

MAINE STATE LEGISLATURE

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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

- (1) Cultivate marijuana plants for more than 2 members of the family or members of the same household;
- (2) Cultivate more than 6 mature marijuana plants and 12 immature marijuana plants for each qualifying patient who has designated the caregiver to cultivate marijuana plants on the patient's behalf;
- (3) Possess more than 8 pounds of harvested marijuana;
- (4) Sell marijuana plants or harvested marijuana at wholesale under subsection 2, paragraph K-1;
- (5) Use a pesticide under subsection 2, paragraph J;
- (6) Operate a caregiver retail store under subsection 2, paragraph P; or
- (7) Organize as a business entity under subsection 2, paragraph Q.

Sec. 4. 22 MRSA §2424, sub-§4, ¶B, as enacted by PL 2017, c. 452, §10, is amended to read:

B. Minimum security requirements for registered caregivers operating caregiver retail stores pursuant to section ~~242-A~~ 2423-A, subsection 2, paragraph P and registered dispensaries and any additional location at which a dispensary cultivates marijuana plants for medical use by qualifying patients.

Sec. 5. 22 MRSA §2429-D, as enacted by PL 2017, c. 452, §18, is amended to read:

§2429-D. Local regulation

Pursuant to the home rule authority granted under the Constitution of Maine, Article VIII, Part Second and Title 30-A, section 3001, a municipality may regulate registered caregivers, ~~registered~~ caregiver retail stores operating pursuant to section 2423-A, subsection 2, paragraph P, registered dispensaries, marijuana testing facilities and manufacturing facilities.

A municipality may not:

1. Registered caregivers. Prohibit or limit the number of registered caregivers;

2. Stores, dispensaries, testing and manufacturing facilities. Prohibit ~~registered~~ caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are operating with municipal approval in the municipality prior to the effective date of this section. For purposes of this subsection, "municipal approval" means an examination and approval of the store, dispensary or facility for the use of the premises consistent with conduct authorized under this chapter, including, but not limited to, a conditional use approval or site plan approval.

al. "Municipal approval" does not include issuance of a building, electrical or other similar permit or authorization that does not address the use of the structure or facility for which the permit or authorization is issued; or

3. Municipal authorization needed. Authorize ~~registered~~ caregiver retail stores, registered dispensaries, marijuana testing facilities and manufacturing facilities that are not operating on the effective date of this section to operate in the municipality unless the municipal legislative body, as defined in Title 30-A, section 2001, subsection 9, has voted to adopt or amend an ordinance or approve a warrant article allowing ~~registered~~ caregiver retail stores, registered dispensaries, marijuana testing facilities or manufacturing facilities, as applicable, to operate within the municipality.

See title page for effective date.

CHAPTER 218

H.P. 954 - L.D. 1319

An Act To Prohibit Employer Disciplinary Action against Firefighters and Emergency Medical Services Persons Responding to an Emergency

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

Sec. 1. 26 MRSA §809, as amended by PL 2013, c. 477, §§1 to 6, is further amended to read:

§809. Absence for emergency response

1. Definitions. As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Employer" means any private or public employer, including the State and political subdivisions of the State.

A-1. "Firefighter" has the same meaning as "municipal firefighter" and "volunteer firefighter" in Title 30-A, section 3151, subsections 2 and 4.

A-2. "Emergency medical services person" has the same meaning as in Title 32, section 83, subsection 12 and includes a volunteer emergency medical services person.

B. "Responding to an emergency" means responding to, working at the scene of or returning from a fire or emergency medical services call, a hazardous or toxic materials spill and cleanup or any other situation to which the fire department or emergency medical services provider has been dispatched.

2. Prohibition against discharge or disciplinary action. An employer may not discharge or take any other disciplinary action against or otherwise discriminate against an employee because of the employee's failure to report for work at the beginning of the employee's regular working hours or the employee's absence during the employee's regular working hours if the employee failed to do so or was absent because the employee was responding to an emergency in the employee's capacity as a firefighter or emergency medical services person and the employee reported for work as soon as reasonably possible after being released from the emergency. An employer may charge the lost time against the employee's regular pay or against the employee's available leave time. This subsection does not apply to the absence of a firefighter or emergency medical services person from the firefighter's that person's regular employment as a law enforcement officer, a utility worker or medical personnel when the services of that person are essential to protect public health or safety or if the employee has been designated as essential by the employer pursuant to subsection 6.

3. Notification; verification. ~~If time permits, when an employee is responding as a firefighter to an emergency, the~~ An employee responding to an emergency under subsection 2 shall make every effort to immediately notify the employer that the employee may be late arriving to work or absent from work as a result of responding to an emergency prior to or during the employee's regular working hours. Notification ~~may be provided by the employee, the employee's designee or the fire department supervisor shall notify the employer that the employee will not report to work at the appointed time or the emergency medical services provider.~~ At the request of an employer, an employee losing work time as provided in subsection 2 shall provide the employer with a statement from the chief of the fire department or emergency medical services provider or the chief's designee stating that the employee was responding to an emergency call and the time of release from the call verifying that the employee was responding to an emergency and specifying the date, time and duration of the response.

