

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

Initiative: Provides base allocations to authorize the expenditure of funds received from federal sources for the repayment of student loans for eligible health care providers.

| | | |
|---|----------------|----------------|
| FEDERAL EXPENDITURES FUND | 2021-22 | 2022-23 |
| All Other | \$500 | \$500 |
| FEDERAL EXPENDITURES FUND TOTAL | \$500 | \$500 |
| | | |
| FINANCE AUTHORITY OF MAINE DEPARTMENT TOTALS | 2021-22 | 2022-23 |
| FEDERAL EXPENDITURES FUND | \$500 | \$500 |
| OTHER SPECIAL REVENUE FUNDS | \$500 | \$500 |
| DEPARTMENT TOTAL - ALL FUNDS | \$1,000 | \$1,000 |

See title page for effective date.

**CHAPTER 347
H.P. 980 - L.D. 1328**

An Act To Protect Maine Electricity Customers from Threats of Disconnection in the Wintertime

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

Sec. 1. 35-A MRSA §717 is enacted to read:

§717. Winter terminations

1. Definition. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Disconnection prohibition period" means any time between November 15th and April 15th, or during any other period when, pursuant to rules adopted under section 704, the commission has prohibited a transmission and distribution utility from disconnecting residential customers or prohibited such disconnections without the permission from the consumer assistance and safety division.

B. "Residential customer" includes any customer account to which electric service is provided for residential purposes, regardless of whether the electricity received under that account is also used for business purposes.

2. Notice of winter disconnection. During a disconnection prohibition period, a transmission and distribution utility may not send or deliver, orally, on paper

or electronically, to any residential customer of the utility any notice or communication that:

A. Provides for disconnection of the customer's electric service on a specified date or within a specified interval of time during a disconnection prohibition period, unless the utility has received the prior permission of the consumer assistance and safety division to make the disconnection on the specified date or within the specified interval of time; or

B. Makes any reference to disconnection or involuntary termination of the customer's electric service during a disconnection prohibition period, unless the notice or communication includes a prominent statement that disconnection of a residential customer's electric service during the disconnection prohibition period cannot take place without the advance permission of the consumer assistance and safety division, that the customer will be notified of any request for such permission and that the customer will have the opportunity to be heard by the consumer assistance and safety division.

3. Past due accounts; assistance programs. Notwithstanding any provision of law to the contrary, the notice permitted under subsection 2 to a residential customer from a transmission and distribution utility is deemed a notice of disconnection for the purpose of establishing eligibility for certain emergency assistance programs, including, but not limited to, the emergency general assistance described in Title 22, chapter 1161 and the fuel assistance described in Title 30-A, chapter 201, subchapter 13.

4. Violation; penalties. A transmission and distribution utility that violates this section is subject to a civil penalty not to exceed \$2,500, payable to the customer to whom the prohibited communication is sent. This penalty is recoverable in a civil action and is in addition to any other remedies to which the customer may be entitled.

See title page for effective date.

**CHAPTER 348
H.P. 987 - L.D. 1336**

An Act To Discontinue the Use of the Terms "Handicap," "Handicapped" and "Hearing Impaired" in State Laws, Rules and Official Documents

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

Sec. 1. 5 MRSA §782, as amended by PL 1985, c. 388, §1, is further amended to read:

§782. Definition of affirmative action

An affirmative action program includes procedures designed to increase the numbers of minorities, women and ~~handicapped persons with disabilities~~ at all levels and in all segments of the work force where imbalances exist. Such a program should include an assessment of the existing situation, and the development of realistic goals for necessary action. These goals and related procedures and timetables should not require rigid quotas, but are commitments ~~which that~~ an employer should make every good faith effort to achieve.

Sec. 2. 5 MRSA §783, as amended by PL 1985, c. 785, Pt. B, §22, is further amended to read:

§783. Appointment, assignment and promotion of personnel

Officials and supervisory employees shall appoint, assign and promote personnel on the basis of merit and fitness, without regard to race, color, religious creed, national origin, sex, ancestry, age, ~~or physical handicap or mental handicap disability~~, unless related to a bona fide occupational qualification. Each appointing authority shall designate an affirmative action officer. The officer must be so placed within the agency's organizational structure that ~~he or she shall have~~ the officer has direct access to the appointing authority. Each department or agency shall prepare an affirmative action program for that department or agency in accordance with criteria set forth by the Bureau of Human Resources.

