



131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 597

H.P. 374

House of Representatives, February 14, 2023

**An Act to Improve Conditions for People Living in Recovery
Residences by Requiring Approved Discharge and Transfer Policies**

Reference to the Committee on Health and Human Services suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative MADIGAN of Waterville.
Cosponsored by Senator BALDACCI of Penobscot and
Representatives: FAULKINGHAM of Winter Harbor, GRIFFIN of Levant, LaROCHELLE of
Augusta, ROBERTS of South Berwick, STOVER of Boothbay.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §20057**, as enacted by PL 2021, c. 472, §1, is amended by enacting
3 at the end a new paragraph to read:

4 A certified recovery residence must have a written discharge and transfer policy that is
5 approved by the department. Notwithstanding any landlord and tenant rights and
6 obligations under Title 14, chapter 709, a recovery residence with a discharge and transfer
7 policy approved under this section may immediately discharge or transfer a resident in
8 accordance with that policy if the discharge or transfer is necessary for the resident's
9 welfare, the resident's needs cannot be met at the recovery residence or the health and safety
10 of other residents or recovery residence employees are at risk or would be at risk if the
11 resident continues to live at the recovery residence. The department shall adopt rules
12 describing the requirements of a discharge and transfer policy under this section. Rules
13 adopted pursuant to this section are routine technical rules as defined in chapter 375,
14 subchapter 2-A.

15 **SUMMARY**

16 This bill requires that certified recovery residences have a written discharge and
17 transfer policy that is approved by the Department of Health and Human Services. It
18 provides that notwithstanding any landlord and tenant rights and obligations under the
19 Maine Revised Statutes, Title 14, chapter 709, a recovery residence with an approved
20 discharge and transfer policy may immediately discharge or transfer a resident in
21 accordance with the policy if the discharge or transfer is necessary for the resident's
22 welfare, the resident's needs cannot be met at the recovery residence or the health and safety
23 of other residents or recovery residence employees are at risk or would be at risk if the
24 resident continues to live at the recovery residence. It requires that the department adopt
25 routine technical rules describing the requirements of a discharge and transfer policy.