to the Joint Standing Committee on State and Local Government and the Joint Standing Committee on Appropriations and Financial Affairs by December 6, 2023.

See title page for effective date.

CHAPTER 52

H.P. 283 - L.D. 466

Resolve, to Evaluate Options for the Recycling of Solar Panels and Wind Turbine Blades

Sec. 1. Department of Environmental Protection; evaluation of recycling for solar panels and wind turbine blades. Resolved: That the Department of Environmental Protection shall evaluate whether solar panels and wind turbine blades meet the criteria in the Maine Revised Statutes, Title 38, section

1772, subsection 2 to be a candidate for a product stewardship program. The evaluation must include collection of information regarding facilities operating or planned for operation in the eastern United States that can recycle solar panels or wind turbine blades and identification of the recycling costs for those materials for customers of those facilities. The department shall include its findings and recommendations from the evaluation, including any proposed legislation, in the annual report required by Title 38, section 1772, subsection 1 and due February 15, 2024.

See title page for effective date.

CHAPTER 53

H.P. 284 - L.D. 467

Resolve, to Study Accessible Electric Vehicle Charging Stations

Sec. 1. Working group established. Resolved: That the Commissioner of Transportation shall convene a working group on accessible electric vehicle charging stations, referred to in this resolve as "the working group."

Sec. 2. Working group membership. Resolved: That the Commissioner of Transportation shall appoint the members of the working group. The working group must include at least 9 members and include:

1. One person employed by the Department of Transportation;
2. One member representing the Efficiency Maine Trust;
3. One member representing Alpha One;
4. One member representing the Moving Maine Network;
5. One member who identifies as a person living with a disability with significant interest in or experience with the accessibility of electric vehicle charging stations;
6. One member representing the Department of Public Safety, Office of the State Fire Marshal;
7. One member who is a contractor or representative of a contractor who manages or builds electric vehicle charging stations;
8. One member representing the Maine Municipal Association; and
9. One member representing a transmission and distribution utility.