Sec. 3. 5 MRSA §784, sub-§1, as amended by PL 1985, c. 388, §2, is further amended to read:

1. State action. ~~No~~ An agency or individual employee of the State or ~~state-related agencies will~~ state-related agency may not discriminate because of race, color, religious creed, sex, national origin, ancestry, age, ~~or physical handicap or mental handicap disability~~ while providing any function or service to the public, in enforcing any regulation, or in any education, counseling, vocational guidance, apprenticeship and on-the-job training programs. Similarly, ~~no~~ a state or ~~state-related state-related~~ agency contractor, subcontractor, or labor union or representative of the workers with which the contractor has an agreement, ~~will~~ may not discriminate unless based on a bona fide occupational qualification. State agencies or related agencies may withhold financial assistance to any recipient found to be in violation of the Maine Human Rights Act or the ~~Federal~~ federal Civil Rights Act. Any state agency or related agency shall decline any job order carrying a specification or limitation as to race, color, religious creed, sex, national origin, ancestry, age, ~~or physical handicap or mental handicap disability~~, unless it is related to a bona fide job requirement.

Sec. 4. 5 MRSA §784, sub-§2, ¶A, as amended by PL 1985, c. 388, §2, is further amended to read:

A. The contractor will not discriminate against any employee or applicant for employment because of race, color, religious creed, sex, national origin, ancestry, age, ~~or physical handicap or mental handicap disability~~. Such action ~~shall include~~ includes, but ~~is not be~~ limited to, the following: ~~Employment employment~~, upgrading, demotions, transfers, recruitment or recruitment advertising; layoffs or terminations; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

Sec. 5. 5 MRSA §784, sub-§2, ¶B, as amended by PL 1985, c. 388, §2, is further amended to read:

B. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religious creed, sex, national origin, ancestry, age, ~~or physical handicap or mental handicap disability~~.

Sec. 6. 5 MRSA §785, as amended by PL 1985, c. 388, §2, is further amended to read:

§785. State employment services

Any state agency or ~~state-related~~ state-related agency engaged in employment, referral or placement service for private industry or public agencies shall fill all job orders on a nondiscriminatory basis, and shall decline any job order carrying a specification or limitation as to race, color, religious creed, sex, national origin, ancestry, age, ~~or physical handicap or mental handicap disability~~, unless it relates to a bona fide job requirement.

Sec. 7. 5 MRSA §786, as corrected by RR 1993, c. 1, §7, is amended to read:

§786. Training for job opportunities

All educational and vocational-guidance counseling programs and all apprenticeship and on-the-job training programs conducted, supervised or funded by the State or state-related agency must be conducted to encourage the fullest development of interest and aptitudes without regard to race, color, religious creed, sex, national origin, ancestry, age, ~~or physical handicap or mental handicap disability~~, unless sex or age relates to a bona fide job requirement. In the event that any such programs are conducted in conjunction with private employers or private educational institutions, the supervising or contracting department or agency shall insure that the provisions of this chapter are complied with fully by such private employer or private educational institution.

Sec. 8. 5 MRSA §787, as amended by PL 1985, c. 388, §2, is further amended to read:

§787. State financial assistance

~~No~~ A state agency or ~~state-related~~ state-related agency ~~shall~~ may not approve a grant of state financial assistance to any recipient who is engaged in discriminatory practices. All recipients of state financial assistance shall submit to the Maine Human Rights Commission, at its request, information relating to the recipient's operations with regard to race, color, religious creed, sex, national origin, ancestry, age, ~~or physical handicap~~ or mental ~~handicap~~ disability. Such information ~~shall~~ must be furnished on a form to be prescribed by the Maine Human Rights Commission.

Sec. 9. 5 MRSA §789, last ¶, as amended by PL 1985, c. 388, §3, is further amended to read:

All powers and duties granted to the Maine Human Rights Commission under ~~sections 4551, et seq., as amended, chapter 337~~ apply to this section. Complaints of discrimination based on race, color, religious creed, sex, national origin, age, ~~or physical handicap~~ or mental ~~handicap~~ disability should be made to the Maine Human Rights Commission.

Sec. 10. 5 MRSA §1742-D, sub-§2, ¶A, as amended by PL 1999, c. 776, §1, is further amended to read:

A. Standards for occupant safety and comfort in leased space that are consistent with law and all applicable building, fire, ~~handicapped~~ accessibility and environmental codes; and

Sec. 11. 5 MRSA §4575, sub-§2, as enacted by PL 1985, c. 801, §§3 and 7, is amended to read:

2. Criteria and standards. A state department or public school may establish reasonable criteria and standards of job performance to be used for the purpose of determining when employment of its employees should be terminated. Where there is a certified bargaining agent, the establishment of these criteria and standards may be a subject of collective bargaining. These criteria and standards ~~shall~~ must be consistent for all employees in the same or similar job classifications, ~~shall~~ must be applied fairly to all employees regardless of age and ~~shall~~ must be consistent with the provisions of this Act relating to the employment of persons who are physically and mentally ~~handicapped~~ persons disabled.

