

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

section 116, subsections 1 and 8 take effect August 1, 2022.

See title page for effective date, unless otherwise indicated.

**CHAPTER 319
H.P. 625 - L.D. 857**

An Act To Create a Municipal Grant Program To Promote Sustainable Economic Development

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

Sec. 1. 5 MRSA §13073-C is enacted to read:

§13073-C. Municipal Grant Fund

The Municipal Grant Fund is established as a nonlapsing fund within the Office of Community Development. The Director of the Office of Community Development shall administer the Municipal Grant Fund, referred to in this section as "the fund." The fund may receive appropriations, allocations, grants or gifts from any federal agency or governmental subdivision or the State or its agencies.

1. Fund purpose. The purpose of the fund is to provide funding for municipalities for projects that further the goals of sustainable economic development as outlined by the Maine Economic Growth Council, established in Title 10, section 929-A and referred to in this section as "the council," in the council's annual "Measures of Growth" report, or successor report, and by the "Maine Economic Development Strategy 2020-2029," or successor economic development strategy for the State, as administered by the department.

2. Application process. The department shall adopt rules establishing an application process for municipalities for fund grants for the purposes set forth in this section.

3. Competitive procedure. Funds must be dispersed in accordance with a competitive, quality-based selection procedure as established and administered by the department.

4. Maximum award. A grantee may not be awarded a total amount in excess of \$50,000 in a legislative biennium.

5. Rules. The department shall adopt rules necessary to carry out this section. Rules adopted pursuant to this section are routine technical rules as defined in chapter 375, subchapter 2-A.

Sec. 2. Source of funding. The Legislature shall allocate to the Municipal Grant Fund established in the Maine Revised Statutes, Title 5, section 13073-C

funds derived from the Federal Government through stimulus or relief funds to counter the effects of the pandemic related to coronavirus disease 2019, or COVID-19, that are received by the State in calendar year 2021 and are eligible to be used for the purposes of the Municipal Grant Fund.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF
Municipal Grant Fund N389**

Initiative: Provides base allocations to authorize the expenditure of funds received from federal or private sources to provide funding for municipalities for projects that further the goals of sustainable economic development.

FEDERAL EXPENDITURES FUND	2021-22	2022-23
All Other	\$500	\$500
FEDERAL EXPENDITURES FUND TOTAL	\$500	\$500
OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

See title page for effective date.

**CHAPTER 320
H.P. 1067 - L.D. 1451**

An Act To Align the Expulsion Process with School Disciplinary Policies

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

Sec. 1. 20-A MRSA §1001, sub-§8-A, as enacted by PL 2011, c. 614, §3, is amended to read:

8-A. Due process standards for expulsion proceedings. Following a proper investigation of a student's behavior and in accordance with the districtwide disciplinary policies adopted by the school board pursuant to subsection 15-A, a school board that intends to consider expulsion shall ensure proceedings include the following due process provisions.

A. Before a hearing on the expulsion, the superintendent shall:

- (1) Provide written notice to the parents and the student of:

- (a) The date, time and location of the hearing;
- (b) A description of the incident or incidents that occasioned the expulsion hearing;
- (c) The student's and parents' right to review the school records prior to the hearing;
- (d) A description of the hearing process; and
- (e) An explanation of the consequences of an expulsion; and

(2) Invite the parents and student to a meeting prior to the expulsion hearing to discuss the procedures of the hearing.

B. At a hearing on the expulsion:

- (1) The student has the right to present and cross-examine witnesses;
- (2) The student has the right to an attorney or other representation; and
- (3) Witnesses must be sworn in and the chair of the hearing has the authority to swear in witnesses.

C. After a hearing on the expulsion, the school board shall provide written notice of its decision to the parents and the student by certified mail. The notice of the school board's written decision may include a reentry plan developed in accordance with subsection 9-C.

Sec. 2. 20-A MRSA §1001, sub-§9, as amended by PL 2017, c. 407, Pt. A, §57, is further amended by amending the first blocked paragraph to read:

A student may be readmitted on satisfactory evidence that the behavior that was the cause of the student being expelled will not likely recur. The school board may authorize the principal to suspend students up to a maximum of 10 days for infractions of school rules. The school board may authorize the superintendent or principal to modify, in writing, the requirement for expulsion of a student on a case-by-case basis. In addition to other powers and duties under this subsection, the school board may develop a policy requiring a student who is in violation of school substance use or possession rules to participate in substance use disorder services as provided in section 6606. Nothing in this subsection or subsection 9-C prevents a school board from providing educational services in an alternative setting to a student who has been expelled.

Sec. 3. 20-A MRSA §1001, sub-§9-A, ¶A, as amended by PL 2009, c. 614, §1, is further amended to read:

A. A student who is determined to have brought a firearm to school or to have possessed a firearm at school under this subsection must be expelled from school for a period of not less than one year, except that the school board may authorize the superintendent to modify in writing the requirement for expulsion of a student on a case-by-case basis. A decision to change the placement of a student with a disability must be made in accordance with the federal Individuals With Disabilities Education Act, 20 United States Code, Section 1400 et seq.

Sec. 4. 20-A MRSA §6555, sub-§2, ¶D, as enacted by PL 2019, c. 458, §1, is amended to read:

D. Restorative practices and restorative interventions as defined in section 1001, subsection 15-A, paragraph B;

See title page for effective date.

CHAPTER 321

H.P. 1104 - L.D. 1490

An Act To Improve Home and Community-based Services for Adults with Intellectual Disabilities, Autism, Brain Injury and Other Related Conditions

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

Sec. 1. 34-B MRSA §5003-A, sub-§1, as amended by PL 2011, c. 542, Pt. A, §83, is further amended to read:

1. System of ~~care~~ services and support. The Legislature declares that the system of care services and support through which the State provides services to and programs for persons with intellectual disabilities or autism must be designed to protect the integrity of the legal and human rights of these persons and to meet their needs consistent with the principles guiding delivery of services as set forth in section 5610.

Sec. 2. 34-B MRSA §5003-A, sub-§2, ¶E, as amended by PL 2011, c. 542, Pt. A, §83, is further amended to read:

E. Eliminate the department's own duplicative and unnecessary administrative procedures and practices in the system of care services and support for persons with intellectual disabilities or autism, encourage other departments to do the same and clearly define areas of responsibility in order to use present resources economically;

Sec. 3. 34-B MRSA §5003-A, sub-§2, ¶F, as amended by PL 2011, c. 542, Pt. A, §83, is further amended to read: