

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

34. Public official. "Public official" means a person elected or appointed to serve the people, including but not limited to an election official, municipal clerk or registrar.

Sec. 3. 21-A MRSA §101, sub-§9, as enacted by PL 2001, c. 415, §1 and affected by §5, is amended to read:

9. Training. The registrar ~~must~~ shall attend a training session that is approved by the Secretary of State at least once every 2 years in regard to the conduct of voter registration. The training must include, but is not limited to, training on the de-escalation of conflicts and the process for reporting threats to or harassment of public officials related to the conduct of federal, state or municipal elections to the Secretary of State.

Sec. 4. 21-A MRSA §505, sub-§7-A, as enacted by PL 2001, c. 415, §4 and affected by §5, is amended to read:

7-A. Training. Attend a training session that is approved by the Secretary of State at least once every 2 years in regard to the conduct of elections. The training must include, but is not limited to, training on the de-escalation of conflicts and the process for reporting threats to or harassment of public officials related to the conduct of federal, state or municipal elections to the Secretary of State. The Secretary of State shall offer training sessions regionally at least once every 2 years at no fee. The Secretary of State shall encourage municipalities to provide training biennially to all election officials; and

Sec. 5. 21-A MRSA §674, sub-§2, ¶A, as amended by PL 2003, c. 447, §16, is further amended to read:

A. Assists another person in voting, knowing that the other person is not eligible to vote; ~~or~~

Sec. 6. 21-A MRSA §674, sub-§2, ¶E is enacted to read:

E. Intentionally interferes by force, violence or intimidation or by any physical act with any public official who is in fact performing or who the person believes is performing an official function relating to a federal, state or municipal election.

Sec. 7. 21-A MRSA §675 is enacted to read:

§675. Reports of threats or harassment

1. Reporting of threats or harassment. The Secretary of State shall accept and maintain a record of reports of threats to or harassment of public officials related to the conduct of federal, state or municipal elections in the State. The Secretary of State shall adopt routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A, regarding the process for submitting reports pursuant to this subsection.

2. Annual report. Beginning February 1, 2023, and annually thereafter, the Secretary of State shall report the number and type of reports of threats to or harassment of public officials received by the Secretary of State during the previous calendar year to the joint standing committee of the Legislature having jurisdiction over election matters.

See title page for effective date.

CHAPTER 569

H.P. 1356 - L.D. 1823

An Act To Amend the Enforcement Provisions of the Law Governing Earned Paid Leave

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

Sec. 1. 26 MRSA §637, sub-§7, as enacted by PL 2019, c. 156, §3 and affected by §4, is amended to read:

7. Enforcement. The bureau has the exclusive authority pursuant to section 42 to enforce this section, except that nothing in this section prohibits the parties to a collective bargaining agreement from agreeing to also address any violation of this section through the dispute resolution process set forth in that collective bargaining agreement.

See title page for effective date.

CHAPTER 570

S.P. 647 - L.D. 1830

An Act To Amend the Election Laws

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

Sec. 1. 21-A MRSA §112-A, sub-§1, as enacted by PL 2009, c. 253, §11, is amended to read:

1. Government-issued photograph identification document or credential. A government-issued photograph identification document or credential, including, but not limited to, a current and valid United States passport, military identification, driver's license or state identification or identification card issued by a federally recognized Indian tribe;

Sec. 2. 21-A MRSA §381, sub-§1, as amended by PL 1997, c. 436, §56, is further amended to read:

1. Nominees chosen. The Governor shall order the appropriate political committees to meet and shall set the deadline for choosing nominees. The deadline

may not be sooner than the 15th day after the date of the Governor's proclamation declaring a vacancy. The political committees shall follow the procedure outlined in section 363.

Sec. 3. 21-A MRSA §382, sub-§1, as amended by PL 2011, c. 409, §2, is further amended to read:

1. Nominees chosen. The Governor shall order the appropriate political committees to meet and shall set the deadline for choosing nominees, ~~which may not be less than 15 days following the~~. The deadline may not be sooner than the 15th day after the date of the Governor's proclamation declaring a vacancy. The political committees shall follow the procedure outlined in section 363.

