

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

- (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:

F. Strive toward having a sufficient number of personnel who are qualified and experienced to provide treatment that is beneficial to persons with intellectual disabilities or autism; ~~and~~

Sec. 4. 34-B MRSA §5003-A, sub-§2, ¶G, as amended by PL 2011, c. 542, Pt. A, §83, is further amended by amending subparagraph (3) to read:

(3) The commissioner shall inform the joint standing committee of the Legislature having jurisdiction over human resources matters about areas where increased cooperation by other departments is necessary in order to improve the delivery of services to persons with intellectual disabilities or autism; ~~and~~

Sec. 5. 34-B MRSA §5003-A, sub-§2, ¶H is enacted to read:

H. Post quarterly reports on the department's publicly accessible website, for each home and community-based services waiver from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services in which the State participates, data on how many persons were served and how many were on the waiting list for services. The department shall post this information by prioritization category when applicable and shall include one or more indicators of the length of time that persons are on the waiting list.

Sec. 6. 34-B MRSA §5003-A, sub-§3, ¶H, as amended by PL 2011, c. 542, Pt. A, §83, is further amended to read:

H. The commissioner ~~must~~ shall ensure that the development of the plan includes the participation of persons with intellectual disabilities, autism, brain injury and other related conditions; community intellectual disability and autism service providers; consumer and family groups; and other interested persons or groups in annual statewide hearings, as well as informal meetings and work sessions. The commissioner shall ensure the participation of persons reflecting a diversity of ethnicity, race and gender.

Sec. 7. 34-B MRSA §5003-A, sub-§6, ¶A, as enacted by PL 2007, c. 356, §16 and affected by §31, is amended by amending subparagraph (4) to read:

(4) The system of ~~care~~ services and support under this section is efficient and effective.

Sec. 8. 34-B MRSA §5003-A, sub-§7 is enacted to read:

7. Committee authorized to introduce legislation. The joint standing committee of the Legislature having jurisdiction over health and human services matters is authorized to introduce a bill in each first regular

session of the Legislature and a bill in each second regular session of the Legislature to address the system of services and support for persons with intellectual disabilities or autism.

See title page for effective date.

CHAPTER 322

H.P. 1151 - L.D. 1546

An Act Directing the Maine State Housing Authority To Report on Emergency Rental Assistance Programs

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

Sec. 1. 30-A MRSA §4722, sub-§1, ¶FF, as amended by PL 2019, c. 555, §2, is further amended to read:

FF. Provide grants to eligible homeowners who are served by private well water that shows evidence of high levels of arsenic contamination. For purposes of this paragraph, "homeowner" includes an individual who occupies a single-family dwelling that is located on land that is owned by a member of that individual's immediate family and "immediate family" means a spouse, parent, child, sibling, stepchild, stepparent and grandparent; ~~and~~

Sec. 2. 30-A MRSA §4722, sub-§1, ¶GG, as enacted by PL 2019, c. 555, §3, is amended by amending subparagraph (3) to read:

(3) Perform other functions and duties necessary for the proper administration of the credit, including providing any necessary certifications and notices to taxpayers and to the Department of Administrative and Financial Services, Bureau of Revenue Services containing information required by the State Tax Assessor necessary for determining eligibility and the amount of the credit for each taxable year; ~~and~~

Sec. 3. 30-A MRSA §4722, sub-§1, ¶HH is enacted to read:

HH. Provide the joint standing committee of the Legislature having jurisdiction over housing matters copies of any reports required to be submitted to the United States Department of the Treasury or the Governor regarding the administration of the emergency rental assistance programs established by Section 501 of Division N of the federal Consolidated Appropriations Act, 2021 and Section 3201(a) of the federal American Rescue Plan Act of 2021. Copies of any reports required to be submitted to the United States Department of the Treasury or the Governor must be submitted to the