

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 TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2019

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$500	\$500
	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

See title page for effective date.

CHAPTER 200
S.P. 260 - L.D. 894

**An Act To Expressly Allow
Nonprofit Corporations To
Conduct Electronic Voting**

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

Sec. 1. 13-B MRSA §604, sub-§2, as enacted by PL 1977, c. 525, §13, is amended to read:

2. Members to vote in person or by proxy; validity. A member entitled to vote may vote in person or, unless the articles of incorporation or the bylaws otherwise provide, may vote by proxy executed in writing by the member or by ~~his~~ the member's duly authorized attorney-in-fact. ~~No A proxy shall be is not~~ valid after 11 months from the date of its execution, unless otherwise provided in the proxy. Where directors or officers are to be elected by members, the bylaws may provide that such elections may be conducted by mail or by electronic transmission.

Sec. 2. 13-B MRSA §604, sub-§5 is enacted to read:

5. Voting by electronic transmission. The bylaws may provide, or the board of directors or members may determine, that some or all votes by members, as well as actions taken in accordance with section 606, may be conducted by electronic transmission under procedures established by the corporation. A vote conducted by electronic transmission must be filed with the minutes of members' meetings and has the same effect as an in-person vote or a vote by proxy.

See title page for effective date.

CHAPTER 201
H.P. 731 - L.D. 976

**An Act To Require Additional
Lead Screening for Children**

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

Sec. 1. 22 MRSA §1315, sub-§5-C, as amended by PL 2015, c. 267, Pt. LLLL, §1, is further amended to read:

5-C. Lead poisoning. "Lead poisoning" means a confirmed elevated level of blood lead ~~that is injurious, as defined in rules adopted by the department using reference levels no higher than the 97.5th percentile of blood lead levels in children established by a national health and nutrition examination survey adopted by the federal Department of Health and Human Services, Centers for Disease Control and Prevention that is equal to or exceeds 5 micrograms per deciliter.~~

Sec. 2. 22 MRSA §1330 is enacted to read:

§1330. Report

The department shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters whenever the federal Department of Health and Human Services, Centers for Disease Control and Prevention adopts a new blood lead reference level based on the 97.5th percentile of blood lead levels in children established by a national health and nutrition examination survey.

See title page for effective date.

CHAPTER 202
H.P. 740 - L.D. 985

**An Act To Maintain High
School Diploma Standards by
Repealing Proficiency-based
Diploma Standards and
Adding the Equivalent in
Standards Achievement**

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

Sec. 1. 20-A MRSA §4722, as amended by PL 2017, c. 466, §§8 and 9, is further amended to read:

§4722. High school diploma standards

A secondary school shall provide a comprehensive program of instruction leading to a high school diploma as set out in section 4721. The commissioner shall develop rules for the transition between the requirements of this section and the parameters for es-

essential instruction and graduation requirements established under section 6209.

1. Minimum instructional requirements. A comprehensive program of instruction ~~The instructional requirements leading to a high school diploma must include a minimum 4-year program that meets the curriculum requirements established by this chapter section and any other instructional requirements established by the commissioner and the school board.~~

2. Required subjects. ~~Courses~~ Instruction in the following subjects ~~shall~~ must be provided in separate or integrated study programs ~~to all, and students and required must complete the following minimum requirements~~ for a high school diploma:

- A. English--4 years or the equivalent in standards achievement;
- B. Social studies and history, including American history, government, civics and personal finance--2 years or the equivalent in standards achievement;
- C. Mathematics--2 years or the equivalent in standards achievement;
- D. Science, including at least one year of laboratory study--2 years or the equivalent in standards achievement; and
- E. Fine arts, which may include art, music, forensics or drama--one year or the equivalent in standards achievement.

2-A. Implementation of multiple pathways and opportunities. Students may demonstrate achievement of the standards through multiple pathways ~~as set out under including those identified in~~ section 4703 and multiple opportunities. Achievement may be demonstrated by evidence documented by course and learning experiences using multiple measures, such as, but not limited to, examinations, quizzes, portfolios, performances, exhibitions, projects and community service.

2-B. Policy. The following are the fundamental policies in the State's high school diploma standards:

- A. To ensure that a diploma indicating graduation from a secondary school signifies that the graduate has completed the requirements described in this section and is ready to enter a postsecondary educational program or a career as a clear and effective communicator, a self-directed and lifelong learner, a creative and practical problem solver, a responsible and involved citizen and an informed and integrative thinker;
- B. To recognize that in order to help students to reach the goal described in paragraph A, school administrative units must align their instruction with the system of learning results established under section 6209; and

C. To encourage school administrative units to develop innovative multiple pathways that allow all students to learn and demonstrate their achievement through multiple means and measures pursuant to subsection 2-A.

