

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

the first violation, \$10,000 for the 2nd violation and \$25,000 for the 3rd and any subsequent violation.

3. Prohibition; motor carrier. A motor carrier may not transport forest products that are harvested from a landowner's land from a location in the State to another location in the State unless the motor carrier is operated by a resident of the United States.

A motor carrier who violates this subsection commits a civil violation and is subject to a penalty of \$1,000 for the first violation, \$2,500 for the 2nd violation and \$10,000 for the 3rd and any subsequent violation.

4. Disposition of fines. Notwithstanding any law to the contrary, fines collected pursuant to this section may be retained by the bureau and used to assist with the enforcement of this section.

5. Enforcement; notification. Violations of this section are enforced in the same manner as provided in section 8307. The director shall notify the State Tax Assessor and municipal property tax assessors of any violation by a landowner under this section.

Sec. 7. Legislative intent. It is the intent of the Legislature that the inspection of trip tickets pursuant to the Maine Revised Statutes, Title 10, section 2364-B, subsection 6 and subsequent enforcement of Title 12, section 8006 by the Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry, as required pursuant to Title 12, section 8003, subsection 3, paragraph R, be done within the existing resources of the bureau.

See title page for effective date.

CHAPTER 281
S.P. 185 - L.D. 816

**An Act To Improve
Communication between
School Board Members and
School Employees and
Members of the Public**

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

Sec. 1. 20-A MRSA §1001, sub-§21 is enacted to read:

21. Communication with school employees and the public. A school board shall regularly communicate with school employees in the school board's school administrative unit and members of the public who reside within the boundaries of the school administrative unit.

See title page for effective date.

CHAPTER 282
S.P. 235 - L.D. 824

**An Act To Extend the
Protections Provided to State
Employees upon the Expiration
of Labor Contracts to Other
Public Sector Employees**

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

Sec. 1. 26 MRSA §976 is enacted to read:

§976. Obligations during interim between contracts

During the interim after the expiration of a collective bargaining agreement and before the effective date of any subsequent collective bargaining agreement, public employees covered by the expired collective bargaining agreement remain eligible for and must receive step increases in accordance with the terms and conditions set forth in the expired collective bargaining agreement.

Sec. 2. 26 MRSA §1038 is enacted to read:

§1038. Obligations during interim between contracts

During the interim after the expiration of a collective bargaining agreement and before the effective date of any subsequent collective bargaining agreement, regular employees covered by the expired collective bargaining agreement remain eligible for and must receive step increases in accordance with the terms and conditions set forth in the expired collective bargaining agreement.

Sec. 3. 26 MRSA §1296 is enacted to read:

§1296. Obligations during interim between contracts

During the interim after the expiration of a collective bargaining agreement and before the effective date of any subsequent collective bargaining agreement, judicial employees covered by the expired collective bargaining agreement remain eligible for and must receive merit or step increases in accordance with the terms and conditions set forth in the expired collective bargaining agreement.

See title page for effective date.

CHAPTER 283
H.P. 854 - L.D. 1176

**An Act To Improve Fairness in
Auto Insurance Claims**

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

Sec. 1. 24-A MRSA §2910-B is enacted to read:

§2910-B. Assessment of value of motor vehicle

If an insurer uses the value of a comparable motor vehicle to assess the value of a damaged motor vehicle, the comparable motor vehicle used by the insurer must be in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island or New York and the value of that comparable motor vehicle must be its value in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island or New York to the extent comparable vehicles are available in these states. An insurer may use a comparable motor vehicle in a state not specified in this section only after determining that comparable motor vehicles are not available in the states specified in this section.

See title page for effective date.

CHAPTER 284

H.P. 404 - L.D. 559

An Act To Improve the Rights and Basic Protections of Persons with Acquired Brain Injuries

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

Whereas, each person with an acquired brain injury is entitled to the same rights enjoyed by other citizens of the State and the United States; and

Whereas, the Department of Health and Human Services has adopted rules regarding the rights and basic protections of persons who receive adult mental health services and adult developmental services and children who receive behavioral health services but has not adopted rules regarding the rights and basic protections of adults with acquired brain injuries; and

Whereas, this legislation must take effect before the expiration of the 90-day period so that a study regarding the rights and basic protections of persons with acquired brain injuries may be completed and a report submitted in time for submission to the next legislative session; 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:

PART A

Sec. A-1. 22-A MRSA §101, sub-§1-B is enacted to read:

1-B. Acquired brain injury. "Acquired brain injury" has the same meaning as in Title 22, section 3086, subsection 1.

Sec. A-2. 22-A MRSA §206, sub-§4, as amended by PL 2011, c. 542, Pt. A, §51, is further amended to read:

4. Grievance procedures. The commissioner shall establish procedures for hearing grievances of clients who receive mental health services or adult developmental services ~~or~~ of children who receive behavioral health services or of adults who receive acquired brain injury services. The procedures must include the opportunity for a timely hearing before a state hearing examiner or an independent fair hearing examiner. The commissioner may contract for the services of the hearing examiner, who shall conduct adjudicatory proceedings pursuant to the Maine Administrative Procedure Act.

Sec. A-3. 34-B MRSA c. 5, sub-c. 4, headnote, is amended to read:

SUBCHAPTER 4

RIGHTS OF PERSONS WITH INTELLECTUAL DISABILITIES ~~OR~~ AUTISM OR ACQUIRED BRAIN INJURY

Sec. A-4. 34-B MRSA §5601, sub-§1-D is enacted to read:

1-D. Acquired brain injury. "Acquired brain injury" has the same meaning as in Title 22, section 3086, subsection 1.

Sec. A-5. 34-B MRSA §5602, as amended by PL 2011, c. 542, Pt. A, §125, is further amended to read:

§5602. Purpose

It is the intent of the Legislature to guarantee individual dignity, liberty, pursuit of happiness and the protection of the civil and legal rights of persons with intellectual disabilities ~~or~~ autism or acquired brain injuries and to articulate rights of persons with intellectual disabilities ~~or~~ autism or acquired brain injuries, so that these rights may be exercised and protected.

Sec. A-6. 34-B MRSA §5603, as amended by PL 2011, c. 542, Pt. A, §126, is further amended to read:

§5603. Entitlement

Each person with an intellectual disability ~~or~~ autism or an acquired brain injury is entitled to the rights enjoyed by citizens of the State and of the United States, unless some of these rights have been limited or suspended by a court of competent jurisdiction.

1. Person committed to the commissioner. The rights and basic protections set out in section 5605 of a person with an intellectual disability ~~or~~ autism or an