Sec. 4. 21-A MRSA §753-B, sub-§5, as repealed and replaced by PL 2019, c. 371, §35, is repealed and the following enacted in its place:

5. Alternate method of absentee voting by residents of certain licensed facilities. Residents of certain nursing homes, residential care facilities and assisted living programs may cast absentee ballots under the provisions of this subsection. This subsection applies to a licensed nursing home subject to the provisions of Title 22, chapter 405; a licensed level IV residential care facility subject to the provisions of Title 22, chapter 1664; and a licensed assisted living program with more than 6 beds subject to the provisions of Title 22, chapter 1664. As used in this subsection, "level IV residential care facility" means a residential care facility as defined by Title 22, section 7852, subsection 14 that has a licensed capacity of more than 6 residents.

A. The municipal clerk shall designate one time during the 30-day period prior to an election during which the municipal clerk shall be present in each facility to which this subsection applies in the municipality for the purpose of conducting absentee voting by residents of these facilities. The clerk shall designate which areas in these facilities constitute the voting place, the voting booth and the guardrail enclosure. The clerk shall post a notice in the municipal office that absentee voting will be conducted as prescribed in this subsection. The clerk shall provide a notice to each facility of the date and time when absentee voting will be conducted. The notice must state that the facility is required to notify the contact person or persons, if any, for each resident that absentee voting will be conducted. Each facility shall provide notice, which may be in the form of an e-mail or an electronic newsletter, to the contact person or persons, if any, for each resident of the date and time when absentee voting will be conducted at the facility. Sections 681 and 682 apply to voting in these facilities within the areas designated by the clerk.

B. To protect public health, the Secretary of State may designate procedures for conducting absentee

voting for the residents of a facility to which this subsection applies that differ from the procedures described in paragraph A if:

(1) The Department of Health and Human Services declares a health emergency under Title 22, section 802, subsection 2;

(2) The Governor declares an extreme public health emergency under Title 22, section 802, subsection 2-A;

(3) The Department of Health and Human Services determines that a public health threat, as defined in Title 22, section 801, subsection 10, threatens the health, welfare or safety of the municipal clerk or the residents of a facility described in this subsection; or

(4) A facility described in this subsection prohibits the municipal clerk from entering the facility.

Procedures designated under this paragraph remain in effect for the duration of the health emergency, extreme public health emergency or public health threat or for as long as the municipal clerk remains prohibited from entering the facility, as the case may be.

Sec. 5. 21-A MRSA §901, sub-§4, as amended by PL 2007, c. 234, §2, is further amended to read:

4. Ballot question. The ballot question for an initiative or a people's veto referendum must be drafted by the Secretary of State in accordance with section 906 and rules adopted in accordance with the Maine Administrative Procedure Act. The Secretary of State shall provide the ballot question to the applicant for a people's veto referendum within 10 business days after receipt of a properly completed application. If an initiative is filed with the Secretary of State and certified pursuant to the Constitution of Maine, Article IV, Part Third, Section 18 as having a sufficient number of signatures ~~and is not enacted without change by the Legislature at the session at which it is presented~~, then the Secretary of State shall propose a ballot question to be submitted for public comment as provided in section 905-A.

Sec. 6. 21-A MRSA §901-A, sub-§2, as amended by PL 2009, c. 611, §1, is further amended to read:

2. Required statements; placement of information. On each page of a petition that contains space intended for voter signatures, the Secretary of State shall include a space at the top right or left corner of each such page to be submitted to the voters, which must be filled in with the name of the circulator collecting signatures on that petition and a unique identifying number, ~~and. On the first page of a petition only, the Secretary of State shall include the summary prepared under section 901, subsection 5 and the fiscal impact of~~

the initiative as described in Title 1, section 353 directly below the following statement at the top of the petition in a type size of no less than 16 points:

"Freedom of Citizen Information: Before a registered voter signs any initiative petition, signature gatherers must offer the voter the opportunity to read the proposed initiative summary and fiscal impact statement prepared by the Secretary of State."

