

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

Sec. 5. 22 MRSA §3174-G, sub-§1, ¶G-1 is enacted to read:

G-1. Notwithstanding paragraph G, beginning January 1, 2022 and until June 30, 2022, a person who is a noncitizen legally admitted to the United States to the extent that coverage is allowable by federal law if the person is:

- (1) A woman during her pregnancy and up to 6 months following delivery; or
- (2) A child under 21 years of age;

Sec. 6. 22 MRSA §3174-G, sub-§1, ¶G-2 is enacted to read:

G-2. Notwithstanding paragraph G, beginning July 1, 2022 and until June 30, 2023, a person who is a noncitizen legally admitted to the United States to the extent that coverage is allowable by federal law if the person is:

- (1) A woman during her pregnancy and up to 9 months following delivery; or
- (2) A child under 21 years of age;

Sec. 7. 22 MRSA §3174-G, sub-§1, ¶G-3 is enacted to read:

G-3. Notwithstanding paragraph G, beginning July 1, 2023 and until December 31, 2026, a person who is a noncitizen legally admitted to the United States to the extent that coverage is allowable by federal law if the person is:

- (1) A woman during her pregnancy and up to 12 months following delivery; or
- (2) A child under 21 years of age; and

Sec. 8. State plan amendment. The Department of Health and Human Services shall, no later than January 1, 2022, submit requests for any state plan amendments to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services determined necessary in order to accomplish the purposes of this Act. The department shall take all reasonable and necessary steps to seek approval of the state plan amendment.

Sec. 9. Report. The Department of Health and Human Services shall report annually to the joint standing committee of the Legislature having jurisdiction over health and human services matters, beginning February 1, 2023 and until February 1, 2026, about the extension of postpartum coverage in the Maine Revised Statutes, Title 22, section 3174-G, subsection 1. The joint standing committee of the Legislature having jurisdiction over health and human services matters is authorized to report out legislation to the Legislature regarding each report.

Sec. 10. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF**

Medical Care - Payments to Providers 0147

Initiative: Provides appropriations and allocations to increase up to 12 months the period of time following delivery of a baby during which a woman may be eligible for services under the MaineCare program.

GENERAL FUND	2021-22	2022-23
All Other	\$79,920	\$279,720
GENERAL FUND TOTAL	<u>\$79,920</u>	<u>\$279,720</u>
FEDERAL EXPENDITURES FUND	2021-22	2022-23
All Other	\$142,080	\$497,280
FEDERAL EXPENDITURES FUND TOTAL	<u>\$142,080</u>	<u>\$497,280</u>

See title page for effective date.

CHAPTER 462

H.P. 193 - L.D. 277

**An Act To Discontinue the Use
of the SAT in Maine Schools**

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

Sec. 1. 20-A MRSA §6202, first ¶, as amended by PL 2015, c. 40, §4, is further amended to read:

The commissioner shall establish a statewide assessment program to measure and evaluate on a continuing basis the academic achievements of students in grades 3 to 12 on the accountability standards set forth in section 6209 and in department rules implementing that section and other curricular requirements. The commissioner may elect to provide for the use of alternative measures of student achievement in grades 9 to 12. This assessment applies to students in the public elementary and secondary schools, in public charter schools, as that term is defined in section 2401, subsection 9, and in all private schools approved for tuition whose school enrollments include at least 60% publicly funded students, as determined by the previous school year's October and April average enrollment. The assessment program must be adapted to meet the needs of children with disabilities as defined in section 7001, subsection 1-A or other students as defined under rules by the commissioner. The assessment program may not include the use of the standardized test known as "the SAT" as a method for assessing student performance.

Sec. 2. Alternate method to the SAT. By January 1, 2022, the Department of Education shall develop an alternate method of assessing student performance to replace the use of the standardized assessment test known as "the SAT." The alternate method must meet all federal requirements. By February 1, 2022, the department shall report to the Joint Standing Committee on Education and Cultural Affairs regarding the alternate method.

See title page for effective date.

**CHAPTER 463
H.P. 264 - L.D. 366**

An Act Regarding Emergency Guardianship

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

Sec. 1. 18-C MRSA §5-312, sub-§1, ¶A, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

A. Appointment of an emergency guardian is likely to prevent substantial harm to the adult's physical health, safety or welfare;

For purposes of this paragraph, the delay of discharge of a patient in a hospital until the appointment of a guardian constitutes substantial harm;

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF**

Office of Aging and Disability Services Adult Protective Services Z040

Initiative: Provides funding to the Department of Health and Human Services for additional emergency guardianship filings.

GENERAL FUND	2021-22	2022-23
All Other	\$9,000	\$9,000
GENERAL FUND TOTAL	\$9,000	\$9,000

See title page for effective date.

**CHAPTER 464
H.P. 309 - L.D. 429**

An Act To Protect the Health of Students and Educators by Requiring School Emergency Management Plans To Address Health and Safety

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

Sec. 1. 20-A MRSA §1001, sub-§16, as repealed and replaced by PL 2007, c. 408, §1, is amended to read:

16. Comprehensive health and safety and emergency management plan. Each school board shall annually approve a comprehensive health and safety and emergency management plan developed by the school unit administration working with school teachers and staff and local, county and state public safety officials, fire-fighting personnel, emergency management officials, mental health officials ~~and~~, law enforcement officials, school nurses, physicians and public health staff to identify and deal with all hazards and potential hazards that could reasonably be expected to affect a facility or unit under the authority of the school administrative unit. The approval of a comprehensive health and safety and emergency management plan under this subsection is public information. At the request of any school board member or full-time school employee, the school board shall form a steering committee composed of school employees, school board members, parents and others. A majority of the school employees must be chosen by the local representatives of the applicable bargaining unit if the school employees are covered by a collective bargaining agreement. The steering committee shall regularly review and refine the comprehensive health and safety and emergency management plan. The following information pertaining to a comprehensive health and safety and emergency management plan is public information:

- A. A description of the scope and purpose of the comprehensive health and safety and emergency management plan and the process used for developing and updating the plan;
- B. General information on auditing for safety and preparedness;
- C. Roles and responsibilities of school administrators, teachers and staff and the designated chain of command during an emergency; and
- D. Strategies for conveying information to parents and the general public during an emergency.

Except as provided in paragraphs A to D, release of the contents of a comprehensive health and safety and