

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

funds due to the pandemic related to coronavirus disease 2019, or COVID-19, and additional General Fund appropriations from the Legislature to offset the reduction in tuition and fee revenues. The availability of the waiver is limited to the amount appropriated.

Sec. 2. School administrative units to provide academic and enrichment programs; grant program. The Department of Education shall establish a grant program to provide funding for school administrative units to provide academic and enrichment programs for students scoring below proficient in English language arts or mathematics according to local assessment. To be eligible for the grant program, a school administrative unit must offer academic and enrichment programs during the school year and must offer summer academic and enrichment programs, beginning the summer of 2022, that are a minimum of 3 hours of instruction per day for a minimum of 5 weeks. Funding for the grant program must include the use of any federal funding, including but not limited to funding allocated to the State in any federal law enacted after December 15, 2020 that provides stimulus funds due to the pandemic related to coronavirus disease 2019, or COVID-19, available for this purpose, and funding appropriated to the department from the General Fund.

Sec. 3. Administrators for tutoring programs. Using any federal funding, including but not limited to funding allocated to the State in any federal law enacted after December 15, 2020 that provides stimulus funds due to the pandemic related to coronavirus disease 2019, or COVID-19, available for this purpose, the Department of Education shall provide funding for an administrator of a tutoring program for eligible school administrative units. To be eligible for these funds, a school administrative unit must have volunteers providing tutoring to students for a minimum of 30 minutes, 3 times a week during the summer of 2021 and the 2021-2022 school year. Funds provided pursuant to this section must be prioritized by the percentage of students at each school administrative unit eligible for federal free and reduced lunch programs, with the school administrative units with higher percentages of eligible students receiving priority for funds.

See title page for effective date.

**CHAPTER 373
H.P. 759 - L.D. 1021**

An Act To Expand the Crime of Violation of Privacy To Include Observing or Photographing Images Inside a Private Place That Would Not Ordinarily Be Visible Outside That Place

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

Sec. 1. 17-A MRSA §511, sub-§1, ¶C, as amended by PL 1997, c. 467, §1, is further amended to read:

C. Installs or uses outside a private place without the consent of the person or persons entitled to privacy therein; any device for observing, photographing, hearing, recording, amplifying or broadcasting images or sounds originating in that place that would not ordinarily be visible, audible or comprehensible outside that place; or

See title page for effective date.

**CHAPTER 374
H.P. 761 - L.D. 1023**

An Act Regarding the Outdoor Release or Abandonment of Balloons

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

Sec. 1. 17 MRSA §2263, sub-§2, as amended by PL 2019, c. 620, §1, is further amended to read:

2. Litter. "Litter" means all waste materials including, but not limited to, bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, rubbish, offal, except waste parts or remains resulting from the normal field dressing of lawfully harvested wild game or the lawful use of waste parts or remains of wild game as bait, feathers, except feathers from live birds while being transported, abandoned ice-fishing shacks, old automobiles or parts of automobiles or similar refuse, or disposable packages or containers thrown or deposited as prohibited in this chapter, but not including the wastes of the primary processes of mining, logging, sawmilling, farming or manufacturing. "Litter" includes waste materials resulting from or associated with the use of tobacco products, including, but not limited to, cigarette butts, and all waste materials resulting from the outdoor release or abandonment of a balloon.

For the purposes of this subsection, "tobacco product" has the same meaning as in Title 22, section 1551, subsection 3.

Sec. 2. 17 MRSA §2263-A, sub-§1, as enacted by PL 2003, c. 452, Pt. I, §32 and affected by Pt. X, §2, is amended by enacting before the first blocked paragraph a new blocked paragraph to read:

It is a violation of this chapter for a person to intentionally release outdoors a balloon that is inflated or filled with a gas that is lighter than air, except that it is not a violation of this chapter for a person to intentionally release outdoors a balloon carrying scientific instrumentation, a balloon used for meteorological observation by a governmental or scientific organization or a hot air balloon that is recovered after launching.

Sec. 3. 17 MRSA §2264-A, as amended by PL 2011, c. 208, §4, is further amended to read:

§2264-A. Penalties

Unless otherwise indicated, a person who disposes of litter in violation of this chapter commits a civil violation for which the following fines apply.

1. Disposal of 15 pounds or less or 27 cubic feet or less of litter; intentional release of 16 to 24 balloons. A person who intentionally releases 16 to 24 balloons at one time in violation of this chapter or who disposes of 15 pounds or less or 27 cubic feet or less of litter commits a civil violation for which a fine of not less than \$100 and not more than \$500 may be adjudged.

1-A. Disposal of 15 pounds or less or 27 cubic feet or less of litter; intentional release of 16 to 24 balloons; subsequent offenses. A person who violates subsection 1 after having previously violated subsection 1 commits a civil violation for which a fine of not less than \$500 and not more than \$1,000 may be adjudged.

2. Disposal of more than 15 pounds or more than 27 cubic feet of litter; intentional release of more than 24 balloons. A person who intentionally releases more than 24 balloons at one time in violation of this chapter or who disposes of more than 15 pounds or more than 27 cubic feet of litter commits a civil violation for which the court:

- A. Shall impose a fine of not less than \$500;
- B. Shall require the person to pay a party sustaining damages arising out of a violation of this subsection treble the actual damages or \$200, whichever amount is greater, plus the injured party's court costs and attorney's fees if action results in a civil proceeding;
- C. Shall require the person to perform not less than 100 hours of public service relating to the removal of litter or to the restoration of an area polluted by litter disposed of in violation of this section. The court shall consult with the Commissioner of

Inland Fisheries and Wildlife to determine if there is an opportunity for public service that may improve landowner and sportsman relations;

D. When practical, shall require the person to remove the litter dumped in violation of this subsection;

E. May suspend the person's motor vehicle operator's license for a period of not less than 30 days or more than one year, except as provided in paragraph F. Notwithstanding paragraph F, the court shall suspend all licenses and permits issued under Title 12, Part 13, subpart 4 and recreational vehicle registrations and certificates issued to that person under Title 12, Part 13, subpart 6 for a period of not less than 30 days or more than one year; and

F. May suspend any license, permit, registration or certification issued by a state agency or municipality to the person. A professional license, permit, registration or certification required for that person to operate or establish a business or necessary for the person's primary source of employment may not be suspended unless the items dumped were related to the person's profession or occupation.

2-A. Disposal of more than 15 pounds or more than 27 cubic feet of litter; intentional release of more than 24 balloons; subsequent offenses. A person who violates subsection 2 after having previously violated subsection 2 commits a civil violation for which the penalty provisions under subsection 2 apply except for subsection 2, paragraph A, and a fine of not less than \$2,000 must be adjudged.

3. Disposal of more than 500 pounds or more than 100 cubic feet of litter for a commercial purpose. A person who disposes of more than 500 pounds or more than 100 cubic feet of litter for a commercial purpose is subject to the penalties under Title 38, section 349.

See title page for effective date.

CHAPTER 375
H.P. 997 - L.D. 1346

**An Act To Implement the
Recommendations of the Right
To Know Advisory Committee
Concerning Fees Charged for
Responding to Public Records
Requests**

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

Sec. 1. 1 MRSA §408-A, sub-§8, ¶B, as enacted by PL 2011, c. 662, §5, is amended to read: