

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

CHAPTER 59

S.P. 225 - L.D. 508

Resolve, Directing the Department of Environmental Protection to Review Regulation of Waste Discharge from Finfish Aquaculture Facilities

Sec. 1. Review of finfish aquaculture waste discharge regulation. Resolved: That the Department of Environmental Protection shall conduct a review of applicable state laws and rules regulating the licensing of waste discharge from proposed finfish aquaculture facilities, including any waste discharge modeling requirements or standards, and of prior and current waste discharge monitoring requirements imposed on licensed finfish aquaculture facilities in the State since 2004, including identification of any monitoring requirements imposed on those facilities that were subsequently removed and the basis for the removal. The department shall also develop recommendations for the establishment of minimum criteria or standards for waste discharge modeling required as part of a license application for a finfish aquaculture facility, which must be based on the department's knowledge of current best management practices for those facilities.

On or before January 15, 2024, the department shall submit to the Joint Standing Committee on Environment and Natural Resources a report summarizing its review under this section and providing any recommendations, including any proposed legislation, resulting from the review. After reviewing the report, the committee may report out legislation relating to the report to the Second Regular Session of the 131st Legislature.

See title page for effective date.

CHAPTER 60

H.P. 639 - L.D. 1003

Resolve, to Develop a So-called No Eject, No Reject Policy to Support Children Receiving Behavioral Health Services and Individuals with Intellectual Disabilities or Autism

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

Whereas, lengthy hospital stays and lack of access to services for children in need of behavioral health

services and individuals with intellectual disabilities or autism pose a dire risk to such individuals; and

Whereas, it is essential to address these issues to protect the safety and well-being of children in need of behavioral health services and individuals with intellectual disabilities or autism; and

Whereas, the Department of Health and Human Services, Office of Child and Family Services' 2018 assessment of children's behavioral health services in this State, conducted by the Public Consulting Group, recommended a so-called No Eject, No Reject policy that applies to residential providers of children's behavioral health services, but no policy has yet been developed; and

Whereas, development of a so-called No Eject, No Reject policy, in consultation with a stakeholder group, will take time and needs to begin prior to 90 days after adjournment; 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. Department of Health and Human Services to develop a so-called No Eject, No Reject proposal; report. Resolved: That the Department of Health and Human Services shall develop a plan for a so-called No Eject, No Reject proposal that requires residential providers of behavioral health services for children or services to individuals with intellectual disabilities or autism to receive written approval from the department for the following:

1. Termination of services to an individual;
2. Executing a discharge plan; or
3. Declining a referral of an individual when a bed is available.

The department shall establish a stakeholder group to develop the No Eject, No Reject proposal. The stakeholder group must include residential providers of behavioral health services to children, residential providers of services to individuals with intellectual disabilities or autism, hospitals, Disability Rights Maine, advocates for services for children and adults and any other relevant interested parties. The department shall also examine any existing data to determine the reasons that providers terminate services, decline referrals or transfer individuals to hospital emergency departments when there is no medical reason for the transfer and determine the barriers to individuals being accepted for residential treatment services. The department shall report its findings, the proposal developed pursuant to this resolve and the steps to implementing the proposal, including any rulemaking and recommended legislation, to the

Joint Standing Committee on Health and Human Services no later than January 2, 2024.

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

Effective June 20, 2023.

CHAPTER 61
S.P. 137 - L.D. 316

Resolve, Directing the Department of Labor to Submit a Report on the Employment of Minors

Sec. 1. Department of Labor to submit report on employment of minors. Resolved: That the Department of Labor, Bureau of Labor Standards shall submit a report on the employment of minors in the State. The report must include, but is not limited to:

1. Data on the allowed occupations and activities that can be performed by minors, including those occupations and activities considered hazardous occupations under 29 Code of Federal Regulations, Part 570;
2. The call volume, if known, of inquiries to the bureau from employers of minors with questions concerning a minor's ability to work specific occupations and hours;
3. The number of work permits issued, trends in the issuance of work permits and consideration of whether statutory provisions and regulations surrounding the issuance of work permits may be updated; and
4. The incidents of injuries incurred by minors at places of employment, including the number and scope of incidents involving minors.

The bureau shall submit the report no later than January 15, 2024 to the Joint Standing Committee on Labor and Housing. The joint standing committee may report out a bill to the Second Regular Session of the 131st Legislature on any matter relating to the report.

Sec. 2. Department of Labor to update website; work with Department of Education regarding work permits for minors. Resolved: That the Department of Labor, Bureau of Labor Standards shall:

1. Post on its publicly accessible website information concerning the current ability of minors to use and operate equipment to make coffee or other beverages that is typically used in country stores or coffee shops under the current law;
2. Post on its publicly accessible website examples of best practices that employers should use when employing minors; and

3. Work with the Department of Education to ensure school superintendents are aware of the ability to designate others in school administrative units to sign work permits for minors.

See title page for effective date.

CHAPTER 62
S.P. 262 - L.D. 594

Resolve, to Review the Resource Parent Bill of Rights

Sec. 1. Department of Health and Human Services to review Resource Parent Bill of Rights. Resolved: That the Department of Health and Human Services shall convene a stakeholder group to examine the department's Resource Parent Bill of Rights to ensure that foster, adoptive and kinship families are adequately supported as active participants in the State's efforts to care for children in need of out-of-home placement. The stakeholder group must include, but is not limited to, department personnel involved in the child welfare system, representatives from statewide organizations that provide support services for adoptive and foster parents and kinship families and representatives from a statewide organization that advocates to improve the short-term and long-term outcomes for youth who are or have been in foster care and resource families. The stakeholder group must also include individuals from a range of different types of resource families, including a family that provides care to a child in the child welfare system, and individuals that are kinship families, foster parents, permanency guardians, adoptive parents and members of a child's extended birth family. The stakeholder group shall examine the Resource Parent Bill of Rights to determine if it adequately ensures sufficient resources, supports, services, involvement and communication for resource families. The department shall submit a report with findings and recommendations to the Joint Standing Committee on Health and Human Services no later than January 15, 2024.

See title page for effective date.

CHAPTER 63
H.P. 384 - L.D. 607

Resolve, to Direct the Department of Transportation to Examine Improving Highway Connections from Interstate 95 to the St. John Valley

Sec. 1. Convene stakeholder group. Resolved: That the Department of Transportation shall