4. Enforcement; penalty for violation. If an employer has violated subsection 2, the employee may bring an action in Superior Court in the county in which the employee resides or in the county in which the employer's place of business is located. The action must be brought within one year of the date of the alleged violation. If the court finds that the employer violated subsection 2, and if the employee so requests, the court shall order the employer to reinstate the employee in the employee's former position without reduction of pay, seniority or other benefits. The court also shall order any other appropriate remedy necessary to return the employee to the position the employee would have been in had the employer not vio-

lated subsection 2, including payment of back pay and reinstatement of any other benefits lost during the period in which the discharge or disciplinary action was in effect.

5. Impact on individual agreements. This section does not apply if the employer and the employee have entered into a written agreement, signed by the employer and the employee, that governs procedures to be followed when the employee is called to respond to an emergency as a firefighter or emergency medical services person. ~~This subsection applies only if:~~

~~A. The local official in charge of calling out firefighters has a written policy that:~~

~~(1) Specifies the circumstances under which firefighters will be ordered to remain at an emergency; and~~

~~(2) Affirms that firefighters will be released as soon as practicable; and~~

~~B. The employee presents a copy of the policy to the employer upon notifying the employer of the employee's status as a firefighter.~~

6. Designation as essential. Upon receiving notice of an employee's firefighter status, an employer may designate the employee essential to the employer's operations when the absence of the employee would cause significant disruption of the employer's business. This designation must be made in writing and signed by both the employee and employer.

7. Information to be filed by employee with employer. This section applies only if:

A. The chief of the fire department or emergency medical services provider has a written policy that:

(1) Specifies the circumstances under which firefighters or emergency medical services persons are needed to respond to an emergency; and

(2) Affirms that firefighters or emergency medical services persons will be released as soon as practicable; and

B. The employee presents a copy of the policy described in paragraph A to the employer upon notifying the employer of the employee's status as a firefighter or emergency medical services person within 30 days of employment or within 180 days of the effective date of this subsection.

An employee shall notify the employer of any change to the employee's status as a firefighter or emergency medical services person, including the termination of that status, within 30 days of the change.

Sec. 2. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 26, chapter 7, subchapter 4-C, in the

subchapter headnote, the words "firefighter; absence from work" are amended to read "firefighter or emergency medical services person; absence from work" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

**CHAPTER 219
H.P. 969 - L.D. 1341**

**An Act To Provide Flexibility
for Efficient and Effective
Management of School
Management and Leadership
Centers**

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

Sec. 1. 20-A MRSA §1051, sub-§6, ¶D, as repealed and replaced by PL 2017, c. 475, Pt. A, §23, is amended to read:

D. A group of school administrative units that have an interlocal agreement pursuant to Title 30-A, chapter 115 in order to establish ~~a school management and leadership~~ an education service center to jointly purchase the services of a superintendent may elect the superintendent in the manner prescribed in their interlocal agreement.

Sec. 2. 20-A MRSA §3801, as amended by PL 2019, c. 70, §3, is further amended to read:

§3801. General provisions

1. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Municipality" means a city, town or organized plantation.

B. "~~School management and leadership~~ Education service center" means a multiservice agency established and operated exclusively for the purposes of developing, managing and providing services or programs to 2 or more members pursuant to section 3802, subsection 2 and may include associate members pursuant to section 3802, subsection 3. A "~~school management and leadership~~ An education service center" is a political subdivision pursuant to section 3802, subsection 7.

2. Establishment. A school administrative unit as described in section 3802, subsection 2 may become a member of ~~a school management and leadership~~ an education service center through an interlocal agreement pursuant to Title 30-A, chapter 115 and the

agreement may include associate members as described in section 3802, subsection 3.

3. Interlocal agreement. An interlocal agreement establishing ~~a school management and leadership~~ an education service center must include the structure and governance of the ~~school management and leadership~~ education service center and its functions, programs and services.

A. An interlocal agreement must include the specifications required pursuant to Title 30-A, section 2203, subsection 2 and a description of:

(1) The ~~school management and leadership~~ education service center board composition, election or appointment of officers, board member terms and method of voting;

(2) An approval process for a new school administrative unit to join the ~~school management and leadership~~ education service center;

(3) An approval process for an existing member to transfer to another ~~school management and leadership~~ education service center;

(4) The process for determining the sharing of costs for and the assessments of or payments to the ~~school management and leadership~~ education service center;

(5) The budget process that requires ~~a school management and leadership~~ an education service center budget be adopted by a date established in order to meet local school administrative unit budget deadlines. The budget process must include a contingency plan for a budget failure and must be in the cost center summary budget format pursuant to section 1485;

(6) The process for a balanced budget as required by section 3802, subsection 10 and the method of determining the return of any excess funds to the members of the ~~school management and leadership~~ education service center; and

(7) The process for the disposition of indebtedness and property including by sale or lease, transferred to or from or administered by the ~~school management and leadership~~ education service center.

B. An interlocal agreement may include but is not limited to a description of the following:

(1) The approval process for the formation of ~~a school management and leadership~~ an education service center;