Sec. 7. 21-A MRSA §903, as enacted by PL 1985, c. 161, §6, is amended to read:

§903. Instructions to be printed on

The Secretary of State shall prepare complete instructions to inform the clerk and the signer or circulator of a petition of the statutory and constitutional requirements. The instructions must specify the conditions ~~which that~~ have been held to invalidate either individual signatures or complete petitions. The instructions must be printed ~~in bold type or capital letters~~ on the petition.

Sec. 8. 21-A MRSA §905, sub-§2, as amended by PL 2009, c. 611, §6, is further amended to read:

2. Superior Court. Any voter named in the application under section 901, or any person who has validly signed the petitions, if these petitions are determined to be invalid, or any other voter, if these petitions are determined to be valid, may appeal the decision of the Secretary of State by commencing an action in the Superior Court. This action must be conducted in accordance with the Maine Rules of Civil Procedure, Rule 80C, except as modified by this section. In reviewing the decision of the Secretary of State, the court shall determine whether the description of the subject matter is understandable to a reasonable voter reading the question for the first time and will not mislead a reasonable voter who understands the proposed legislation into voting contrary to that voter's wishes. This Except as provided in subsection 4, this action must be commenced within 10 days of the date of the decision of the Secretary of State. Upon timely application, anyone may intervene in this action when the applicant claims an interest relating to the subject matter of the petitions, unless the applicant's interest is adequately represented by existing parties. The court shall advance the action on the docket and give it priority over other cases when the court determines the interests of justice so require. The court shall issue its written decision containing its findings of fact and stating the reasons for its decision within 40 days of the date of before the 40th day after the decision of the Secretary of State.

Sec. 9. 21-A MRSA §905, sub-§3, as amended by PL 1987, c. 119, §1, is further amended to read:

3. Supreme Judicial Court. Any aggrieved party may appeal the decision of the Superior Court, on questions of law, by filing a notice of appeal within 3 days of that decision. The appellant must file the required

number of copies of the record with the clerk within 3 days after filing notice of appeal. After a notice of appeal is filed, the parties have 10 days to file briefs with the clerk of courts. As soon as the record and briefs have been filed, the court shall immediately consider the case. The standard of review ~~shall must~~ be the same as for the Superior Court. The Except as provided in subsection 4, the court shall issue its decision within 30 days of the date of the decision of the Superior Court.

Sec. 10. 21-A MRSA §905, sub-§4 is enacted to read:

4. Expedited proceedings. If the Secretary of State's written decision on the validity of a petition under subsection 1 is issued within 120 days of the general or statewide election in which the people's veto referendum or direct initiative, if finally determined to be valid, will appear on the ballot, the following modifications to the procedures established in subsections 2 and 3 apply:

A. An appeal under subsection 2 must be commenced within 5 days of the date on which the Secretary of State's written decision was issued under subsection 1, unless the Secretary of State fails to provide notice of the 5-day deadline in the written decision;

B. The Superior Court shall conduct the appeal in accordance with subsection 2, except that the court shall issue its written decision containing its findings of fact and stating the reasons for its decision no later than 60 days prior to the general or statewide election in which the people's veto referendum or direct initiative, if finally determined to be valid, will appear on the ballot. In establishing the timeline for the proceedings and in issuing its written decision, the Superior Court shall give due regard to the deadline for completion of a further appeal under paragraph C; and

C. If an aggrieved party files an appeal with the Supreme Judicial Court under subsection 3, the court shall issue its decision no later than 50 days prior to the general or statewide election in which the people's veto referendum or direct initiative, if finally determined to be valid, will appear on the ballot.