Sec. 12. 5 MRSA §12002, sub-§3-A, as enacted by PL 1985, c. 295, §5, is amended to read:

3-A. Personal care expenses. "Personal care expenses" means the cost of feeding, dressing, toileting, mobility and personal hygiene assistance provided to persons who are developmentally or otherwise disabled or ~~handicapped~~ persons who are members or the children of members of boards established in this chapter.

Sec. 13. 5 MRSA §12002-A, sub-§2, ¶B, as enacted by PL 1985, c. 295, §6, is amended to read:

B. For those board members who are selected because they are persons who are developmentally or otherwise disabled or ~~handicapped~~ or who are the parents or guardians of handicapped persons who are disabled, those members may be reimbursed for reasonable child care expenses and personal care expenses incurred while engaged in the official business of the board.

Sec. 14. 10 MRSA §1496, sub-§1, ¶A, as enacted by PL 1989, c. 758, is amended to read:

A. "Telefacsimile" means any process in which electronic signals are transmitted by means of a telephone system for immediate direct printing as images or written text, excluding telecommunication signals transmitted by devices for the deaf, hard of hearing ~~impaired~~ or speech impaired.

Sec. 15. 10 MRSA §1661-A, as amended by PL 1995, c. 645, Pt. A, §1, is further amended to read:

§1661-A. Gasoline stations to provide services for handicapped drivers who have disabilities

Every full-service gasoline station offering self-service pumping at a lesser cost shall require an attendant employed by the station to dispense gasoline to any motor vehicle properly displaying a handicapped placard or special designating plates issued under Title 29-A, section 521; when the person to whom the placard or plates have been issued is the operator of the vehicle, the service is requested, the operator has a driver's license designated with a code S, restricted to special equipment, and ~~there is no nonhandicapped~~ an adult without a disability is not in the motor vehicle.

Sec. 16. 12 MRSA §12503, sub-§6, as amended by PL 2003, c. 655, Pt. B, §249 and affected by §422, is further amended to read:

6. Fishing during event sanctioned by department. A person who does not hold a fishing license may assist a child or a handicapped person who is disabled who is a participant in a fishing event sanctioned by the department.

Sec. 17. 14 MRSA §1202-A, as corrected by RR 2017, c. 1, §6, is further amended to read:

§1202-A. Prohibition of discrimination

A citizen may not be excluded from jury service in this State on account of race, color, religion, sex, sexual orientation as defined in Title 5, section 4553, subsection 9-C, national origin, ancestry, economic status, marital status, age or physical ~~handicap~~ disability, except as provided in this chapter.

Sec. 18. 17 MRSA §1311, as enacted by PL 1971, c. 58, §1, is amended to read:

§1311. Policy

It is the policy of this State to encourage and enable ~~the persons who are blind, the visually ~~handicapped~~ and~~

~~the impaired~~ or otherwise physically disabled to participate fully in the social and economic life of the State and to engage in remunerative employment.

Sec. 19. 17 MRSA §1312, as amended by PL 2015, c. 457, §8, is further amended to read:

§1312. Rights

1. Streets and public places. ~~The Persons who are blind, the visually handicapped and the impaired~~ or otherwise physically disabled have the same right as ~~the able-bodied persons who are not disabled~~ to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities and other public places.

2. Public conveyances. ~~The Persons who are blind, the visually handicapped and the impaired~~ or otherwise physically disabled are entitled to full and equal accommodations, advantages, facilities and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats or any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

3. Service dogs. Every person who is totally or partially blind or otherwise physically or mentally disabled ~~person~~ has the right to be accompanied by a service dog, ~~especially specially~~ trained for the purpose, in any of the places listed in subsection 2 without being required to pay an extra charge for the service dog; however, the person is liable for any damage done to the premises or facilities by such a dog.

4. Especially Specially trained service dog trainer; access to public facilities; responsibilities. ~~An especially~~ A specially trained service dog trainer, while engaged in the actual training process and activities of service dogs, has the same rights, privileges and responsibilities described in this section with respect to access to and use of public facilities as are applicable to ~~a persons who are blind, visually handicapped impaired~~ or otherwise physically or mentally disabled ~~person~~.

5. Housing accommodations; persons with service dogs. Every person who is blind or visually ~~handicapped impaired~~ or otherwise physically or mentally disabled ~~individual~~ who has a service animal, such as a service dog, is entitled to full and equal access to all housing accommodations provided for in this section. ~~Blind Persons who are blind or visually impaired or otherwise physically or mentally disabled individuals~~ may not be required to pay extra compensation to keep service animals. A person who is blind or visually impaired or otherwise physically or mentally disabled ~~person~~ is liable for any damages done to the premises by the service animal.

