

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.

Augusta, Maine
2021

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

Department of Health and Human Services shall provide to the joint standing committee of the Legislature having jurisdiction over health and human services matters a final report regarding the effects of the removal of the full family unit sanction.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF**

Temporary Assistance for Needy Families 0138

Initiative: Provides allocation to terminate Temporary Assistance for Needy Families benefits for only the noncomplying parent but continue assistance to the children and complying parents.

FEDERAL BLOCK GRANT FUND	2021-22	2022-23
All Other	\$0	\$753,666
FEDERAL BLOCK GRANT FUND TOTAL	\$0	\$753,666

See title page for effective date.

**CHAPTER 98
H.P. 47 - L.D. 81**

**An Act To Ensure the Safety of
Children Experiencing
Homelessness by Extending
Shelter Placement Periods and
Amending Licensing
Requirements for Emergency
Shelters**

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

Sec. 1. 22 MRSA §8101, sub-§2, as amended by PL 2013, c. 179, §7, is further amended to read:

2. Emergency children's shelter. "Emergency children's shelter" means a facility that operates to receive children 24 hours a day and that limits placement to ~~30~~ 90 consecutive days or less. For purposes of this section, the definition of "children" includes a person under 21 years of age. "Emergency children's shelter" does not mean a family foster home or specialized children's home. If emergency shelter is a service provided by a children's residential care facility, the service is restricted to a designated physical area of the facility.

Sec. 2. 22 MRSA §8101, sub-§4-A, as amended by PL 2013, c. 179, §7, is further amended to read:

4-A. Shelter for homeless children. "Shelter for homeless children" means a facility designed to provide for the overnight lodging and supervision of children 10

years of age or older for no more than ~~30~~ 90 consecutive overnights. For purposes of this section, the definition of "children" includes a person under 21 years of age.

Sec. 3. Rules for licensing of emergency shelters for children. The Department of Health and Human Services shall amend its rule Chapter 9: Rules for the Licensing of Emergency Shelters for Children to make it consistent with the notification requirements for facilities licensed under rule Chapter 8: Rules for the Licensure of Shelters for Homeless Children and specifically to allow the admission of a child into care for up to 3 hours without first notifying the child's guardian. The department shall amend its rule Chapter 9: Rules for the Licensing of Emergency Shelters for Children to require a facility to allow the admission of a child into care for up to 48 hours without the permission of the child's guardian. Rules adopted in accordance with this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 99
H.P. 69 - L.D. 103**

**An Act To Improve the Animal
Welfare Laws**

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

Sec. 1. 7 MRSA §3906-B, sub-§12, as enacted by PL 1995, c. 502, Pt. C, §12, is repealed.

Sec. 2. 7 MRSA §3906-B, sub-§12-A is enacted to read:

12-A. Right to call and designate assistance. The commissioner may employ a person considered necessary to assist in a response to a natural or man-made disaster affecting animals. A person called and employed for assistance shall proceed to help resolve the natural or man-made disaster as directed by the commissioner or the commissioner's designee.

A. A person considered necessary to assist in a response must receive compensation for services at the prevailing rate in the State, except that animal control officers, veterinarians, animal shelter staff or other groups used outside the State may receive pay at their usual rates. Equipment may be provided by individuals or groups during a response. Equipment used in a response must, upon application, be compensated for at an amount fixed by the state in which the response occurred. A person responding under this subsection may be provided with subsistence pay during the response.