

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

subsection 4-A, paragraph A, B or C, or if a law enforcement officer knows that a person has an advance health care directive authorizing mental health treatment and the officer has probable cause to believe that the person lacks capacity, the law enforcement officer:

- A. May take the person into protective custody; and
- B. If the law enforcement officer does take the person into protective custody, shall deliver the person immediately for examination by a medical practitioner as provided in section 3862-A or 3863 or, for a person taken into protective custody who has an advance health care directive authorizing mental health treatment, for examination as provided in Title 18-C, section 5-803, subsection 4 to determine the individual's capacity and the existence of conditions specified in the advance health care directive for the directive to be effective.

When formulating probable cause, the law enforcement officer may rely upon information provided by a 3rd-party informant if the officer confirms that the informant has reason to believe, based upon the informant's recent personal observations of or conversations with a person, that the person may be mentally ill and that due to that condition the person ~~presents a threat of imminent and substantial physical harm to that person or to other persons~~ poses a likelihood of serious harm as defined in section 3801, subsection 4-A, paragraph A, B or C.

See title page for effective date.

**CHAPTER 378
H.P. 731 - L.D. 993**

An Act To Retroactively Grant Sick Leave Days to Public School Employees Affected by COVID-19

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

Sec. 1. 20-A MRSA §13605 is enacted to read:

§13605. School administrative units to grant sick leave to public school employees affected by COVID-19

A school administrative unit shall grant up to 15 sick leave days used by a public school employee affected by the illness caused by infection with the coronavirus SARS-CoV-2, referred to in this section as "COVID-19," in accordance with the following.

1. Requirements. A public school employee who was affected by COVID-19 and used sick leave prior to the effective date of this section is entitled to have sick

leave time restored for those days used by that employee up to a maximum of 15 days if the employee:

- A. Was subject to a federal, state or local quarantine order related to COVID-19;
- B. Had been or was advised by a health care provider to self-quarantine for reasons related to COVID-19;
- C. Experienced symptoms of COVID-19 and sought a medical diagnosis;
- D. Cared for an individual subject to a federal, state or local quarantine order related to COVID-19; or
- E. Is a parent or guardian who provided care for a child whose school or place of child care was closed or unavailable due to precautions related to COVID-19.

2. Application. This section applies to any sick leave used by an employee from January 1, 2021 until the employee has been granted a maximum of 15 days of sick time for the purposes described in this section.

See title page for effective date.

**CHAPTER 379
S.P. 208 - L.D. 821**

An Act To Improve the Investigation and Prosecution of Cases That Involve Vulnerable Road Users

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

Sec. 1. 29-A MRSA §2251, sub-§12 is enacted to read:

12. Vulnerable users. A law enforcement officer who investigates a reportable accident involving a vulnerable user or an incident resulting in bodily injury or death to a vulnerable user and who has probable cause to believe that a traffic infraction, civil violation or criminal violation is connected to that accident or incident shall inform a district attorney of relevant jurisdiction about the investigation within 5 days of initiating the investigation. The law enforcement officer shall submit a final accident report to that district attorney including any evidence relevant to the potential prosecution of an alleged criminal violation or civil violation resulting from the investigation as soon as is practicable and no later than 60 days after the accident or incident. A law enforcement officer may submit any additional evidence as soon as it becomes available after the submission of the final accident report. Nothing in this subsection precludes evidence submitted later than 60 days after the accident or incident from being used in the prosecution of a criminal violation or civil violation. Failure of a law enforcement officer to inform a district