6. Housing accommodations; definitions. "Housing accommodations," as used in this section, means any real property, or portion of real property, which is used or occupied, or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings, including, but not limited to, public housing projects and all forms of publicly assisted housing, single and multi-family rental and sale units, lodging places, condominiums and cooperative apartments. "Housing accommodations" does not include:

- A. The rental of a housing accommodation in a building which contains housing accommodations for not more than 2 families living independently of each other, if the owner or members of the owner's family reside in that housing accommodation; or
- B. The rental of a room or rooms in a housing accommodation, if the rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and the owner or members of the owner's family reside in that housing accommodation.

7. Service dog; definition. As used in this section, "service dog" means a dog that meets the definition of "service animal" in Title 5, section 4553, subsection 9-E.

Sec. 20. 17 MRSA §1316, as enacted by PL 1971, c. 58, §1, is amended to read:

§1316. Employment

It is the policy of this State that ~~the persons who are blind, the visually handicapped and the impaired~~ or otherwise physically disabled ~~shall must~~ be employed in the state service, in the service of the political subdivisions of the State, in the public schools and in all other employment supported in whole or in part by public funds on the same terms and conditions as ~~the able-bodied persons who are not disabled~~, unless it is shown that the particular disability prevents the performance of the work involved.

Sec. 21. 18-C MRSA §9-401, sub-§4, ¶A, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

- A. Has a physical, mental or emotional ~~handicap~~ disability that makes placement difficult;

Sec. 22. 18-C MRSA §9-401, sub-§7, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

7. Duration of assistance. The duration of assistance under the program may continue until the cessation of legal parental responsibility or until the parents are no longer supporting the child, at which time the adoption assistance ceases. However, if the child has need of educational benefits or has a physical, mental

or emotional ~~handicap~~ disability, adoption assistance may continue until the adoptee has attained 21 years of age if the adoptee, the parents and the department agree that the need for care and support exists.

Sec. 23. 20-A MRSA §1, sub-§24-A, ¶C, as enacted by PL 1985, c. 789, §§1 and 9, is amended to read:

C. A "specialized children's home," which is a facility licensed to provide care to no more than 4 ~~children who are~~ moderately to severely ~~handicapped children~~ disabled by a caretaker who is specifically educated and trained to provide for the particular needs of each child placed; and

Sec. 24. 20-A MRSA §1, sub-§24-A, ¶D, as amended by PL 2013, c. 179, §3, is further amended to read:

D. A "children's residential care facility," which provides board and care for one or more children on a regular, 24-hours-a-day, residential basis. A children's residential care facility does not mean family foster home, specialized children's home or an emergency children's shelter. The term includes, but is not limited to:

- (1) A "group home," which is a children's residential care facility operated by a corporation and licensed for the purpose of providing board and care for up to 10 children;
- (2) A "residential agency," which is a children's residential care facility operated by a corporation and licensed for the purpose of providing board and care to more than 10 children;
- (3) A "residential treatment center," which is a children's residential care facility operated by a corporation and licensed for the purpose of providing therapeutically planned, group living situations within which educational, recreational, medical and sociopsychotherapeutic components are integrated for children whose present ~~handicaps~~ disabilities preclude community outpatient treatment;
- (4) A "residential treatment facility," which is a children's residential care facility operated by a corporation and licensed for the purpose of providing board, care and treatment for more than 10 ~~children who are~~ moderately to severely ~~handicapped children and which~~ disabled that does not contain an educational component; and
- (5) A "therapeutic group home," which is a children's residential care facility operated by a corporation and licensed for the purpose of providing board, care and treatment for up to 10 ~~children who are~~ moderately to severely ~~handicapped children~~ disabled.

Sec. 25. 20-A MRSA §3254-A, sub-§2, as enacted by PL 1985, c. 490, §7, is amended to read:

2. Preschool programs. The commissioner may establish preschool programs for ~~handicapped~~ children with disabilities between the ages of 3 and 5 years or contract with school administrative units to provide the programs.