3. Satisfactory completion. A diploma may be awarded to a secondary school ~~students~~ student who ~~have~~ has satisfactorily completed all diploma requirements in accordance with the academic standards of the school administrative unit and this ~~chapter~~ section. All secondary school students must achieve the content standards of the parameters for essential instruction and graduation requirements established pursuant to section 6209. ~~Children~~ A child with ~~disabilities~~ a disability, as defined in section 7001, subsection 1-B, who ~~successfully meet the content standards of the parameters for essential instruction and graduation~~ satisfies the local diploma requirements in addition to any other diploma requirements applicable to all secondary school students, as the manner specified by the goals and objectives of their the child's individualized education plans, may plan must be awarded a high school diploma. Career and technical students may, consistent with the approval of the commissioner and the local school board, satisfy the requirements of subsection 2 through separate or integrated study within the career and technical school curriculum, including through courses provided pursuant to section 8402 or 8451-A.

4. Exception. A secondary school student who has satisfactorily completed the freshman year in an accredited degree-granting institution of higher education or a secondary school student who has satisfactorily completed the junior and senior years in a dual enrollment career and technical education program formed pursuant to chapter 229 may be eligible to receive a high school diploma from the secondary school the student last attended, although the student may not meet the graduation requirements of this Title.

5. Advanced study. Nothing in this chapter may prevent the award of a diploma to a student who has completed all diploma requirements in fewer than 4 years of study.

6. Exception for certain veterans. A secondary school may award a high school diploma to a person who meets all of the following requirements. A diploma may be awarded posthumously.

- A. The person or the person's family must apply to the secondary school for the diploma.
- B. The person must either:
 - (1) Have attended the secondary school or attended a secondary school in the geographic area now served by the secondary school; or
 - (2) Currently reside in the geographic area served by the secondary school.

- C. The person must have left secondary school:
 - (1) Before or during World War II to serve in the Armed Forces during World War II;
 - (2) Before or during the Korean Conflict to serve in the Armed Forces in the Korean Conflict;
 - (3) Before or during the Vietnam War to serve in the Armed Forces during the Vietnam War era. For purposes of this subparagraph, "Vietnam War era" means the period beginning February 28, 1961 and ending May 7, 1975; or
 - (4) To serve in the Armed Forces during the period of wartime or peacetime after a period of wartime described in subparagraph (1), (2) or (3).

- D. The person did not graduate or receive a high school diploma because of service in the Armed Forces.
- E. The person received an honorable discharge or a certificate of honorable service from the Armed Forces.

For purposes of this subsection, "Armed Forces" means the Army, Navy, Air Force, Marine Corps or Coast Guard; and the Merchant Marines only for the period of December 7, 1941 to August 16, 1945.

7. **Applicability of requirements.** This section applies to the granting of diplomas to secondary school students beginning January 1, 2019.

Sec. 2. 20-A MRSA §4722-A, as amended by PL 2017, c. 466, §10, is repealed.

See title page for effective date.

**CHAPTER 203
S.P. 307 - L.D. 1047**

**An Act To Prohibit
Consideration of Naloxone
Purchases in Life Insurance
Underwriting**

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

Sec. 1. 24-A MRSA §2159-E is enacted to read:

§2159-E. Discrimination against naloxone hydrochloride purchases prohibited in life insurance

1. Discrimination prohibited. Notwithstanding any provision of law to the contrary and except as pro-

vided in subsection 2, an insurer authorized to do business in this State may not:

A. Limit coverage or refuse to issue or renew coverage of an individual under any life insurance policy due to the fact that the individual has been issued a prescription for naloxone hydrochloride or has purchased naloxone hydrochloride in accordance with Title 22, section 2353;

B. Consider the fact that an individual has been issued a prescription for naloxone hydrochloride or has purchased naloxone hydrochloride in determining the premium rate for coverage of that individual under a life insurance policy; or

C. Otherwise discriminate in the offering, issuance, cancellation, amount of coverage, price or any other condition of a life insurance policy based solely and without any additional actuarial justification upon the fact that an individual has been issued a prescription for naloxone hydrochloride or has purchased naloxone hydrochloride.

2. Exception. An insurer may take an action described in subsection 1 with respect to an individual who has a demonstrated history of opioid use disorder.

See title page for effective date.

**CHAPTER 204
H.P. 813 - L.D. 1109**

**An Act Regarding All-terrain
Vehicles**

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

Sec. 1. 12 MRSA §13001, sub-§3, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

3. All-terrain vehicle or ATV. "All-terrain vehicle" or "ATV" means a motor-driven, off-road, recreational vehicle that was originally designed by the manufacturer for and is capable of cross-country travel on land, snow, ice, marsh, swampland or other natural terrain. "All-terrain vehicle" or "ATV" includes, but is not limited to, a multitrack, multiwheel or low-pressure tire vehicle; a motorcycle or related 2-wheel, 3-wheel or belt-driven vehicle; an amphibious machine; or other means of transportation deriving motive power from a source other than muscle or wind. For purposes of this subpart, "all-terrain vehicle" or "ATV" does not include ~~an automobile a motor vehicle as defined in Title 29-A, section 101, subsection 7; an electric personal assistive mobility device as defined in Title 29 A, section 101, subsection 22 A; a truck as defined in Title 29 A, section 101, subsection~~