

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)



130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1502

H.P. 1112

House of Representatives, April 15, 2021

An Act To Clarify Safety Issues in Schools with Respect to Health-related States of Emergency

(EMERGENCY)

Received by the Clerk of the House on April 13, 2021. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GRAMLICH of Old Orchard Beach.
Cosponsored by Representatives: DODGE of Belfast, SYLVESTER of Portland.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** currently the COVID-19 pandemic is widespread in the State; and

4 **Whereas,** the pandemic has created severe health and safety concerns in the schools
5 of the State; and

6 **Whereas,** school administrative units have been left to themselves to interpret and
7 administer public health guidelines issued by the Governor and the Department of Health
8 and Human Services, Maine Center for Disease Control and Prevention; and

9 **Whereas,** the patchwork of inconsistent public health practices in the schools is
10 endangering the health of students, their families and communities as schools continue to
11 provide instruction to complete the school year; and

12 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
13 the meaning of the Constitution of Maine and require the following legislation as
14 immediately necessary for the preservation of the public peace, health and safety; now,
15 therefore,

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

17 **Sec. 1. 20-A MRSA §1056** is enacted to read:

18 **§1056. States of emergency**

19 During a health-related state of emergency under Title 37-B, chapter 13, subchapter 2,
20 a superintendent shall administer and adhere to all executive orders and proclamations by
21 the Governor and any guidance or directives from the director of the Maine Center for
22 Disease Control and Prevention within the Department of Health and Human Services and
23 shall send a monthly report while the state of emergency is in effect to the director detailing
24 the steps that the school administrative unit is taking to comply with the guidance or
25 directives and any health-related executive order or proclamation by the Governor,
26 including the number of students and staff affected by the health-related state of emergency,
27 the number of cases of a disease or health issue occurring in the school administrative unit
28 and any cleaning, sanitizing, segregation or other steps taken by the school administrative
29 unit to comply with the guidance, directive, executive order or proclamation. A copy of
30 the report required by this section must be sent to the school board of that school
31 administrative unit.

32 **Sec. 2. COVID-19 pandemic guidance and requirements.** Pursuant to the
33 Maine Revised Statutes, Title 20-A, section 1056, during the state of emergency under Title
34 37-B, chapter 13, subchapter 2 regarding the COVID-19 pandemic, a school superintendent
35 shall:

36 1. Communicate to every school and facility within the superintendent's school
37 administrative unit the definitions of "deep cleaning" and "sanitizing" issued or approved
38 by the Department of Health and Human Services, Maine Center for Disease Control and
39 Prevention and ensure that all surfaces and areas within those schools and facilities are
40 cleaned and sterilized in a manner determined adequate by the Maine Center for Disease
41 Control and Prevention;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

2. Ensure that a ventilation system in a school or facility used or occupied by school administrative unit staff or a student is adequate to protect the staff or student as determined by the Maine Center for Disease Control and Prevention;
3. Ensure that all staff, students and others within a school administrative unit school or facility are properly wearing personal protective equipment as determined by the Maine Center for Disease Control and Prevention; and
4. Report compliance with the provisions of subsections 1, 2 and 3 pursuant to Title 20-A, section 1056.

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

SUMMARY

This bill requires school superintendents, during a health-related state of emergency, to comply with any health-related executive orders and proclamations made by the Governor and any directives and guidance issued by the director of the Maine Center for Disease Control and Prevention within the Department of Health and Human Services and, while the state of emergency is in effect, send a monthly report, copied to the school board, on all the steps the school administrative unit is taking to comply with any health-related executive order, proclamation, directive or guidance.