Sec. 11. 21-A MRSA §905-A, first ¶, as enacted by PL 2007, c. 234, §6, is amended to read:

No later than ~~40~~ 15 business days after the Legislature adjourns sine die ~~the~~ Secretary of State issues a written decision under section 905, subsection 1 finding a petition for a direct initiative to be valid, the Secretary of State shall give public notice of a proposed ballot question for any ~~that~~ initiative ~~that will be submitted to the voters at the next statewide election or special election~~ by posting ~~all proposed ballot questions~~ the question on the Secretary of State's publicly accessible website. The Secretary of State may also publish notice for one day in newspapers having general circulation in the

State. After giving public notice of a the proposed ballot question in accordance with this section, the Secretary of State shall provide a 30-day public comment period for the purpose of receiving comments on the content and form of the proposed questions to be placed on the ballot for any pending initiatives question. No later than 10 days after receiving public comments in accordance with this section and after review of those comments, the Secretary of State shall write the ballot question for any pending the initiative. An aggrieved voter may appeal the final decision of the Secretary of State under this section using the procedures for court review provided for in section 905, subsections 2 and 3.

See title page for effective date.

CHAPTER 571

H.P. 1366 - L.D. 1845

An Act To Amend the Education Statutes

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

Sec. 1. 20-A MRSA §8, as enacted by PL 1991, c. 407, §1, is amended to read:

§8. Restructuring public schools Public school innovation

~~The~~ In order to support a culture of research and development and elevate the professionalism of the State's education practitioners, the commissioner shall encourage school administrative units to pursue an on-going process of school restructuring continuous improvement processes to identify opportunities to innovate school structures and policies as a means of more effectively meeting the learning needs and improving the academic performance of all students. The public and private postsecondary institutions of higher education in the State are urged to cooperate partner with the department, the state board and school administrative units to provide appropriate and timely professional development programs and other support services to educators employed in public schools engaged in school restructuring innovation efforts.

1. School restructuring innovation. For the purposes of this section, the term "school restructuring innovation" means the process by which schools and communities use pilot programs and make significant changes in the existing school structure, including the policies, roles, relationships, pathways and schedules that influence teaching and learning in the school. School restructuring innovation recognizes the critical educational role of technology and integrates technology and technological systems in the classroom, in school governance and in school record keeping. School restructuring innovation is based on:

A. The development of comprehensive educational goals establishing community expectations for what all students should know, the skills they should possess, the attitude toward work and learning they should hold upon completing school and the role of the school in the community;

B. A formal appraisal of the basic structures that govern operation of the school; and

C. A commitment to revise the basic school structure to achieve the comprehensive educational goals.

School restructuring innovation, which is most effectively carried out at the local level, depends on community and educator involvement and approval and student participation. School restructuring innovation includes consideration of changing roles for understanding of the various roles of stakeholders, including parents, students, teachers, administrators, support staff, postsecondary education institutions and officials, and various segments of the community. It focuses on understanding and defining the root cause of challenges and innovates and tests solutions. School innovation may include a significantly broadened role for schools and school administrative units that engage in education research and development. The commissioner may designate a school administrative unit that engages in education research and development as a demonstration site.

~~School restructuring may include schools and school administrative units combining efforts to cooperatively pursue restructuring activities. When that occurs, one or more schools or units may be designated as demonstration sites.~~

2. Waiver of rules for local schools. A school administrative unit undergoing school restructuring innovation may request that the commissioner waive the application of specific rules to that unit, or to certain schools in that unit, if such action the waiver is necessary to achieve school restructuring the proposed innovation. The commissioner shall grant a waiver if the requesting unit, as determined by the commissioner, has:

A. Demonstrated that one or more state rules prevent or seriously handicap the unit's pursuit of its restructuring innovation goals;

B. Demonstrated that reasonable steps have been taken to provide the safeguards offered by the rules in question to allow continued educational progress by students and protect the continuity and integrity of the unit and employees of that unit;

C. Provided evidence that the necessary resources and community and staff support are present to ensure that the restructuring innovative changes requiring the waiver stand a reasonable chance of succeeding; and