

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 77
H.P. 700 - L.D. 1104**

**Resolve, to Review the
MaineCare Hospital
Readmission Protocol**

Sec. 1. Department of Health and Human Services to review MaineCare rules regarding hospital readmission. Resolved: That the Department of Health and Human Services shall review its MaineCare rules regarding hospital readmissions and reimbursement for readmissions, with a focus on readmissions of patients who had previously left the hospital against medical advice and readmissions of patients with substance use disorder and those with co-occurring substance use disorder and behavioral health disorders. The department shall, by January 15, 2024, submit recommendations for statutory and rule changes regarding readmissions to the Joint Standing Committee on Health and Human Services. The committee may report out legislation based on the department's report to the Second Regular Session of the 131st Legislature. In making recommendations regarding management of readmissions of patients with substance use disorder and patients with co-occurring substance use disorder and behavioral health disorders, the department shall employ a trauma-informed approach.

See title page for effective date.

**CHAPTER 78
S.P. 85 - L.D. 181**

**Resolve, Requiring Progress
Reports from the Department
of Health and Human Services
Regarding the Implementation
of Secure Children's
Psychiatric Residential
Treatment Facility Services**

Sec. 1. Department of Health and Human Services rule-making and rate-setting report. Resolved: That, no later than January 2, 2024, the Department of Health and Human Services shall submit a report to the Joint Standing Committee on Health and Human Services on its progress in establishing increased rates for secure children's psychiatric residential treatment facilities and amending department rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 107.

Sec. 2. Department of Health and Human Services implementation report. Resolved: That, no later than July 1, 2024, the Department of Health and Human Services shall submit a report to the Joint Standing Committee on Health and Human Services on its progress in implementing secure children's

psychiatric residential treatment facility services. The report must include specific information about the provider, location of the facility, number of beds and estimated or actual date of opening. If no provider has been secured, the report must include the department's next steps for attracting a willing provider.

See title page for effective date.

**CHAPTER 79
H.P. 347 - L.D. 542**

**Resolve, Directing the Public
Utilities Commission to
Investigate Time-of-use Rates**

Sec. 1. Time-of-use rates; report. Resolved: That the Public Utilities Commission shall investigate the feasibility of requiring:

1. Standard-offer service to include a time-of-use rate option, including whether the commission recommends the use of a pilot program to assess this option; and
2. All investor-owned transmission and distribution utilities to offer a time-of-use rate for the delivery of electricity for all customer classes that would complement a time-of-use supply rate.

No later than January 15, 2024, the commission shall submit a report to the Joint Standing Committee on Energy, Utilities and Technology that includes a summary of the commission's investigation along with any findings and recommendations related to the report. The committee may report out a bill to the Second Regular Session of the 131st Legislature.

See title page for effective date.

**CHAPTER 80
H.P. 702 - L.D. 1106**

**Resolve, to Improve the
Transition to Adult Services
for Children with Intellectual
Disabilities and Autism
Spectrum Disorder**

Sec. 1. Statewide transition from children's to adult services pilot project report. Resolved: That the Department of Health and Human Services shall submit a report to the Joint Standing Committee on Health and Human Services with an update on its plans to improve the transition for individuals receiving children's services from the department's Office of Child and Family Services to adult services from the department's office of aging and disability services as evaluated in the Improving the Transition from Children's to Adult Services pilot project, ME201.10,

funded under Section 9817 of the federal American Rescue Plan Act of 2021. The report must be submitted no later than January 15, 2024 and detail improvements and planned improvements to the process by which children 14 years of age and older with intellectual disabilities and autism spectrum disorder are identified for adult and transitional services and receive case management support, training and educational services. The report must also include any improvements and planned improvements to training for case managers and liaisons as well as any changes to services expected from any planned amendments to MaineCare waiver programs serving individuals with intellectual disabilities and autism spectrum disorder.

See title page for effective date.

CHAPTER 81

S.P. 574 - L.D. 1456

Resolve, to Study the Effect of Current Laws and Rules on the Expansion of Broadband

Sec. 1. Public Utilities Commission study. Resolved: That the Public Utilities Commission, in consultation with the Maine Connectivity Authority, established in the Maine Revised Statutes, Title 35-A, section 9404, shall study current pole attachment laws and rules and the effects of those laws and rules on broadband expansion through public networks, private networks or public-private partnerships. The study must incorporate input and analysis from the Interagency Broadband Working Group, which is a working group led by the Maine Connectivity Authority, and include:

1. An examination of the average time involved for each stage of pole make-ready work, as defined in Title 35-A, section 2524, subsection 1, paragraph A, including the time for joint use pole owners to approve new attachments for tax-exempt municipalities and private companies, and ways to decrease or standardize wait times for attachments;
2. Using readily available information to the extent possible, including pole data that may be available in the electronic pole attachment management system, an estimate of the number of utility poles statewide that could accommodate municipal facility attachments without the need to replace the pole and an assessment of compliance with Title 35-A, section 2524, subsection 2;
3. An assessment of the effectiveness of the commission’s enforcement practices for timely relocation or removal of utility poles that are functionally obsolete, that are in violation of requirements of the federal Americans with Disabilities Act of 1990 or that obstruct current or future municipal infrastructure; and

4. A review of the commission’s current educational resources regarding the rights of municipalities and other entities to attach to shared-use poles and the availability of the commission’s dispute resolution process, including the effectiveness of such resources.

By February 15, 2024, the commission shall submit an initial report to the Joint Standing Committee on Energy, Utilities and Technology describing the findings of the commission and the commission’s progress toward addressing each of the elements of the study and any recommendations, including proposed legislation, resulting from the study. After reviewing the initial report, the joint standing committee may report out a bill relating to the report to the Second Regular Session of the 131st Legislature. By December 1, 2024, the commission shall submit a final report to the joint standing committee of the Legislature having jurisdiction over utility matters including findings and any recommendations, including proposed legislation, resulting from the study. After reviewing the final report, the committee may report out a bill to the 132nd Legislature in 2025.

See title page for effective date.

CHAPTER 82

H.P. 983 - L.D. 1528

Resolve, Directing the Department of Education to Submit a Report on Services Provided By the Child Development Services System and by School Administrative Units

Sec. 1. Report. Resolved: That, no later than February 15, 2024, the Department of Education shall submit a report to the Joint Standing Committee on Education and Cultural Affairs regarding services provided by the Child Development Services System pursuant to the Maine Revised Statutes, Title 20-A, section 7209, subsection 3 including a free, appropriate public education for eligible children from 3 years of age to under 6 years of age in school administrative units. The report must include a description of successful delivery models and address the following points:

1. Development and implementation of partnerships with private providers;
2. Funding models and budgets;
3. Responsibility for free, appropriate public education;
4. Transportation;
5. Employment and staffing;
6. Programs, enrollment and children served; and