

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

§17768. Service credit for teachers

A member who is a teacher and who experiences a reduction in income from an extracurricular or cocurricular position due to circumstances related to coronavirus disease 2019, referred to in this section as "COVID-19," may purchase service credit for the period during which the extracurricular or cocurricular position was eliminated or otherwise unavailable under the following conditions.

1. Eligibility requirements. A teacher may purchase service credit under this section only if:

A. During the 12 months preceding the start of the period of the service credit, the teacher received income from employment in an extracurricular or cocurricular position that was eliminated or otherwise unavailable during the period from January 1, 2020 to July 1, 2021 due to circumstances related to COVID-19; and

B. The teacher is in the final 3 years of service during the period from January 1, 2020 to July 1, 2021.

2. Limit on service credit. The additional service credit under this section may be purchased only for the period from January 1, 2020 to July 1, 2021.

3. Payment. A member purchasing service credit under this section must, before any retirement benefit becomes effective, pay into the Members' Contribution Fund by a single payment or annual direct payments to the State Employee and Teacher Retirement Program an amount that, together with regular interest on that amount, is the actuarial equivalent, at the effective date of the retirement benefit, of the portion of the retirement benefit based on the additional service credit purchased under this section. Payments must be made as provided in section 17701, subsection 4.

If any retirement benefit becomes effective before the completion of the payment under this subsection, the member is entitled to the additional creditable service that the total amount of payments actually made, plus regular interest on those payments to the date the retirement benefit becomes effective, bears to the actuarial equivalent of the total portion of the retirement benefit based on the additional creditable service.

4. Limitation on use of purchased service credit. Notwithstanding any provision of law to the contrary, service credit purchased under this section may be used only for the purpose of increasing the amount of a member's service retirement benefit by inclusion of the purchased service credit and may not be used to establish a member's qualification for a service retirement benefit.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 16, 2021.

**CHAPTER 226
H.P. 441 - L.D. 605**

**An Act To Amend the
Marijuana Legalization Act**

Emergency preamble. **Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, businesses regulated under the State's adult use marijuana program are in the early stages of operation and the changes provided in this bill will help those businesses get started; and

Whereas, this bill removes the October 1, 2021 repeal of the law providing for licensee self-sampling of marijuana for the purpose of mandatory testing; and

Whereas, this bill needs to take effect before the expiration of the 90-day period in order to take effect before October 1, 2021; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 28-B MRSA §102, sub-§35, as amended by PL 2019, c. 528, §19, is further amended to read:

35. Marijuana trim. "Marijuana trim" means any part of a marijuana plant, whether processed or unprocessed, that is not marijuana flower or a marijuana seed except that "marijuana trim" does not include the stalks or roots of the marijuana plant. "Marijuana trim" does not include any part of a hemp plant as defined in Title 7, section 2231, subsection 1-A, paragraph D.

Sec. 2. 28-B MRSA §102, sub-§37, as amended by PL 2019, c. 528, §19, is further amended to read:

37. Mother plant. "Mother plant" means a ~~mature~~ marijuana plant that is used solely for the taking of seedling cuttings. "Mother plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

Sec. 3. 28-B MRSA §108, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

~~§108. Awareness and education on public health and safety matters programs~~ **Public health and safety matters programs**

The department shall develop and implement or facilitate the development and implementation by a public or private entity of programs, initiatives and

campaigns focused on increasing the awareness and education of the public on health and safety matters and focused on addressing public and behavioral health needs relating to the use of marijuana and marijuana products, including, but not limited to, programs, initiatives and campaigns focused on preventing and deterring the use of marijuana and marijuana products by persons under 21 years of age; and public and behavioral health programs and services related to the use of marijuana and marijuana products, including, but not limited to, evidence-based substance use disorder prevention and treatment programs, early intervention services and grants for schools or community-based organizations that provide programs for youth substance use disorder education and prevention as described under Title 5, chapter 521. Programs, initiatives and campaigns developed and implemented pursuant to this section may be funded with revenue from the Adult Use Marijuana Public Health and Safety Fund established in section 1101. The department may adopt rules to implement this section.

Sec. 4. 28-B MRSA §109, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

§109. Enhanced training for criminal justice agencies and municipalities

The department shall develop and implement or facilitate the development and implementation by a public or private entity of programs or initiatives providing enhanced training for criminal justice agencies and municipal officers and employees in the requirements and enforcement of this chapter and the rules adopted pursuant to this chapter, including, but not limited to, programs providing grants to regional or local criminal justice agencies or municipalities to train law enforcement officers and, if applicable, municipal officers and employees in inspections, investigations, searches, seizures, forfeitures and personal use and home cultivation allowances under this chapter and chapter 3 and the rules adopted pursuant to this chapter ~~and~~; in drug recognition procedures and the general enforcement of the State's motor vehicle ~~and criminal~~ laws relating to the use of marijuana; and in restorative justice, jail diversion, marijuana industry-specific technical assistance and mentoring for economically disadvantaged persons in communities disproportionately affected by high rates of arrest and incarceration for marijuana-related offenses. Training programs or initiatives ~~for criminal justice agencies~~ developed and implemented pursuant to this section may be funded with revenue from the Adult Use Marijuana Public Health and Safety Fund established in section 1101. The department may adopt rules to implement this section.

Sec. 5. 28-B MRSA §205, sub-§4, ¶A, as amended by PL 2019, c. 231, Pt. B, §1, is further amended by amending subparagraph (4) to read:

(4) If the application is for any license except a sample collector license or a license to operate a testing facility, register with the State Tax Assessor pursuant to Title 36, section 1754-B to collect and remit the sales tax on the sale of adult use marijuana and adult use marijuana products imposed under Title 36, section 1811; and

Sec. 6. 28-B MRSA §604-A, sub-§2, as enacted by PL 2019, c. 676, §15, is repealed.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 16, 2021.

CHAPTER 227

H.P. 622 - L.D. 854

An Act To Ensure Continued Health-related Services for Children To Access Education

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, health-related services provided to children to access education are critical to their success and must be available to the maximum extent possible under federal law; and

Whereas, the Legislature has an important role in ensuring that rules adopted by the Department of Health and Human Services result in health-related services being provided to children to access their education by providing additional review, and the review must be in place as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 34-B MRSA §1227 is enacted to read:

§1227. Health-related services for children from birth to 5 years of age to access education

1. Services required. The department shall provide reimbursement for health-related services that are required for children from birth to 5 years of age to access their education. Health-related services may include, but are not limited to, physical therapy, occupational therapy, speech therapy, nursing services, social work services and behavioral health services.