

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

90 days after adjournment unless enacted as emergencies; and

Whereas, the Judicial Department is negotiating collective bargaining agreements with the 4 bargaining units representing Judicial Department employees; and

Whereas, this legislation authorizes funding of any agreements ratified by December 31, 2021; and

Whereas, it is the responsibility of the Legislature to act upon those portions of collective bargaining agreements negotiated by the judicial branch that require legislative action; and

Whereas, the judicial branch and the Legislature share a desire to address in a timely manner the needs of certain state employees excluded from collective bargaining units; 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. Adjustment of salary schedules for fiscal years 2021-22 and 2022-23. The salaries and stipends for the Judicial Department employees in the administrative services bargaining unit, the supervisory services bargaining unit, the law enforcement bargaining unit and the professional services bargaining unit and employees referred to in section 2 must be adjusted consistent with the terms of any agreements ratified by December 31, 2021.

Sec. 2. Other employees; similar and equitable treatment. Employees of the Judicial Department who are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 1282, subsection 5, paragraphs C, D, E, F and G must be given similar and equitable treatment on a pro rata basis to that given employees covered by the collective bargaining agreements.

Sec. 3. Costs to General Fund. Costs to the General Fund must be provided in the Salary Plan program, General Fund account in the Department of Administrative and Financial Services in an amount up to \$1,594,600 for the fiscal year ending June 30, 2022 and in an amount up to \$2,536,191 for the fiscal year ending June 30, 2023 to implement the economic terms of the collective bargaining agreements made between the Judicial Department and the Maine State Employees Association for the administrative services bargaining unit, the supervisory services bargaining unit and the professional services bargaining unit; made between the Judicial Department and the Maine State Law Enforcement Association for the law enforcement bargaining unit; and for the costs of those Judicial Department employees referred to in section 2 who are excluded from

collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 1282, subsection 5.

Sec. 4. Contingent effective date. This Act takes effect only upon the ratification by December 31, 2021 of a collective bargaining agreement made between the Judicial Department and the Maine State Employees Association for the administrative services bargaining unit, the supervisory services bargaining unit and the professional services bargaining unit or between the Judicial Department and the Maine State Law Enforcement Association for the law enforcement bargaining unit.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective July 9, 2021, unless otherwise indicated.

CHAPTER 444

H.P. 972 - L.D. 1316

An Act To Provide Funding for the Maine Length of Service Award Program

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.

FIRE PROTECTION SERVICES COMMISSION, MAINE

Maine Fire Protection Services Commission 0936

Initiative: Provides one-time funding for the Maine Length of Service Award Program to provide length of service awards to eligible volunteer firefighters and emergency medical services personnel.

GENERAL FUND	2021-22	2022-23
All Other	\$500,000	\$0
GENERAL FUND TOTAL	\$500,000	\$0

See title page for effective date.

CHAPTER 445

S.P. 424 - L.D. 1318

An Act To Increase High School Graduation Rates for Students Experiencing Education Disruption

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at

least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 20-A MRSA §257-A, as enacted by PL 2013, c. 439, §2, is amended to read:

§257-A. Department of Education diploma

The commissioner shall issue a Department of Education diploma to a student who qualifies for the diploma pursuant to this section. A Department of Education diploma has the same legal status as a diploma awarded by a school administrative unit.

1. Eligibility to apply for diploma. A student is eligible to apply for a Department of Education diploma if that student is unable to satisfy the requirements for a diploma from a school administrative unit because the student experienced one or more education disruptions, as defined in section 5161, subsection 2-A, during the student's educational history.

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

- A. "Community provider" has the same meaning as in section 5161, subsection 1-B.
- B. "Education disruption" has the same meaning as in section 5161, subsection 2-A.
- C. "Responsible school" has the same meaning as in section 5161, subsection 5-A and includes a school identified pursuant to section 5163, subsection 6.
- D. "Student experiencing homelessness" has the same meaning as in section 5161, subsection 11.

2. Standard for awarding diploma. The commissioner shall issue a diploma under this section only to a student who demonstrates achievement of the content standards of the system of learning results established pursuant to section 6209 completes the minimum requirements for a high school diploma pursuant to section 4722.

3. Process. A student who seeks a Department of Education diploma shall submit an application to the commissioner, including such evidence of student achievement and other information as is required by the commissioner. The responsible school shall provide support for and assist in the completion and submission to the commissioner of an application for a Department of Education diploma for any student who has experienced one or more education disruptions during the student's educational history on the request of the student's parent or guardian or on the request of the student if the student is at least 18 years of age or is a student

experiencing homelessness. Community providers may also assist in the application process. The commissioner may require only information on an application necessary to show that the student has completed the minimum requirements for a high school diploma pursuant to section 4722. The commissioner may not require additional information or an interview with the student. Evidence of student achievement that a student has met these requirements may include, but is not limited to, transcripts, waivers, academic reports and school work recognition plans. The commissioner shall form a review team to review the provided evidence of student achievement and to make a recommendation to the commissioner on the awarding of a diploma under this section. The review team may seek clarification of the evidence provided but may not impose additional requirements beyond those specified in the application. The commissioner shall make the final determination of eligibility for a diploma under this section.

