

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

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

7. Infrastructure and material needs.

The Joint Standing Committee on Education and Cultural Affairs is authorized to submit legislation related to the report to the Second Regular Session of the 131st Legislature.

See title page for effective date.

CHAPTER 83

H.P. 1185 - L.D. 1855

Resolve, Directing the Office of Tax Policy to Study Maine's Mining Excise Tax

Sec. 1. Office of Tax Policy to study State's mining excise tax; report. Resolved: That the Department of Administrative and Financial Services, Bureau of Revenue Services, Office of Tax Policy shall examine and evaluate the State's taxation of metallic mineral mining business activity, including the mining excise tax, and shall review mining taxes and fees from other states, including severance taxes, excise taxes, extraction fees and royalties and corresponding potential uses of collected revenue, and consult with national mining tax experts as appropriate. No later than January 15, 2024, the Office of Tax Policy shall submit a report to the Joint Standing Committee on Taxation that includes its findings and recommendations, including suggested legislation, that are consistent with the policy and purposes in the Maine Revised Statutes, Title 36, section 2853. The Joint Standing Committee on Taxation may submit legislation related to the report to the Second Regular Session of the 131st Legislature.

See title page for effective date.

CHAPTER 84

S.P. 315 - L.D. 757

Resolve, to Review Telemonitoring and Certain Telehealth Services Reimbursed under MaineCare

Sec. 1. Department to review telemonitoring services reimbursable under MaineCare. Resolved: That the Department of Health and Human Services shall review its coverage of telemonitoring services reimbursable under the MaineCare program, including its policy of restricting access to telemonitoring to patients eligible for home health services, and shall develop recommendations for changes to its coverage of telemonitoring services, including potential expansion of telemonitoring services to members not receiving home health services.

Sec. 2. Department to review certain telehealth services reimbursable under MaineCare. Resolved: That the Department of Health and Human Services shall review its reimbursement under the MaineCare program for ultrasound procedures and fetal nonstress tests performed remotely in a residence or other off-site location through telehealth. The department shall clarify whether these services are reimbursable under current policy and, if not, shall develop recommendations regarding future reimbursement of these services.

Sec. 3. Report. Resolved: That the Department of Health and Human Services shall submit its recommendations developed under sections 1 and 2 to the Joint Standing Committee on Health and Human Services by January 10, 2024. The committee may report out legislation related to the department's report to the Second Regular Session of the 131st Legislature.

See title page for effective date.

CHAPTER 85

S.P. 829 - L.D. 2008

Resolve, to Remove the Prohibition Against Live Plants in State-owned Buildings

Sec. 1. Live plants in state-owned buildings. Resolved: That the Department of Administrative and Financial Services shall amend its rules to allow live plants in state-owned buildings, except that the department may prohibit live plants that develop mold or bacteria or are contributing to an insect infestation.

See title page for effective date.

CHAPTER 86

S.P. 837 - L.D. 2015

Resolve, Approving the 2023 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Supreme Judicial Court and Providing for Its Publication and Distribution

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 2023 recodification of the Constitution of Maine has been completed by the Chief Justice of the Supreme Judicial Court and submitted to the Legislature; and