

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

H. One member from a regional development organization serving one or more of the following: Aroostook County, Franklin County, Oxford County, Piscataquis County, Somerset County and Washington County;

I. One member who is involved in career and technical education;

J. One member who is employed in the public sector;

K. One member who is employed in the private sector;

L. The State Economist, who serves ex officio; and

M. The chief executive officer of the Finance Authority of Maine or the chief executive officer's designee, who serves ex officio.

The steering committee shall elect a chair from among its members to serve a term of 2 years.

5. Location and access. The analysis, recommendations and research results gathered pursuant to this subchapter must be maintained by the institute at the University of Maine System and must be available for use by any interested group or individual.

6. Sunset. This section is repealed September 1, 2024.

Sec. 3. Sunset review. During the Second Regular Session of the 131st Legislature, the joint standing committee of the Legislature having jurisdiction over innovation, development, economic advancement and business matters shall examine and review the work of the Maine Workforce, Research, Development and Student Achievement Institute established in the Maine Revised Statutes, Title 5, section 13120-T in order to make a decision regarding the continuation of the institute. The joint standing committee of the Legislature having jurisdiction over innovation, development, economic advancement and business matters may report out a bill based on that review to the 131st Legislature.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

Legislature 0081

Initiative: Appropriates funds for the costs to the Legislature to contract with the University of Maine System to establish and maintain, for its duration, the Maine Workforce, Research, Development and Student Achievement Institute.

GENERAL FUND	2021-22	2022-23
All Other	\$100,000	\$100,000
GENERAL FUND TOTAL	\$100,000	\$100,000

See title page for effective date.

CHAPTER 451

S.P. 548 - L.D. 1692

An Act To Improve Judicial Branch Facilities in Hancock County

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

Sec. 1. 4 MRSA §1610-I, as reallocated by PL 2017, c. 288, Pt. A, §2, is amended to read:

§1610-I. Additional securities; ~~Judicial Branch~~ judicial branch

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities from time to time in an aggregate amount not to exceed \$95,600,000 outstanding at any one time for the purposes of paying the costs associated with the planning, purchasing, financing, acquiring, constructing, renovating, furnishing, equipping, improving, extending, enlarging and consolidating new and existing facilities and projects relating to the ~~Judicial Branch~~ judicial branch in the counties of Oxford, Waldo and York, acquiring and improving property relating to the judicial branch in Hancock County and planning for other court facilities.

See title page for effective date.

CHAPTER 452

H.P. 822 - L.D. 1144

An Act To Amend the Law Regarding Advance Health Care Directives

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

Sec. 1. 18-C MRSA §5-803-A is enacted to read:

§5-803-A. Remote signing of advance health care directives in health care facilities

When a principal in a hospital or a residential health care facility has an infectious disease and is confined to a room or ward where isolation precautions prevent the physical presence of individuals or documents necessary for executing the principal's advance health care directives, staff, employees and agents of a hospital or a residential health care facility where the principal is located may assist and facilitate the execution of advance health care directives using the process provided in this section.

The principal may direct another individual physically located beyond the isolation area but in the same

facility to sign the principal's name to the advance health care directive. If necessary, the principal may employ 2-way audiovisual communication technology to direct the individual to sign and to allow the signing to be witnessed. This audiovisual technology must allow direct contemporaneous interaction between the principal, the individual signing the document and any witness by sight and sound in real time.

The principal must be provided with an unsigned copy of the advance health care directive prior to the signing for the principal to review. The individual signing for the principal must be provided with the original advance health care directive. After it is signed and witnessed, a copy of the original advance health care directive must be given to the principal or the principal's agent if named in the advance health care directive. The signed and witnessed original advance health care directive must be filed with the principal's medical record as soon as possible.

If the principal or the principal's agent identifies any substantive difference between the unsigned copy and the signed and witnessed original advance health care directive, the principal or the agent may revoke the advance health care directive by notifying the primary physician either orally or in writing.

Staff, employees and agents of a hospital or a residential health care facility are immune from suit or legal liability for their good faith actions or omissions arising out of their use of the procedures described in this section.

This section does not apply to any other documents or settings or when advance health care directives are notarized.

See title page for effective date.

CHAPTER 453

H.P. 1007 - L.D. 1373

An Act To Keep All Maine Students Safe by Restricting the Use of Seclusion and Restraint in Schools

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

Sec. 1. 20-A MRSA §4014 is enacted to read:

§4014. Use of seclusion and physical restraint

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

A. "Chemical restraint" means a drug or medication that is not prescribed as the standard treatment of a student's medical or psychiatric condition by a

licensed physician or other qualified health professional acting under the scope of the professional's authority under state law that is used on a student to control behavior or restrict freedom of movement.

B. "Covered entity" means an entity that owns, operates or controls a school or educational program that receives public funds from the department, including, but not limited to, public schools, public regional programs, public charter schools, private schools, private schools approved for tuition purposes, special purpose private schools, career and technical education programs, public prekindergarten programs and providers of services pursuant to the provisions of the federal Individuals with Disabilities Education Act, Parts B and C, 20 United States Code, Section 1401 et seq. (2015).

C. "Mechanical restraint" means the use of a device to restrict a student's freedom of movement.

D. "Physical escort" means the temporary, voluntary touching or holding of the hand, wrist, arm, shoulder or back to induce a student to walk to a safe location.

E. "Physical prompt" means a teaching technique that involves voluntary physical contact with a student that enables the student to learn or model the physical movement necessary for the development of a desired competency.

F. "Physical restraint" means a personal restriction that immobilizes or reduces the ability of a student to move the arms, legs or head freely. "Physical restraint" does not include a physical escort, mechanical restraint, physical prompt or chemical restraint.

G. "Seclusion" means the involuntary isolation or confinement of a student alone in a room or clearly defined area from which the student does not feel free to go or is physically denied exit. "Seclusion" does not include a timeout.

H. "Timeout" means an intervention where a student requests or complies with an adult request for a break. Timeout is not seclusion.

I. "Unlawful restraint or seclusion" means:

- (1) Mechanical restraint;
- (2) Chemical restraint;
- (3) Physical restraint or physical escort that is life-threatening, restricts breathing or restricts blood flow to the brain, including prone restraint; or
- (4) Physical restraint or seclusion that is contraindicated based on Title 34-B, section 3003 or section 15002 or the student's disability or