Sec. 26. 20-A MRSA §12704, sub-§6, as enacted by PL 1985, c. 695, §11, is amended to read:

6. Special training and education. ~~Provide~~ Providing, directly or through contractual or other arrangements, remedial and special training and education programs for ~~persons who are~~ disadvantaged ~~and~~ handicapped persons or disabled, designed to enable them to make maximum use of their aptitudes and abilities and achieve meaningful employment and economic self-sufficiency; and

Sec. 27. 20-A MRSA §15672, sub-§30-A, ¶C, as enacted by PL 2005, c. 2, Pt. D, §36 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

C. The following preschool ~~handicapped~~ disability services:

- (1) The salary and benefit costs of certified professionals, assistants and aides or persons contracted to perform preschool ~~handicapped~~ disability services that have been approved by the commissioner; and
- (2) The cost of tuition to other schools for programs that have been approved by the commissioner; and

Sec. 28. 21-A MRSA §630, as amended by PL 2011, c. 613, §24 and affected by §29, is further amended by amending the section headnote to read:

§630. Accessible voting places for ~~the physically~~ handicapped persons with physical disabilities

Sec. 29. 22 MRSA §3571, sub-§2, as enacted by PL 1985, c. 484; amended by PL 1995, c. 560, Pt. K, §82 and affected by §83; and amended by PL 2001, c. 354, §3 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

2. Counseling and support services; Department of Health and Human Services. The Department of Health and Human Services shall institute programs of family counseling and support services for families with children who are developmentally disabled ~~children~~ aged 0 to 5 years. The purpose of these counseling and support services ~~shall~~ must be to increase the family's understanding of the child's special needs and to enhance family members' abilities to cope with the physical and emotional strains experienced by families with ~~handicapped~~ disabled children.

Sec. 30. 22 MRSA §3571, sub-§3, as amended by PL 1989, c. 700, Pt. A, §81, is further amended to read:

3. Preschool coordination projects; Department of Education. The Department of Education through the preschool coordination projects shall ~~assure~~ ensure the provision of comprehensive developmental services, including physical therapy, speech and language therapy and occupational therapy to preschool ~~handicapped children who are disabled~~ or delayed children. To the maximum extent possible, these programs shall ~~must~~ make use of existing 3rd party payors and coordinate services with local resources. In instances where needed services are not available, the department shall use authorized funds to enable preschool coordination projects to work with local providers, including public and private agencies and school units to develop new or expand existing service to meet these needs.

In addition, the Department of Education shall ensure that comprehensive health educational programs are available in state schools and that teacher training programs in the State include preparation in conduct of health educational programs.

Sec. 31. 22 MRSA §4038-D, sub-§5, as amended by PL 2011, c. 402, §13, is further amended to read:

5. Duration of guardianship subsidy. A guardianship subsidy may be provided for a period of time based on the needs of a child. The subsidy may continue until the termination of the permanency guardianship or until the permanency guardian is no longer caring for the child, at which time the guardianship subsidy ceases. If the child has need of educational benefits or has a physical, mental or emotional ~~handicap disability~~ handicap disability, the guardianship subsidy may continue until the child has attained 21 years of age if the child, the parents and the department agree that the need for care and support exists.

Sec. 32. 22 MRSA §8101, sub-§5, as enacted by PL 1981, c. 260, §4, is amended to read:

5. Specialized children's home. "Specialized children's home" means a children's home where care is provided to no more than 4 children who are moderately to severely ~~handicapped children disabled~~ by a caretaker who is specifically educated and trained to provide for the particular needs of each child placed. The total number of children in a specialized children's home may not exceed 4, including the caretaker's legal children under 16 years of age, with no more than 2 children under the age of 2.

Sec. 33. 22 MRSA §8107, sub-§2, as amended by PL 1985, c. 706, §10, is further amended to read:

2. Handicapped Disabled child; placement. The definitions used shall do not preclude the department from placing a child who is moderately to severely

~~handicapped child disabled~~ in any appropriate child care facility at the department's discretion, subject to the limitations on the number of children specified in section 8101, subsections 1 and 3.

Sec. 34. 24 MRSA §2931, sub-§3, as enacted by PL 1985, c. 804, §§16 and 22, is amended to read:

3. Birth of unhealthy child; damages limited. Damages for the birth of an unhealthy child born as the result of professional negligence shall ~~be~~ are limited to damages associated with the disease, defect or ~~handicap~~ disability suffered by the child.

Sec. 35. 24 MRSA §2931, sub-§4, as enacted by PL 1985, c. 804, §§16 and 22, is amended to read:

4. Other causes of action. This section shall ~~do~~ does not preclude causes of action based on claims that, but for a wrongful act or omission, maternal death or injury would not have occurred or ~~handicap disability~~ disability, disease, defect or deficiency of an individual prior to birth would have been prevented, cured or ameliorated in a manner that preserved the health and life of the affected individual.

Sec. 36. 24-A MRSA §2159-A, last ¶, as repealed and replaced by PL 1985, c. 445, is amended to read:

~~No~~ An insurer authorized to transact business in this State may not refuse to insure or continue to insure, limit the amount, extent or kind of coverage available to an individual or charge an individual a rate different from that normally charged for the same coverage solely because the insured or the applicant for insurance has a physical or mental ~~handicap disability~~ disability, as defined in Title 5, section 4553, subsection 7-A, other than blindness or partial blindness, unless the basis for that action is clearly demonstrated through sound actuarial evidence.

