

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**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**

**Whereas**, public school employees continue to experience the personal and economic effects of the COVID-19 pandemic but remain without sufficient paid leave to weather these effects; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 20-A MRSA §13605**, as enacted by PL 2021, c. 378, §1, is amended to read:

**§13605. School administrative units to grant sick paid leave to public school employees affected by COVID-19**

A school administrative unit shall grant up to 15 sick paid leave days ~~used by~~ to a public school employee affected by the illness caused by infection with the coronavirus SARS-CoV-2, referred to in this section as "COVID-19," in accordance with the following.

**1. Requirements.** A public school employee who ~~was is~~ affected by COVID-19 ~~and used sick is granted up to a maximum of 15 days of paid leave prior to the effective date of this section is entitled to have sick leave time restored for those days used by that employee up to a maximum of 15 days if when needed by~~ the employee because the employee:

- A. ~~Was Is~~ subject to a federal, state or local quarantine order related to COVID-19;
- B. ~~Had Has~~ been or ~~was is~~ advised by a health care provider to self-quarantine for reasons related to COVID-19;
- C. ~~Experienced Is experiencing~~ symptoms of COVID-19 and ~~sought is seeking~~ a medical diagnosis;
- D. ~~Cared Is caring~~ for an individual subject to a federal, state or local quarantine order related to COVID-19; or
- E. Is a parent or guardian who ~~provided is provid-~~ing care for a child whose school or place of child care ~~was is~~ closed or unavailable due to precautions related to COVID-19.

**2. Application.** ~~This section~~ Subsection 1 applies ~~to any sick leave used by an employee~~ from January 1, 2021 until the employee has been granted a maximum of 15 days of sick time paid leave for the purposes described in this section, except as provided in subsection 3.

**3. Exception.** A public school employee who, on or after the effective date of this subsection, has 60 days or more of accrued paid leave is not eligible for leave pursuant to subsection 1.

**4. Funding.** A school administrative unit may use federal funds to provide the paid leave required under this section, including but not limited to funds from the federal Coronavirus Aid, Relief, and Economic Security Act, Public Law 116-136, the American Rescue Plan Elementary and Secondary School Emergency Relief Fund and the American Rescue Plan Act of 2021, Public Law 117-2, to the extent the funds are eligible to be used for the purposes of this section in accordance with federal law and regulations.

**Sec. 2. Restoration.** A school administrative unit shall restore sick leave time to a public school employee who used sick leave pursuant to the Maine Revised Statutes, Title 20-A, section 13605 between October 19, 2021 and the effective date of this Act. A school administrative unit shall compensate for an absence a public school employee who was absent from work for any reason described in Title 20-A, section 13605 between January 1, 2021 and the effective date of this Act and who was not eligible to be paid for that absence.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 15, 2022.

**CHAPTER 615**

**H.P. 853 - L.D. 1175**

**An Act To Prohibit Excessive Telephone Charges in Maine Jails and Prisons**

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

**PART A**

**Sec. A-1. 34-A MRSA §3015** is enacted to read:

**§3015. Telephone services in Department of Corrections facilities**

Beginning October 1, 2022, the department and a service provider that contracts with the department to provide telephone services for residents of a department facility shall provide telephone services in accordance with this section.

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

- A. "Department facility" means a detention facility or correctional facility.
- B. "Resident" means a person who resides in a department facility.

C. "Service provider" means an entity that provides telephone services by contract with the department through which a resident initiates outgoing telephone calls from a department facility.

**2. Resident right to make telephone calls.** The department shall provide a resident with a reasonable opportunity to make interstate and intrastate telephone calls in accordance with departmental policies and institutional procedures and in accordance with the following.

A. The department shall provide a resident with a reasonable opportunity to make telephone calls to relatives and friends, except that the department may restrict or prohibit telephone calls when the restriction or prohibition is necessary for the security of the department facility. The department shall provide to a resident who has less than \$10 in the resident's facility account a free telephone call allowance for 30 minutes of telephone calls per week under this paragraph.

B. The department shall provide a resident with a reasonable opportunity to make telephone calls protected by the attorney-client privilege. The department shall provide to a resident who has less than \$10 in the resident's facility account a free telephone call allowance for 30 minutes of telephone calls per week under this paragraph.

**3. Requirements for service providers.** A service provider that enters into or renews a contract on or after October 1, 2022 with the department to provide outgoing interstate and intrastate telephone services is subject to the following requirements.

A. The rates and charges that the service provider may charge for interstate and intrastate telephone calls made by residents may not exceed the rates for interstate telephone calls adopted by the Federal Communications Commission in effect on the date of the contract.

B. A service provider may not charge a fee to a resident, the department facility or the department for providing the free outgoing telephone calls required pursuant to subsection 2, paragraphs A and B.

C. A service provider may not charge a connection fee to a resident to initiate an outgoing telephone call.

D. A service provider shall permit the receiving party of a telephone call to terminate the telephone call prior to connection without the resident or receiving party incurring a charge.

E. A service provider may not block a collect telephone call to a receiving party because the service provider lacks a prior billing relationship with the receiving party's telephone service provider unless

the service provider offers debit, prepaid or prepaid collect calling options.

F. A service provider, prior to connecting a telephone call, shall identify itself to the receiving party and disclose to the receiving party how to obtain rate quotations.

**Sec. A-2. Application.** That section of this Part that enacts the Maine Revised Statutes, Title 34-A, section 3015 applies to all contracts for telephone services entered into or renewed by the Department of Corrections on or after October 1, 2022.

## PART B

**Sec. B-1. 30-A MRSA §1566** is enacted to read:

### **§1566. Telephone services in jails**

Beginning October 1, 2022, a jail and a service provider that contracts with the jail to provide telephone services for residents of the jail shall provide telephone services in accordance with this section.

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

A. "Jail" means a county or municipal detention facility for which standards are set by the Commissioner of Corrections under Title 34-A, section 1208 or a facility for which standards are set by the Commissioner of Corrections under Title 34-A, section 1208-A.

B. "Resident" means a person who resides in a jail.

C. "Service provider" means an entity that provides telephone services by contract with a jail through which a resident initiates outgoing telephone calls from the jail.

**2. Requirements for service providers.** A service provider that enters into or renews a contract on or after October 1, 2022 with a jail to provide outgoing interstate and intrastate telephone services is subject to the following requirements. The rates and charges that the service provider may charge for interstate and intrastate telephone calls made by residents may not exceed the rates for interstate telephone calls adopted by the Federal Communications Commission in effect on the date of the contract.

**Sec. B-2. Application.** That section of this Part that enacts the Maine Revised Statutes, Title 30-A, section 1566 applies to all contracts for telephone services entered into or renewed by or on behalf of a jail on or after October 1, 2022.

See title page for effective date.