

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTIETH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 2020 to March 30, 2021**

**FIRST SPECIAL SESSION**  
**April 28, 2021 to July 19, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 18, 2021**

**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**  
**2021**

**11. Exceptions.** This section does not apply to products subject to section 1610, 1612, 1665-A, 1665-B, 1672, 2165 or 2166.

**Sec. 4. Submittal of drug take-back stewardship plan.** On or before July 1, 2022, a manufacturer of a covered drug under the Maine Revised Statutes, Title 38, section 1612, individually or jointly with one or more manufacturers, or a drug take-back stewardship organization contracted by one or more manufacturers, shall submit to the Department of Environmental Protection for review a proposed drug take-back stewardship plan that meets the requirements of Title 38, section 1612, subsection 3.

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

**ENVIRONMENTAL PROTECTION,  
DEPARTMENT OF**

**Maine Environmental Protection Fund 0421**

Initiative: Provides an allocation for one Environmental Specialist III position and associated costs.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$59,642	\$89,688
All Other	\$6,071	\$8,662
OTHER SPECIAL REVENUE FUNDS TOTAL	\$65,713	\$98,350

See title page for effective date.

**CHAPTER 95  
S.P. 37 - L.D. 29**

**An Act To Conform the Maine Apprenticeship Program to the Federal Equal Employment Opportunity Act of 1972**

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

**Sec. 1. 26 MRSA §3205, sub-§2,** as enacted by PL 2011, c. 491, §13, is amended to read:

**2. Apprentice.** ~~The gender, race and ethnicity of the apprentice in such detail as required to~~ To conform to the federal Equal Employment Opportunity Act of 1972, 42 United States Code, Chapter 21, subchapter VI and for affirmative action compliance in apprenticeship programs, ~~including records of the following races and ethnic groups: African American or black; Native American, including Alaskan Native; Asian, including Pacific Islander; Hispanic, including persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish origin or culture regardless of race; and~~

~~white other than Hispanic, as well as the date of birth, contact information and, on a voluntary basis, the social security number of the apprentice and a request for demographic data, including the apprentice's race, sex, ethnicity and disability status;~~

**Sec. 2. 26 MRSA §3205, sub-§10,** as enacted by PL 2011, c. 491, §13, is amended to read:

**10. Equal opportunity.** A statement that the apprentice will be accorded equal opportunity in all phases of apprenticeship employment and training, without discrimination because of race, color, religion, national origin ~~or gender, sex, sexual orientation, gender identity, genetic information, disability or age;~~ and

See title page for effective date.

**CHAPTER 96  
H.P. 18 - L.D. 52**

**An Act Regarding Collective Bargaining Negotiations by Public Employers of Teachers**

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

**Sec. 1. 26 MRSA §965, sub-§1, ¶C,** as amended by PL 2009, c. 107, §5, is further amended to read:

C. To confer and negotiate in good faith with respect to wages, hours, working conditions and contract grievance arbitration, except that by such obligation neither party may be compelled to agree to a proposal or be required to make a concession and except that public employers of teachers shall in accordance with subsection 1-A meet and consult but not negotiate with respect to educational policies, except that educational policies related to preparation and planning time and transfer of teachers are permissive subjects of negotiation; for the purpose of this paragraph, educational policies may not include wages, hours, working conditions or contract grievance arbitration;

**Sec. 2. 26 MRSA §965, sub-§1-A** is enacted to read:

**1-A. Meet and consult.** The obligation of public employers of teachers and the bargaining agent to meet and consult under subsection 1, paragraph C is governed by this subsection.

A. A public employer of teachers shall give written notice to the bargaining agent when a change in educational policy is planned by the public employer of teachers. Upon receipt of the written notice, the bargaining agent may initiate the meet and consult process by notifying the public employer of teach-

ers, including the superintendent. The public employer of teachers may also initiate the meet and consult process by notifying the bargaining agent.

B. The public employer of teachers shall, upon receipt of a request from the bargaining agent, provide to the bargaining agent information necessary for the bargaining agent and the employees to understand the planned change and make suggestions or express concerns about the planned change.

C. When notice to initiate the meet and consult process is given under paragraph A, authorized representatives of the public employer of teachers and the bargaining agent shall meet and consult at reasonable times and places about the planned change. The parties shall meet and consult openly, honestly and in good faith, and the public employer of teachers shall consider the employees' suggestions and concerns.

D. The authorized representatives of the public employer of teachers shall give full and fair consideration to the employees' suggestions and concerns before the change in educational policy is implemented, and the public employer of teachers shall decide in good faith whether employees' suggestions or concerns can be accommodated.

E. The bargaining agent may initiate the meet and consult process by notifying the public employer of teachers when an existing educational policy of the public employer is changed by practice or if the written notice required under paragraph A is inadvertently omitted.

See title page for effective date.

**CHAPTER 97**

**H.P. 44 - L.D. 78**

**An Act To Protect Children from Extreme Poverty by Preserving Children's Access to Temporary Assistance for Needy Families Benefits**

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

**Sec. 1. 22 MRSA §3763, sub-§1**, as amended by PL 2013, c. 588, Pt. D, §4, is further amended to read:

**1. Family contract.** During the TANF orientation process, a representative of the department and the TANF recipient shall enter into a family contract. The family contract must state the responsibilities of the parties to the agreement including, but not limited to, cooperation in child support enforcement and determination of paternity, the requirements of the ASPIRE-TANF program and referral to parenting activities and

health care services. Except as provided in section 3762, subsection 4, refusal to sign the family contract or to abide by the provisions of the contract, except for referral to parenting activities and health care services, will result in termination of benefits under subsection 1-A. Failure to comply with referrals to parenting activities or health care services without good cause will result in a review and evaluation of the reason for non-compliance by the representative of the department and may result in sanctions. Written copies of the family contract and a notice of the right to a fair hearing must be given to the individual. The family contract must be amended in accordance with section 3788 when a participant enters the ASPIRE-TANF program and when participation review occurs.

Benefits that have been terminated under subsection 1-A must be restored once the noncomplying adult recipient signs a new family contract and complies with its provisions.

**Sec. 2. 22 MRSA §3763, sub-§1-A**, as enacted by PL 2011, c. 380, Pt. PP, §4, is amended to read:

**1-A. Partial ~~and full~~ termination of benefits.** Benefits under this chapter must be terminated by the department under the provisions of subsection 1 and sections 3785 and 3785-A as follows: in accordance with this subsection. If an adult recipient fails to meet the conditions of a family contract, the department shall reduce the family's amount of assistance by terminating benefits that apply to that noncomplying adult.

~~A. For a first failure to meet the conditions of a family contract, termination of benefits applies to the adult recipient;~~

~~B. For a first failure to meet the conditions of a family contract for which termination of benefits under paragraph A lasts for longer than 90 days and for a 2nd and subsequent violation, termination of benefits applies to the adult recipient and the full family unit; and~~

~~C. Prior to the implementation of a full family unit sanction, the department shall offer the adult recipient an opportunity to claim good cause for non-compliance as described in section 3785.~~

Benefits that have been terminated under this subsection must be restored once the noncomplying adult recipient signs a new contract under subsection 1 and complies with the provisions of the family contract.

**Sec. 3. Reports by Department of Health and Human Services.** No later than January 1, 2022, the Department of Health and Human Services shall provide to the Joint Standing Committee on Health and Human Services an interim report on the implementation of the removal of the full family unit sanction under the Temporary Assistance for Needy Families program pursuant to section 2. No later than January 1, 2023, the