

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

H.P. 83 - L.D. 97

Resolve, Regarding Legislative Review of Portions of Chapter 38: Suicide Awareness and Prevention in Maine Public Schools, 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, the above-named 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 38: Suicide Awareness and Prevention in Maine Public Schools, 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 within the rule acceptance period, is authorized only if the following changes are made:

1. The rule must be amended in the Section IV that governs protocols for suicide prevention and intervention by specifying that protocols must be based on the best practices established and maintained by the National Alliance on Mental Illness or a similar organization authorized by the Department of Health and Human Services through its suicide prevention program and the Department of Education;

2. The rule must be amended in the Section IV that governs protocols for suicide prevention and intervention by providing that the protocol development resources must provide protocol templates, models and examples of forms, protocols and flow charts that can be adapted as needed by school administrative units;

3. The rule must be amended in the Section IV that governs protocols for suicide prevention and intervention by requiring that the school administrative units must certify to the Department of Education that the required protocols are in place;

4. The rule must be amended in the Section IV that governs protocols for suicide prevention and intervention by striking the provision that guidance for protocols is available through the Maine Suicide Prevention Program; and

5. All other necessary changes must be made to the rule to ensure conformity throughout the rule with the changes directed in this section.

The Department of Education is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section.

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