

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. 1. 20-A MRSA §1001, sub-§21 is enacted to read:

21. Workplace bullying. A school board shall adopt and implement a policy to address the negative effects of bullying of school employees by administrators, school employees, parents, students or any other individuals associated with the public school and to ensure the safety of employees and an inclusive environment for all employees and students in the public school. The policy must include, but is not limited to:

- A. A provision identifying the responsibility of all school employees to comply with the policy;
- B. A clear statement that bullying, harassment and retaliation for reporting such behavior are prohibited;
- C. A provision outlining the responsibility of a superintendent to implement and enforce the policy;
- D. A procedure for school employees to report incidents of bullying;
- E. A procedure for promptly investigating and responding to incidents of bullying, including written documentation of reported incidents; and
- F. A statement that any rights under the policy do not exclude access to or limit any other right or remedy under the law.

If an affected school employee is covered by a collective bargaining agreement, the policy under this subsection is subject to the dispute resolution process of the collective bargaining agreement.

For the purposes of this subsection, "bullying" includes cyberbullying as defined in section 6554, subsection 2, paragraph C.

Sec. 2. Reimbursement. The Department of Education shall develop a process to provide reimbursement to school administrative units for 90% of the cost of adopting and implementing a policy to address the bullying of school employees.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF

State Mandate Reimbursement - Workplace Bullying N398

Initiative: Provides one-time funds to reimburse local school administrative units for 90% of the cost of adopting and implementing a policy to address the bullying of school employees.

GENERAL FUND	2021-22	2022-23
All Other	\$26,308	\$0
GENERAL FUND TOTAL	\$26,308	\$0

See title page for effective date.

**CHAPTER 472
H.P. 710 - L.D. 964**

**An Act To Expand Access to
Certified Substance Use
Disorder Recovery Residence
Services**

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

Sec. 1. 5 MRSA c. 521, sub-c. 3-A is enacted to read:

**SUBCHAPTER 3-A
RECOVERY**

§20057. Certified recovery residences

Beginning July 1, 2022, recovery residences must be certified pursuant to the requirements established in section 20005, subsection 22, to receive:

- 1. Contracts.** Any department contract for a recovery residence or services related to the recovery residence; or
- 2. Housing assistance.** To the extent not in conflict with federal law, any housing assistance or voucher provided by the department, the Maine State Housing Authority or a municipality provided to or for the person recovering from substance use disorder.

Sec. 2. 22 MRSA §4301, sub-§14 is enacted to read:

14. Recovery residence. "Recovery residence" has the same meaning as in Title 5, section 20003, subsection 19-D.

Sec. 3. 22 MRSA §4309, sub-§6 is enacted to read:

6. Eligibility; recovery residence; exception. The overseer in a municipality may not deny general assistance to a person for the sole reason that the person is residing in a recovery residence. Beginning July 1, 2022, a municipality may not provide housing assistance to a person residing in a recovery residence that has not been certified in accordance with Title 5, section 20005, subsection 22, except that the person may receive housing assistance while residing in an uncertified recovery residence for one 30-day period only and the overseer shall inform the person of the requirements of this subsection. A person who is ineligible for housing assistance under this subsection may remain eligible to receive general assistance for other basic necessities.

Sec. 4. Recovery residence assistance levels; rulemaking. No later than July 1, 2022, the Department of Health and Human Services shall amend its rule, Chapter 323: Maine General Assistance Manual, to establish appropriate maximum housing assistance

levels for eligible persons residing in recovery residences that take into account any additional costs of providing recovery residences as well as the fair market rents established by the United States Department of Housing and Urban Development used to establish maximum housing assistance levels under the program including those for other shared housing arrangements.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF**

**Office of Substance Abuse and Mental Health
Services Z199**

Initiative: Provides funding to increase the contract for certification of the recovery residences.

GENERAL FUND	2021-22	2022-23
All Other	\$0	\$90,000
GENERAL FUND TOTAL	\$0	\$90,000

See title page for effective date.

**CHAPTER 473
H.P. 724 - L.D. 978**

**An Act To Create an Access to
Justice Income Tax Credit**

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

Sec. 1. 36 MRSA §191, sub-§2, ¶MMM is enacted to read:

MMM. The disclosure to the Supreme Judicial Court of information required to make the report required under section 5219-YY, subsection 5.

Sec. 2. 36 MRSA §5219-YY is enacted to read:
§5219-YY. Access to justice credit

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

A. "Court" means the Supreme Judicial Court or its designee.

B. "Eligible attorney" means a person eligible to practice law in the State under Title 4, chapter 17 who, after January 1, 2022:

- (1) Agrees to practice law in a private practice setting in an underserved area for at least 5 years by joining an existing legal practice, establishing a new legal practice or purchasing an existing legal practice;

(2) Is rostered by the Maine Commission on Indigent Legal Services to accept court appointments to represent clients in an underserved area;

(3) Agrees to perform pro bono legal services in an underserved area; and

(4) Is certified by the court under subsection 3 to be eligible for the credit under this section.

C. "Underserved area" means an area in the State that is determined by the court to be an area where there is insufficient access to legal services. When identifying underserved areas, the court shall take into consideration the ratio of the number of attorneys to the population.

2. Credit. For tax years beginning on or after January 1, 2022, an eligible attorney is allowed a credit for each taxable year, not to exceed \$6,000, against the taxes due under this Part. The credit may be claimed in the first year that the eligible attorney meets the conditions of eligibility for at least 6 months and in each of the 4 subsequent years.

3. Eligibility limitation; certification. The court may certify up to 5 eligible attorneys in each year from 2022 through 2027. Additional attorneys may not be certified after 2027. The court shall annually, at year-end, verify that certified attorneys continue to be eligible for the credit under this section and shall decertify any attorney who ceases to meet the conditions of eligibility. The court shall notify the bureau whenever an attorney is certified or decertified. A decertified attorney ceases to be eligible for the credit under this section beginning with the tax year during which the attorney is decertified.

4. Rules. The court shall adopt rules to implement this section.

5. Report; review. By February 15, 2027, the court shall submit to the joint standing committee of the Legislature having jurisdiction over taxation matters a report that identifies the number of eligible attorneys claiming the credit under this section each year in which the credit is available and identifies the underserved areas where those attorneys practice. The committee shall review the report and determine the effectiveness of the credit in expanding legal services to underserved areas. The committee may submit legislation to the First Regular Session of the 133rd Legislature related to the report.

See title page for effective date.