Sec. 37. 25 MRSA §2925, sub-§1, as amended by PL 1997, c. 291, §1, is further amended to read:

1. Membership. The E-9-1-1 Council is composed of 17 members; one appointed by the Public Utilities Commission; one appointed by the Commissioner of Public Safety; and 15 appointed by the Governor, including one who is a municipal official nominated by the statewide association of municipalities, one county official nominated by a statewide association of county commissioners, one who is a chief of a municipal police department nominated by the statewide association of chiefs of police, one who is the chief of a municipal fire department nominated by the statewide association of fire chiefs, one who is a county sheriff nominated by the statewide association of sheriffs, one who represents small telephone companies, one who represents the largest provider of local exchange telephone services, one who represents cellular or wireless service providers, one who represents a direct provider of emergency medical services, one who is a dispatcher nominated by

the statewide association of dispatchers, one who is a member of a volunteer fire department, one to represent ~~the persons who are deaf and hard of hearing impaired~~ and 3 to represent the public-at-large. Each member may name a designee who may attend meetings of the council and act on that member's behalf in council proceedings.

Sec. 38. 25 MRSA §2932, sub-§1, as amended by PL 2015, c. 62, §1, is further amended to read:

1. Designated emergency telephone number. The primary telephone number to be used in a telephone exchange to request emergency services following the activation of E-9-1-1 services for that exchange, including the number for telecommunications devices for communication for ~~the persons who are deaf, hard of hearing and speech impaired~~ hard of hearing or speech impaired, is 9-1-1. A person may not advertise or promote for emergency response services any telephone number other than 9-1-1.

Sec. 39. 26 MRSA §1192, sub-§3, as amended by PL 2017, c. 453, §1, is further amended to read:

3. Is able and available for work. The individual is able to work and is available for full-time work at the individual's usual or customary trade, occupation, profession or business or in such other trade, occupation, profession or business for which the individual's prior training or experience shows the individual to be fitted or qualified, as long as the geographic region in which the work will take place is not greater than 35 miles from the individual's primary residence; and in addition to having complied with subsection 2 is actively seeking work in accordance with the regulations of the commission; ~~provided except~~ that no ineligibility may be found solely because the claimant is unable to accept employment on a shift, the greater part of which falls between the hours of midnight to 5 a.m., and is unavailable for that employment because of parental obligation, the need to care for an immediate family member or the unavailability of a personal care attendant required to assist the unemployed individual who ~~is has a handicapped person disability~~; and ~~provided except~~ that an unemployed individual who is neither able nor available for work due to good cause as determined by the deputy is eligible to receive prorated benefits for that portion of the week during which the individual was able and available.

A. Notwithstanding this subsection, beginning January 1, 2004, an individual who is not available for full-time work as required in this subsection is not disqualified from receiving benefits if:

- (1) The individual worked less than full time for a majority of the weeks during that individual's base period and the individual is able and available for and actively seeking part-time work for at least the number of hours in a week comparable to those customarily worked in

part-time employment during that individual's base period; or

- (2) The individual worked full time for a majority of the weeks during that individual's base period, but is able and available for and actively seeking only part-time work because of the illness or disability of an immediate family member or because of limitations necessary for the safety or protection of the individual or individual's immediate family member.

Sec. 40. 26 MRSA §1193, sub-§3, ¶B, as amended by PL 2011, c. 645, §7, is further amended by amending subparagraph (5) to read:

- (5) If the position offered is on a shift, the greater part of which falls between the hours of midnight and 5 a.m., and is refused because of parental obligation, the need to care for an immediate family member or the unavailability of a personal care attendant required to assist the unemployed individual who is a ~~handicapped person~~ with a disability;

Sec. 41. 26 MRSA §1411-A, sub-§6, ¶D, as enacted by PL 1995, c. 560, Pt. F, §13, is amended to read:

D. Interpreting and other specific services necessary to meet the unique needs of those persons who are deaf or ~~who have impaired hard of hearing~~. These services must include the aid of qualified personnel and interpreters who can relate to and communicate on an effective and meaningful basis with persons who are deaf or ~~have impaired hard of hearing~~;

Sec. 42. 30-A MRSA §471, sub-§1, as enacted by PL 1989, c. 104, Pt. A, §11 and Pt. C, §10, is amended to read:

1. Programs established. Each sheriff's department may establish a program to deputize volunteer parking enforcement specialists to enforce ~~handicapped disabled~~ parking restrictions in private parking lots within the county, in areas ~~which that~~ are not within the jurisdiction of a municipal police department, pursuant to enforcement agreements entered into between the sheriff's department and the owners of those lots under section 3009, subsection 1, paragraph D.

