

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

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.

2. Rulemaking. The department shall adopt rules to implement this section. The rules must establish the process for reimbursement under subsection 1 and be consistent with federal law. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 2. Initial rulemaking. The Department of Health and Human Services shall adopt a new rule to implement the requirements of the Maine Revised Statutes, Title 34-B, section 1227 in accordance with this section.

1. Major substantive rule. Notwithstanding Title 34-B, section 1227, subsection 2, rules adopted under this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A and must be provisionally adopted and submitted to the Legislature for review no later than January 13, 2023. After adoption of rules under this section, any rules subsequently adopted by the Department of Health and Human Services to implement the requirements of Title 34-B, section 1227 are routine technical rules as specified in section 1227.

2. Stakeholder groups. The Department of Health and Human Services shall convene stakeholder groups as necessary to discuss the proposed new major substantive rule under subsection 1 prior to any rule-making activity initiated pursuant to Title 5, chapter 375, subchapter 2-A. Stakeholder groups must include representatives of providers, advocates, parents of children receiving services, the Child Development Services System under Title 20-A, section 7209, school administrative units and the Department of Education. The Department of Health and Human Services shall also take into account the findings from the independent review of the State's early childhood special education services being carried out pursuant to Public Law 2019, chapter 343, Part VVVV.

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

Effective June 16, 2021.

CHAPTER 228

H.P. 867 - L.D. 1189

An Act To Amend the Teacher Certification Statutes

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

Whereas, revisions to the educator certification and reciprocal professional certification statutes neces-

sary for the adoption of any emergency rulemaking related to emergency teacher certification must be in place for the 2021-2022 school year; 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. 20-A MRSA §13001-A, sub-§7, as enacted by PL 2017, c. 235, §2 and affected by §41, is amended to read:

7. Educational specialist. "Educational specialist" means an individual who provides professional services to a school, including, but not limited to, an athletic director, school counselor, library-media specialist, literacy specialist, school psychologist, school nurse, ~~special education consultant, speech language clinician~~ or career and technical education evaluator.

Sec. 2. 20-A MRSA §13012-B is enacted to read:

§13012-B. Emergency teacher certificate and reciprocal professional certificate

Upon the identification of an educator staffing shortage in the State, the commissioner may issue emergency certificates to teachers, specialists and administrators in accordance with this section. The commissioner shall issue an emergency teacher certificate or reciprocal professional certificate to an applicant who meets the requirements of this section. The commissioner shall provide to an applicant who is not qualified information regarding any remaining requirements and other certification options available to the applicant. The commissioner may issue an emergency teacher certificate or reciprocal professional certificate under this section only to address the identified staffing shortage and only in a manner that ensures that the person issued an emergency teacher certificate or reciprocal professional certificate does not supplant an otherwise qualified and available teacher, specialist or administrator.

1. Emergency teacher certificate. The commissioner may issue an emergency teacher certificate under this section to an applicant who has submitted to a criminal history background check and who:

- A. Holds a 4-year postsecondary degree or the equivalent in work or academic experience;
- B. Is enrolled in an approved educator preparation program; or
- C. Holds a certification as an education technician III issued according to rules of the department pursuant to section 13019-H.