Sec. 2. 20-A MRSA §5161, sub-§1-B is enacted to read:

1-B. Community provider. "Community provider" means a governmental or nongovernmental entity that provides services to students or families, including but not limited to temporary and permanent housing, case management, immigration and language services and social, behavioral health, occupational training and legal services.

Sec. 3. 20-A MRSA §5161, sub-§2-A, as enacted by PL 2013, c. 439, §8, is amended to read:

2-A. Education disruption. "Education disruption" means disruption of the educational program of an elementary or secondary school student as a result of:

- A. Homelessness or foster care placement;
- B. Absence for 10 or more consecutive school days due to placement in an interim program; or
- C. Enrollment in 3 or more schools or educational programs in a single school year; or
- D. The student's being an immigrant student or a migrant student.

"Education disruption" does not include an absence for 10 or more consecutive school days as a result of a planned absence for a reason such as a family event or a medical absence for a planned hospitalization or recovery or pursuant to a superintendent's determination developed in accordance with section 5205, subsection 2.

Sec. 4. 20-A MRSA §5161, sub-§2-B is enacted to read:

2-B. Foster care placement. "Foster care placement" means placement of a child in substitute 24-hour care for children placed away from their parents or guardians and for whom the child placing agency has placement and care responsibility, including, but not

limited to, placement in a family foster home, foster home of a relative, group home, emergency shelter, residential facility, child care institution or preadoptive home. For the purposes of this subsection, a placement is a foster care placement regardless of whether the foster care facility is licensed and payments are made by the State or a tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption or whether there is federal matching of any payments that are made.

Sec. 5. 20-A MRSA §5161, sub-§2-C is enacted to read:

2-C. Immigrant student. "Immigrant student" means a student who was not born in any state or territory of the United States, including the District of Columbia and the Commonwealth of Puerto Rico, and has not attended one or more schools in any one or more states or territories for more than 3 full academic years in the aggregate.

Sec. 6. 20-A MRSA §5161, sub-§4-A is enacted to read:

4-A. Migrant student. "Migrant student" means a student who has been identified as a migratory child by the United States Department of Education's migrant education program with a certificate of eligibility pursuant to the federal Every Student Succeeds Act, 20 United States Code, Chapter 70, Subchapter 1, Part C and related regulations.

Sec. 7. 20-A MRSA §5161, sub-§6, as repealed and replaced by PL 2013, c. 439, §11, is amended to read:

6. School work recognition plan. "School work recognition plan" means a written plan document, developed and updated in collaboration among the responsible school, the student, the student's parents or guardians, previous schools the student attended, interim programs the student attended and other relevant agencies, that outlines how a student who is experiencing, or who has experienced, an education disruption will make is making and demonstrate is demonstrating progress toward achievement of learning results. A school work recognition plan includes but is not limited to:

- A. A summary of the student's achievement relative to the appropriate learning results;
- B. A compilation of full and partial credits and other achievement recognitions earned;
- C. An identification of any gaps between the student's achievement and the achievement typical of the student's same-age peers; and
- D. A plan for maximizing the student's progress and closing identified gaps.

Sec. 8. 20-A MRSA §5161, sub-§11 is enacted to read:

11. Student experiencing homelessness. "Student experiencing homelessness" means a student who has been identified by a school administrative unit as a homeless child or youth as defined in the federal McKinney-Vento Homeless Assistance Act, 42 United States Code, Chapter 119.

Sec. 9. 20-A MRSA §5163, sub-§3, as enacted by PL 2013, c. 439, §15, is amended to read:

3. Education disruption due to multiple transfers. The responsible school at the time of a 3rd or subsequent educational enrollment in a school year shall:

A. Within 10 school days of the school's or program's becoming aware that the student is enrolling in the 3rd school or program in a school year or is experiencing education disruption, work with the student, parent or guardian and staff of other schools and programs in which the student participated to develop or update a school work recognition plan; and

~~B. Compile for the student the credits or other recognition received by the student to date, identify gaps between that compilation and the credits or recognition typically earned by the student's peers and identify options for the student to close those gaps, if possible.~~

C. Within 5 school days of the school's or program's becoming aware that a student is experiencing a period of absence due to education disruption or multiple transfers, make available to the student individual educational materials, including but not limited to curricula and assignments designed to enable the student to continue the student's educational programming.