Sec. 43. 30-A MRSA §471, sub-§2, as enacted by PL 1989, c. 104, Pt. A, §11 and Pt. C, §10, is amended by amending the first blocked paragraph to read:

The sheriff's department should seek applicants who ~~are handicapped~~ have disabilities.

Sec. 44. 30-A MRSA §471, sub-§3, ¶A, as enacted by PL 1989, c. 104, Pt. A, §11 and Pt. C, §10, is amended to read:

A. Issue parking citations, tickets or oral warnings to operators of motor vehicles parked in violation of any ~~handicapped~~ disabled parking restriction in private parking lots, pursuant to agreements entered into under section 3009, subsection 1, paragraph D; and

Sec. 45. 30-A MRSA §472, sub-§1, as enacted by PL 1989, c. 104, Pt. A, §11 and Pt. C, §10, is amended to read:

1. Programs established. Each municipal police department, with the approval of the municipal officers, may establish a program or contract with the sheriff to carry out a program to deputize volunteer parking enforcement specialists to enforce ~~handicapped~~ disabled parking restrictions in private lots within the municipality, pursuant to enforcement agreements entered into between the police department and the owners of those lots under section 3009, subsection 1, paragraph D.

Sec. 46. 30-A MRSA §472, sub-§2, as enacted by PL 1989, c. 104, Pt. A, §11 and Pt. C, §10, is amended by amending the first blocked paragraph to read:

The police department should seek applicants who ~~are~~ ~~handicapped~~ have disabilities.

Sec. 47. 30-A MRSA §472, sub-§3, ¶A, as enacted by PL 1989, c. 104, Pt. A, §11 and Pt. C, §10, is amended to read:

A. Issue parking citations, tickets or oral warnings to operators of motor vehicles parked in violation of any ~~handicapped~~ disabled parking restriction in private parking lots, pursuant to agreements entered into under section 3009, subsection 1, paragraph D; and

Sec. 48. 30-A MRSA §3010, sub-§6, as enacted by PL 2007, c. 548, §2, is further amended to read:

6. Rights of individuals. A cable system operator may not deny service, deny access or otherwise discriminate against subscribers, channel users or general citizens on the basis of age, race, religion, sex, physical ~~handicap~~ disability or country of natural origin.

Sec. 49. 32 MRSA §14203, sub-§2, ¶D, as enacted by PL 1991, c. 397, §6, is amended to read:

D. On ~~invalids or handicapped~~ persons with disabilities in those persons' places of residence;

Sec. 50. 32 MRSA §15202, sub-§13, as enacted by PL 1995, c. 560, Pt. H, §14 and affected by §17, is amended to read:

13. Physically ~~handicapped~~ disabled person. "Physically ~~handicapped~~ disabled person" means a person who has a physiological disability, infirmity, malformation, disfigurement or condition that eliminates or

severely limits the person's ability to have access to the person's environment by normal ambulatory function, necessitating the use of crutches, a wheelchair or other similar device for locomotion.

Sec. 51. 33 MRSA §124, sub-§4, as enacted by PL 1991, c. 373, is amended to read:

4. Class of persons to whom residential real estate may be sold. To restrict the class of persons to whom residential real estate may be sold or leased, as long as that restriction does not discriminate based upon race, color, sex, physical or mental ~~handicap~~ disability, religion, ancestry or national origin and does not otherwise contravene the Constitution of Maine or the United States Constitution;

Sec. 52. 34-B MRSA §6204, sub-§2-A, as corrected by RR 2003, c. 2, §107, is amended to read:

2-A. Improvement and expansion of day treatment services for emotionally ~~handicapped~~ disabled children. The department shall work cooperatively with the Department of Corrections and Department of Education to improve and expand day treatment programs for ~~emotionally handicapped~~ school-age children who are emotionally disabled so that they and their families may receive necessary, appropriate and coordinated therapeutic and educational services in home and community settings, reducing the likelihood that out-of-home or residential treatment placements will be required. The department shall license these programs pursuant to sections 3603 and 3606. The Department of Education shall approve these programs pursuant to Title 20-A, chapter 206. The 2 departments shall jointly develop standards to ensure a consistent high quality throughout the State.

