

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-THREE

—
H.P. 244 - L.D. 393

Resolve, Regarding Legislative Review of Portions of Chapter 33: Rules Governing Physical Restraint and Seclusion, a Major Substantive Rule of the Department of Education

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 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.