Sec. 10. 20-A MRSA §5163, sub-§4, as enacted by PL 2013, c. 439, §15, is repealed.

Sec. 11. 20-A MRSA §5163, sub-§5, as enacted by PL 2013, c. 439, §15, is amended to read:

5. Staff assistance. For every student who experiences education disruption due to placement in an interim program, professional staff in the responsible school must be assigned to ensure the complete transfer of all records, grades and full and partial credits and all academic material, including an academic programming agreement, if applicable, from the interim program or prior school or program in which the student was placed or that the student attended to the responsible school no later than 5 school days after the student enrolls in the responsible school.

Sec. 12. 20-A MRSA §5163, sub-§5-A is enacted to read:

5-A. Mentorship. For every student experiencing education disruption that leads to enrollment in a new responsible school, the new responsible school shall

provide the student with an adult staff or volunteer mentor to facilitate the student's transition.

Sec. 13. 20-A MRSA §5164, last ¶, as enacted by PL 2013, c. 439, §15, is amended to read:

If it is determined by the responsible school and the student that the student cannot meet the school's requirements for graduation by the end of the student's 4th year of secondary school, the responsible school shall provide the student information about applying for a Department of Education diploma and shall assist the student in making the application. In accordance with section 257-A, subsection 3, the responsible school shall provide support for and assist in the completion and submission of the application on the request of the student's parent or guardian or on the request of the student if the student is at least 18 years of age or is a student experiencing homelessness. Community providers may also assist in the application process.

Sec. 14. 20-A MRSA §5165 is enacted to read:

§5165. Graduation of a student experiencing education disruption who is enrolled in more than one school after the student's 2nd year in high school

1. Course credit or waiver. If a student who is experiencing or has experienced education disruption attends more than one school after the student's 2nd year of high school and is unable to fulfill a diploma course requirement of the responsible school but has completed a similar course elsewhere, the responsible school may award credit for the similar course or waive the requirement. If the responsible school does not award credit for the similar course or waive the requirement, the responsible school shall provide an alternative means for the student to complete the required course for on-time graduation.

2. Award of diploma from previously attended school. If a student experiencing education disruption who attends more than one school after the student's 2nd year in high school cannot meet the graduation requirements of the responsible school but can meet those of the previously attended school, the student must be awarded a diploma by the previously attended school. The responsible school and the previously attended school shall work together to ensure the student is supported in completing any specific remaining requirements.

3. Department of Education diploma. Nothing in this section may be construed to limit a student's eligibility to apply for a Department of Education diploma if the student is unable to complete the diploma requirements of either the responsible school or previously attended school.

Sec. 15. Appropriations and allocations. The following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF

School and Student Supports Z270

Initiative: Provides one-time funds for the costs to contract for temporary services to assist with processing the anticipated increase in the number of applications for a diploma.

GENERAL FUND	2021-22	2022-23
All Other	\$19,110	\$0
GENERAL FUND TOTAL	\$19,110	\$0

See title page for effective date.

CHAPTER 446

H.P. 1084 - L.D. 1468

An Act To Support All-terrain Vehicle Trail Improvement

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

Sec. 1. 23 MRSA §4210-B, sub-§7-A, as amended by PL 2017, c. 375, Pt. E, §1, is further amended to read:

7-A. Sales tax revenue. Beginning July 1, 2012 and every July 1st thereafter, except as provided in Title 36, section 1820, the State Controller shall transfer to the Multimodal Transportation Fund an amount, as certified by the State Tax Assessor, that is equivalent to 100% of the revenue from the tax imposed on the value of rental of a pickup truck or van with a gross weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles and the value of rental for a period of less than one year of an automobile pursuant to Title 36, section 1811 for the first 6 months of the prior fiscal year after the reduction for the transfer to the Local Government Fund as described by Title 30-A, section 5681, subsection 5. Beginning on October 1, 2012 and every October 1st thereafter, except as provided in Title 36, section 1820, the State Controller shall transfer to the Multimodal Transportation Fund an amount, as certified by the State Tax Assessor, that is equivalent to 100% of the revenue from the tax imposed on the value of rental of a pickup truck or van with a gross weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles and the value of rental for a period of less than one year of an automobile pursuant to Title 36, section 1811 for the last 6 months of the prior fiscal year after the reduction for the transfer to the Local Government Fund as described by Title 30-A, section 5681, subsection 5. The tax amount must be based on actual sales for that fiscal year and may not consider any accruals that may be required by law.

Sec. 2. 36 MRSA §1820 is enacted to read:

§1820. Tax on rental of all-terrain vehicles