

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
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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

CHAPTER 428
H.P. 478 - L.D. 651

**An Act To Stabilize Student
Count in Maine's School
Funding Formula**

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

Sec. 1. 20-A MRSA §15674, sub-§1, ¶B, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

B. The average number of students in equivalent instruction programs during the most recent calendar year, as reported pursuant to section 5021, subsection 8; ~~and~~

Sec. 2. 20-A MRSA §15674, sub-§1, ¶C, as amended by PL 2017, c. 284, Pt. C, §29, is further amended to read:

C. Beginning in fiscal year 2018-19 and until fiscal year 2022-23:

(1) The average of the pupil counts for October 1st of the 2 most recent calendar years prior to the year of funding, reported in accordance with section 6004, including the counts of students enrolled in an alternative education program made in accordance with section 5104-A; ~~and~~

Sec. 3. 20-A MRSA §15674, sub-§1, ¶D is enacted to read:

D. Beginning in fiscal year 2022-23:

(1) The average of the pupil counts for October 1st of the 2 most recent calendar years prior to the year of funding, reported in accordance with section 6004, including the counts of students enrolled in an alternative education program made in accordance with 5104-A, except that if a school administrative unit experiences a decline in total school administrative unit student enrollment of 10% or more in the most recent year, the pupil counts for October 1st of the 3 most recent calendar years prior to the year of funding must be used unless that count is less than the average of the October 1st pupil counts of the 2 most recent calendar years.

Sec. 4. 20-A MRSA §15674, sub-§2, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

2. Exception. Notwithstanding subsection 1, paragraph C, the pupil count identified in subsection 1, paragraph C, ~~subparagraph (1) or D, whichever is applicable~~, must be used for:

A. Elementary school level and middle school level students for school administrative units that

send all their elementary school level and middle school level students as tuition students to schools elsewhere in the State;

B. High school level students for school administrative units that send all their high school level students as tuition students to schools elsewhere in the State; and

C. School level students for school administrative units that send all their school level students to schools elsewhere in the State.

Sec. 5. 20-A MRSA §15675, first ¶, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

For the purpose of calculating the total operating allocation under this chapter pursuant to section 15683, the following additional weights must be added to the per-pupil count calculated under section 15674, subsection 1, paragraph C, ~~subparagraph (1) or D, whichever is applicable~~.

Sec. 6. 20-A MRSA §15678, sub-§3, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

3. Number of teaching positions required. The commissioner shall identify for each school administrative unit, using the pupil count arrived at under section 15674, subsection 1, paragraph C, ~~subparagraph (1) or D, whichever is applicable~~, the number of school level teaching positions that are required in order to achieve the student-to-teacher ratios set forth in subsection 2.

Sec. 7. 20-A MRSA §15679, sub-§3, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

3. Number of staff positions required. The commissioner shall identify for each school administrative unit, using the pupil count arrived at under section 15674, subsection 1, paragraph C, ~~subparagraph (1) or D, whichever is applicable~~, the number of staff positions that are required in order to achieve the student-to-staff ratios set forth in subsection 2.

Sec. 8. 20-A MRSA §15679, sub-§5, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

5. Salary costs for substitute teachers. The commissioner shall calculate the additional salary costs for substitute teachers for each school administrative unit using the pupil count arrived at under section 15674, subsection 1, paragraph C, ~~subparagraph (1) or D, whichever is applicable~~. In order to calculate this amount, the commissioner shall establish a per-pupil rate for the cost of a substitute teacher for 1/2 day.

Sec. 9. 20-A MRSA §15683, sub-§1, ¶A, as amended by PL 2019, c. 398, §33, is further amended by amending subparagraph (1) to read:

(1) The pupil count set forth in section 15674, subsection 1, paragraph C or D, whichever is applicable;

See title page for effective date.

CHAPTER 429

H.P. 485 - L.D. 658

An Act To Provide Funding for 2 Veteran Service Officers in the Maine Bureau of Veterans' Services

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

Sec. 1. Appropriations and allocations. The following appropriations and allocations are made.

DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF

Veterans Services 0110

Initiative: Provides funding for 2 Veteran Service Officer positions and related costs.

GENERAL FUND	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$114,416	\$152,554
All Other	\$6,090	\$8,120
GENERAL FUND TOTAL	\$120,506	\$160,674

See title page for effective date.

CHAPTER 430

H.P. 505 - L.D. 693

An Act To Make the Pilot Program Providing Mental Health Case Management Services to Veterans a Permanent Program

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation makes permanent the pilot program to provide case management services to veterans for mental health care established by Resolve 2017, chapter 24; and

Whereas, this legislation must take effect before the expiration of the 90-day period to ensure continued case management services are provided without interruption after the pilot program ends; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 22 MRSA §1833 is enacted to read:

§1833. Referral of veterans

1. Screening. A hospital licensed under this chapter shall screen all patients presenting for emergency care at the hospital's emergency department regarding whether or not the patient has prior service in the military. This information must be added to the hospital's patient data management system.

2. Referral. If a patient presenting for emergency care at the emergency department of a hospital licensed under this chapter identifies as having prior service in the military under subsection 1, the hospital shall, at a minimum, provide the patient with the following information and document the provision of this information in the hospital's patient data management system:

A. Contact information for the Department of Defense, Veterans and Emergency Management, Maine Bureau of Veterans' Services. The hospital shall inform the patient that the bureau may be able to assist the patient with accessing state and federal veterans benefits; and

B. A copy of a benefits and resource guide for veterans seeking emergency care made available on the publicly accessible website of the Department of Defense, Veterans and Emergency Management, Maine Bureau of Veterans' Services.

Sec. 2. 34-B MRSA c. 3, sub-c. 7 is enacted to read:

SUBCHAPTER 7

MENTAL HEALTH CASE MANAGEMENT SERVICES FOR VETERANS

§3911. Mental health case management services for veterans

The department shall provide contracted case management services to provide necessary mental health treatment to veterans who are residents of the State. Case management services must include assisting veterans in accessing a range of mental and behavioral health services, which must include inpatient mental health care services as clinically required. The department, with the assistance of the Department of Defense, Veterans and Emergency Management, Maine Bureau of Veterans' Services, referred to in this subchapter as "the bureau," shall identify regions of the State where case management services are most needed and identify