

# 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.**

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**Augusta, Maine**  
**2019**

C. Beginning January 1, 2020, and biennially thereafter, report to the Governor and the Legislature concerning the work and interests of the commission, including a summary of public comments obtained pursuant to paragraph B.

**2. Commission powers.** The commission may:

A. Promote and coordinate activities on state and local levels designed to meet the problems faced by historically disadvantaged racial, indigenous and tribal populations;

B. Inform the public about the presence or absence of opportunities for historically disadvantaged racial, indigenous and tribal populations;

C. Conduct additional public hearings, conferences, workshops and other such meetings to obtain information about, discuss and publicize the needs of and solutions to the problems faced by historically disadvantaged racial, indigenous and tribal populations;

D. Submit to the Legislature, at the start of each regular session, such legislation as the commission determines appropriate for improving opportunities and eliminating disparities for historically disadvantaged racial, indigenous and tribal populations in the State;

E. Advise and consult with the Chief Justice of the Supreme Judicial Court and other officials of the State and the Federal Government with respect to state and federal policies, programs and other activities affecting or relating to historically disadvantaged racial, indigenous and tribal populations; and

F. Advise and consult with the Governor and the Legislature about, and assist them in improving, opportunities for historically disadvantaged racial, indigenous and tribal populations.

**§25008. Meetings**

The commission shall meet at the call of the chairs not less than 4 times each year.

**§25009. Administrative support**

The Commissioner of Labor shall provide administrative support to the commission as required.

**§25010. Federal and state funds**

The commission may accept funds from the Federal Government, from a political subdivision of the State or from an individual, a foundation or a corporation and may expend funds for purposes that are consistent with this chapter. Funds received under this section must be deposited in a nonlapsing Other Special Revenue Funds account within the Department of Labor to support the work of the commission.

**Sec. 3. Initial members.** Notwithstanding the Maine Revised Statutes, Title 5, section 25003, of those public members first appointed to the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations, one appointed by the Governor, one appointed by the President of the Senate and one appointed by the Speaker of the House must be appointed for one-year terms. The term of office of each member must be designated at the time of appointment.

**Sec. 4. Initial report.** No later than January 1, 2020, the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 74-J shall submit a report that includes the commission's findings and recommendations on the commission's research and consideration of policy proposals pursuant to Title 5, section 25007, including suggested legislation, for presentation to the Second Regular Session of the 129th Legislature.

**Sec. 5. Appropriations and allocations.** The following appropriations and allocations are made.

**LABOR, DEPARTMENT OF  
Racial, Indigenous and Maine Tribal Populations  
N329**

Initiative: Allocates funds to allow expenditure of any revenues received.

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

See title page for effective date.

**CHAPTER 458**

**S.P. 425 - L.D. 1370**

**An Act To Address Dangerous Behavior in the Classroom**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 20-A MRSA §6555** is enacted to read:  
**§6555. Dangerous behavior prevention and intervention**

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

A. "Administrator" has the same meaning as in section 13001-A, subsection 1.

B. "Assigned public school employee" means a public school employee chosen by the local president of the applicable bargaining unit to review a reported incident of dangerous behavior.

C. "Dangerous behavior" means behavior of a student that presents a risk of injury or harm to a student or others.

**2. Report of incident of dangerous behavior.** Upon receipt of a report of an incident of dangerous behavior made by a teacher or school staff person, a school administrative unit shall review the reported incident and develop an individualized response plan in accordance with this subsection. The review of the reported incident must be conducted by an administrator and an assigned public school employee. If the report of the incident of dangerous behavior is substantiated, the school administrative unit shall, in consultation with the public school employee who was subjected to the dangerous behavior, if any, develop an individualized response plan to avoid future dangerous behavior, which may include but is not limited to:

A. Minimizing suspension and expulsion of the student;

B. Prioritizing counseling and guidance services for the student and educators;

C. Providing positive behavioral interventions and supports and supports designed to address the consequences of trauma in the individual and training for the student and educators;

D. Restorative practices;

E. Training for public school employees who interact with the student; and

F. Provision of adequate staffing and professional development necessary to implement the plan.

Nothing in this subsection may be construed as limiting any federally protected right of a student, including, but not limited to, federally protected rights of students with disabilities.

Notwithstanding any provision of this subsection to the contrary, in the case of a student eligible for services under the federal Individuals with Disabilities Education Act or protected from discrimination under Section 504 of the federal Rehabilitation Act of 1973, any discussions or actions related to the identification,

evaluation or educational placement of the student or provision of a free, appropriate public education to the student must take place through the processes established under federal law.

**Sec. 2. 20-A MRSA §13601, sub-§5** is enacted to read:

**5. Injuries caused by dangerous behavior.** A school administrative unit may not count time away from work against a public school employee's accrued sick leave if the time away from work is due to an injury caused by dangerous behavior and a physician has determined that the public school employee is unable to work as a result of the injury sustained. For the purposes of this subsection, "dangerous behavior" has the same meaning as in section 6555, subsection 1, paragraph C.

See title page for effective date.

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**CHAPTER 459**

**H.P. 1015 - L.D. 1400**

**An Act To Improve  
 Recruitment and Retention in  
 State Law Enforcement by  
 Offering Retirement Service  
 Credit**

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

**Sec. 1. 5 MRSA §17767** is enacted to read:

**§17767. Law enforcement service**

Service credit for service in law enforcement is governed as follows.

**1. Service before becoming member.** A member who served as a full-time law enforcement officer with a federal, state, county or local law enforcement agency before becoming a member is entitled under this subsection to purchase service credit for the period of time that the member served as a law enforcement officer if the member has at least 15 years of creditable service at the time of retirement by complying with the terms and conditions of this subsection and the applicable provisions of subsection 2. Service credit purchased under this section is limited to 4 years. Notwithstanding anything to the contrary, a member for which service credit under this section is to be granted must provide a certified statement from the appropriate retirement system that the service credit to be granted has not been and will not be used to obtain other retirement benefits.

**2. Members qualified for credit at actuarial cost.** A member qualified under subsection 1 to purchase service credit at the cost set forth in this subsection is entitled to service credit if the member pays an