

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

SECOND SPECIAL SESSION
September 29, 2021

SECOND REGULAR SESSION
January 5, 2022 to May 9, 2022

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 29, 2021

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 8, 2022

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2022

C. The department shall make available transitional child care services to families who lose eligibility for TANF as a result of increased earnings or an increase in the number of hours worked. The department shall make available transitional child care services to families who lose eligibility for TANF as a result of increased earnings or an increase in the number of hours worked and whose gross income is equal to or less than 250% of the federal poverty guidelines. The department may also make transitional child care services available to families in which one or both adults are working and who, although they remain financially eligible for TANF benefits, request that their benefits be terminated. The family shall pay a premium of ~~2%~~ ~~to~~, which may be waived but may not exceed 10% of gross income, based on the family's gross income compared to the federal poverty level in accordance with rules adopted by the department. Parents must have a choice of child care within the rate established by the department.

See title page for effective date.

CHAPTER 535

H.P. 1320 - L.D. 1769

An Act To Align the Child and Family Services and Child Protection Act with Federal Law

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

Sec. 1. 22 MRSA §4037-A, sub-§1, as enacted by PL 2011, c. 402, §5, is amended to read:

1. Extended care requirements. A person who is 18, 19 or 20 years of age and who attained 18 years of age while in the care and custody of the State department may continue to receive care and support if the person:

- A. Is enrolled in secondary school or its equivalent or is enrolled in postsecondary or career and technical school;
- B. Is participating in a program or activity that promotes employment or removes barriers to employment;
- C. Is employed for at least 80 hours per month; or
- D. Is found to be in special circumstances, including but not limited to being incapable of qualifying under paragraphs A to C due to a documented medical or behavioral health condition.

See title page for effective date.

CHAPTER 536

H.P. 1330 - L.D. 1779

An Act To Protect Election Integrity by Regulating Possession of Ballots and Voting Machines and Devices

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

Sec. 1. 21-A MRSA §698, sub-§2-A, as amended by PL 2019, c. 371, §§23 and 24, is further amended by amending the first blocked paragraph to read:

The sealed tamper-proof ballot security containers of used ballots must remain sealed for at least 2 months after the election, unless the Secretary of State authorizes the clerk to open the containers prior to that date. After 2 months, the clerk shall open the containers in the presence of one or more witnesses and transfer the ballots to other containers for the remainder of the retention period described in section 23. The new containers must be securely sealed. Except as expressly authorized in this Title, rules adopted under this Title or other applicable state or federal law, the ballot security containers of state election materials and the ballot security containers of municipal election materials must remain sealed and in the possession, custody and control of the clerk until the contents of the containers are destroyed in accordance with section 23.

Sec. 2. 21-A MRSA §698, sub-§2-B, as amended by PL 2001, c. 310, §46, is further amended to read:

2-B. Unused ballots placed in containers. At the close of the polls, all unused, unsealed absentee and regular ballots must be canceled by a physical mark unless all ballots are used in the course of the election. All sealed ballots must remain sealed. All unused ballots, including both the unsealed and the sealed ballots, must be placed in the containers in which the regular ballots were delivered. The containers containing the unused ballots must be clearly marked to indicate that the containers contain unused ballots. These ballots must be stored separately from the used ballots. Except as expressly authorized in this Title, rules adopted under this Title or other applicable state or federal law, the containers containing the unused ballots must remain sealed and in the possession, custody and control of the clerk until the unused ballots are destroyed in accordance with section 23.

Sec. 3. 21-A MRSA §737-A, first ¶, as amended by PL 2019, c. 371, §28, is further amended to read:

Once a recount is requested for an election for the office of State Senator or State Representative or for a county office that does not encompass more than one

county, the Secretary of State shall notify the contracted courier service, which shall take physical control of all ballots and related materials involved in the recount as soon as possible and deliver them to the recount facility. When a recount is requested for a statewide office, congressional office, presidential election or statewide referendum or for a county office that encompasses more than one county, the Secretary of State may direct the courier to retrieve ballots from certain voting jurisdictions and deliver them to the recount facility so that the recount may be conducted in stages until the requesting candidate or the lead applicant for a referendum recount concedes or until all the ballots are recounted. If a qualified courier service is not available to provide these services, the State Police shall collect and deliver the ballots as described in this section at the request of the Secretary of State.

Sec. 4. 21-A MRSA §739, first ¶, as amended by PL 2011, c. 258, §1, is further amended to read:

On request, a municipal clerk or the Secretary of State, or both, shall produce any ballots or incoming voting lists in their custody before the Governor, either branch of the Legislature, any legislative committee or a court of competent jurisdiction. Original ballots produced under this section must remain in the sole custody of the requester until they are returned to the municipal clerk or Secretary of State, and the requester shall maintain the ballots in a secure location. Inspection of ballots produced under this section is subject to oversight by the relevant municipal clerk, the Secretary of State or the Secretary of State's designee. If there is an unresolved disputed ballot for an election to the State House of Representatives or the State Senate arising from a recount conducted pursuant to section 737-A, the Secretary of State shall make a copy of that ballot available for inspection by the public. A copy of a ballot that is made available for public inspection pursuant to this section must be made available in a manner that preserves the voter's anonymity. Copies of disputed ballots made available for public inspection under this section must be retained by the Secretary of State for a period of 2 years after the outcome of the election is finally determined.

Sec. 5. 21-A MRSA §814, sub-§2 is enacted to read:

2. Transfer prohibited. The municipal clerk may not transfer possession, custody or control of a voting machine to any person except as expressly authorized by the Secretary of State.

Sec. 6. 21-A MRSA §845, sub-§2 is enacted to read:

2. Transfer prohibited. The municipal clerk may not transfer possession, custody or control of a voting

device to any person except as expressly authorized by the Secretary of State.

See title page for effective date.

CHAPTER 537

H.P. 1343 - L.D. 1802

An Act To Amend the Requirements of the Reorganization Plan for the Formation of Regional School Units

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

Sec. 1. 20-A MRSA §1461, sub-§3, ¶B, as amended by PL 2009, c. 580, §3, is further amended in subparagraph (1) by repealing the first blocked paragraph.

Sec. 2. 20-A MRSA §1461, sub-§3, ¶B, as amended by PL 2009, c. 580, §3, is further amended by amending subparagraph (2) to read:

(2) The plan must provide comprehensive programming for all students from kindergarten to grade 12 and must include at least one publicly supported secondary school, except if the plan provides comprehensive programming:

(a) For all students from grade 9 to grade 12 within the regional school unit, with programming for students from kindergarten to grade 8 provided by the separate school administrative units;

(b) For all students from kindergarten to grade 8 within the regional school unit, with programming for students from grade 9 to grade 12 provided by either operating a school or contracting for school privileges pursuant to chapter 115; or

(c) For all students in a grade configuration that meets the needs of the students from the municipalities that make up the regional school unit, with programming for all other students provided by either operating a school or contracting for school privileges pursuant to chapter 115.

Sec. 3. 20-A MRSA §1461, sub-§3, ¶C, as amended by PL 2011, c. 251, §1 and affected by §12, is repealed.

Sec. 4. 20-A MRSA §1479, first ¶, as amended by PL 2011, c. 171, §2, is further amended to read: