

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Sec. 1. 20-A MRSA §1001, sub-§16, as repealed and replaced by PL 2007, c. 408, §1, is amended to read: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

emergency management plan approved under this subsection is subject to the limitations set forth in Title 1, section 402, subsection 3, paragraph L.

See title page for effective date.

**CHAPTER 465
H.P. 345 - L.D. 469**

**An Act To Ensure Safety
across Maine's Construction
Industry**

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

Sec. 1. 26 MRSA §1304, sub-§3-A is enacted to read:

3-A. Craft worker. "Craft worker" means a person who is engaged in a construction trade that is eligible for coverage under a wage determination under this chapter.

Sec. 2. 26 MRSA §1304, sub-§10 is enacted to read:

10. Trade. "Trade" means a construction work activity engaged in by a craft worker.

Sec. 3. 26 MRSA §1312, sub-§1, as amended by PL 2011, c. 403, §2, is further amended to read:

1. Violation by contractor or subcontractor. Except as provided in section 1308, subsection 1-A, any contractor or subcontractor who willfully and knowingly violates sections 1304 to 1313 and 1317 is subject to a forfeiture of not less than \$250.

Sec. 4. 26 MRSA §1317 is enacted to read:

§1317. Construction safety training requirements for craft workers

A contractor or subcontractor employing craft workers in the construction of public works shall require mandatory safety training for all craft workers in accordance with the requirements of this section.

1. Mandatory safety training. A contractor or subcontractor employing craft workers in the construction of public works shall require that all craft workers on the construction work site have completed a construction safety training program that uses a curriculum approved by the United States Department of Labor, Occupational Safety and Health Administration and is at least 10 hours in duration.

2. Proof of compliance. A contractor or subcontractor shall complete and submit monthly to the public authority that let the contract a signed statement of compliance that each craft worker has completed the training required in subsection 1.

3. Posting of affidavit on job site. A contractor or subcontractor shall post in a conspicuous location at each job site a signed affidavit that the contractor or subcontractor has met the requirements of this section.

4. Rules. The Commissioner of Labor may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 5. Legislative intent regarding compliance and enforcement. It is the intent of the Legislature that the Department of Administrative and Financial Services, Bureau of General Services and the Department of Transportation comply with the construction safety training requirements for craft workers as specified in the Maine Revised Statutes, Title 26, section 1317 and that the Department of Labor enforce the provisions of Title 26, section 1317 within existing resources.

See title page for effective date.

**CHAPTER 466
H.P. 405 - L.D. 560**

**An Act To Amend the Safe
Haven Laws**

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

Sec. 1. 17-A MRSA §553, sub-§3, ¶B, as amended by PL 2001, c. 543, §1, is amended to read:

B. The child was delivered by the person charged under this section to a safe haven baby box as defined in Title 22, section 4018, subsection 1, paragraph A-1 or to an individual the person reasonably believed to be:

- (1) A law enforcement officer;
- (2) Staff at a medical emergency room;
- (3) A medical services provider as defined in Title 22, section 4018; ~~or~~
- (4) A hospital staff member at a hospital; ~~or~~
- (5) A firefighter at a fire department facility.

Sec. 2. 22 MRSA §4018, sub-§1, ¶A-1 is enacted to read:

A-1. "Safe haven baby box" means a device or container to safely accept delivery of a child less than 31 days of age that is:

- (1) Voluntarily installed by a medical services provider, law enforcement agency or fire department;
- (2) Physically located inside a hospital, law enforcement facility or fire department facility