Sec. 53. 35-A MRSA §7101, sub-§5, as enacted by PL 2003, c. 553, Pt. B, §1, is amended to read:

5. Homeland security and emergency alerts. The Legislature further finds that seamless, integrated, robust and redundant means of communication, including, but not limited to, voice and alphanumeric pagers, landline telephones, wireless telephones, text radio and wireless e-mail, create a robust communication system that enables rapid contact with first responders, ensures emergency alert notification to all affected persons in the State, including at-risk populations such as the persons who have hearing loss or visually impaired visual impairments, and enhances homeland security. It is the policy of the State to encourage the deployment of the infrastructure necessary to support such a communications system.

Sec. 54. 35-A MRSA §7503, sub-§3, ¶B, as enacted by PL 1987, c. 628, §6, is amended to read:

B. "Wheelchair accessible" means meeting the most recent applicable standards of the American National Standards Institute for accessibility by ~~the~~

~~physically handicapped persons with disabilities~~ at the time of placement.

Sec. 55. 35-A MRSA §7505, as amended by PL 2009, c. 174, §§24 and 25, is further amended to read:

§7505. Telecommunication devices for the persons who are hard of hearing and or speech impaired required in public facilities

1. State buildings. The Department of Administrative and Financial Services shall require the installation and maintenance of telecommunication devices for communication for the persons who are deaf, hard of hearing, late deafened and speech impaired or speech impaired who rely on those devices for telephone communications in locations accessible to the public in state buildings where a primary function is the delivery of service to the general public in accordance with a plan developed by the Department of Administrative and Financial Services, Bureau of Information Services and the Department of Labor, Bureau of Rehabilitation Services.

2. Other facilities serving the public. If public telephones are provided in a public facility, it ~~shall be~~ is the responsibility of the owner or manager of the public facility to provide equal access by providing at least one telecommunication device for the persons who are hard of hearing and or speech impaired in the public facility.

3. Public facilities. For the purposes of this section, the following kinds of facilities shall be considered public facilities:

- A. Airport terminals serving scheduled flights;
- B. Bus and train depots; and
- C. Hospitals.

4. Notice. A sign noting the availability and location of the telecommunication device for persons who are hard of hearing and or speech impaired ~~persons shall~~ must be posted by the owner of the facility in a conspicuous location within each public facility covered by this section.

5. Devices. The requirements of this section may be satisfied by installation of telecommunications devices for the deaf as defined in section 8702, subsection 6, or other devices approved by the Department of Labor, Bureau of Rehabilitation Services, Division for the Deaf, Hard of Hearing and Late Deafened.

6. Relief. A violation of this section is unlawful public accommodations discrimination under Title 5, section 4592, and any person aggrieved may assert that person's rights pursuant to Title 5, chapter 337.

Sec. 56. 36 MRSA §1760, sub-§70, as amended by PL 1989, c. 871, §14, is further amended to read:

70. Organizations providing certain services for hearing-impaired persons who are hard of hearing.

Sales to incorporated nonprofit organizations whose primary purposes are to promote public understanding of hearing ~~impairment loss~~ and to assist ~~hearing-impaired persons who are hard of hearing~~ through the dissemination of information about hearing ~~impairment loss~~ to the general public and referral to and coordination of community resources available to ~~hearing-impaired persons who are hard of hearing.~~

Sec. 57. 36 MRSA §2557, sub-§25, as enacted by PL 2003, c. 673, Pt. V, §25 and affected by §29, is amended to read:

25. Organizations providing certain services for hearing-impaired persons who are hard of hearing. Sales to incorporated nonprofit organizations whose primary purposes are to promote public understanding of hearing ~~impairment loss~~ and to assist ~~hearing-impaired persons who are hard of hearing~~ through the dissemination of information about hearing ~~impairment loss~~ to the general public and referral to and coordination of community resources available to ~~hearing-impaired persons who are hard of hearing;~~

Sec. 58. State to discontinue use of terms "handicap," "handicapped" and "hearing impaired." Departments, agencies and offices of the legislative, executive and judicial branches of State Government shall discontinue the use of the terms "handicap," "handicapped" and "hearing impaired" to describe a person or set of persons in all laws, rules and official documents. The commissioner's office of each department of State Government shall report to the Joint Standing Committee on Judiciary by December 1, 2021 regarding progress on removing the terms from official documents and a reasonable time frame to complete the removal.

See title page for effective date.

CHAPTER 349

H.P. 995 - L.D. 1344

An Act To Clarify the Authority of the Department of Health and Human Services during a Public Health Emergency

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

Sec. 1. 5 MRSA §10004, sub-§3, as enacted by PL 1977, c. 694, §38, is amended to read:

3. Health or safety hazard. The health or physical safety of a person or the continued well-being of a significant natural resource is in immediate jeopardy at the time of the agency's action, and acting in accordance with subchapter ~~IV~~ 4 or ~~VI~~ 6 would fail to adequately respond to a known risk, ~~provided that as long as the~~