

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

§9102. Report

1. Grant recipient report. In each year in which a local education provider receives a grant pursuant to section 9101 for an innovative instruction and tutoring program plan submitted pursuant to section 9101, subsection 3, the local education provider shall submit a report to the department. The report must include:

- A. The number of students who are participating in the innovative instruction and tutoring program, including demographic information;
- B. Any adjustments made to the innovative instruction and tutoring program plan and the reason for those adjustments;
- C. How the local education provider maintained consistent access for participating students to instruction in the core curriculum and other instruction;
- D. How grants were used by the local education provider and a summary of other resources used;
- E. The student outcomes associated with the innovative instruction and tutoring program; and
- F. Whether the innovative instruction and tutoring program will continue in the following school year and, if not, the reason the innovative instruction and tutoring program will not continue.

Sec. 2. Guidance. The Commissioner of Education shall issue guidance and best practices for the delivery of innovative instruction and tutoring programs as provided in the Maine Revised Statutes, Title 20-A, chapter 320, including but not limited to mechanisms to expand innovative instruction and tutoring program plans using any federal funding available for this purpose and potential pathways into the teaching profession for program staff working toward educator certification.

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

**EDUCATION, DEPARTMENT OF
Innovative Instruction and Tutoring Grant
Program Fund N958**

Initiative: Provides a base allocation to authorize the expenditures of funds received for grants to local education providers for innovative instruction programs.

FEDERAL EXPENDITURES FUND	2021-22	2022-23
All Other	\$0	\$500
FEDERAL EXPENDITURES	\$0	\$500
FUND TOTAL		

See title page for effective date.

CHAPTER 633

S.P. 733 - L.D. 2022

**An Act To Amend the Judicial
Districts and Divisions for
York County**

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

Sec. 1. 4 MRSA §153, sub-§29, as amended by PL 1989, c. 98, §1, is repealed and the following enacted in its place:

29. York. York consists of the entire County of York. The District Court for York must be held at Biddeford or in any other court facility in the division.

Sec. 2. 4 MRSA §153, sub-§30, as amended by PL 1989, c. 98, §2, is repealed.

Sec. 3. 4 MRSA §153, sub-§31 is repealed.

Sec. 4. 4 MRSA §154, sub-§10, as amended by PL 1989, c. 98, §3, is further amended to read:

10. Tenth District. The 10th district consists of the ~~divisions of Eastern York (Biddeford or Saco) as above determined, Western York (Sanford) and Southern York (York) division of York (Biddeford or any other court facility in the division).~~

Sec. 5. Effective date. This Act takes effect January 1, 2023.

Effective January 1, 2023.

CHAPTER 634

H.P. 1511 - L.D. 2029

**An Act To Enhance the
Prevention of and Response to
Sexual Assault and Sexual
Harassment in the Maine
National Guard**

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

PART A

Sec. A-1. Review; report. The Attorney General shall review the manner in which law enforcement agencies and prosecutors within the State investigated and prosecuted allegations of sexual assault or the crime of harassment, as defined in the Maine Revised Statutes, Title 17-A, section 506-A, by members of the Maine National Guard against other members of the Maine National Guard during the 5-year period ending on March 31, 2022. For purposes of this section, "Maine National Guard" includes both the Maine Air National Guard and the Maine Army National Guard.

At a minimum, the review must include an examination of:

1. The nature of each allegation, including information that was available and unavailable to the law enforcement agency at the outset of and during the course of investigation;
2. Whether the allegation was adequately and properly investigated by the law enforcement agency;
3. Whether the results of the law enforcement agency's investigation were communicated to the appropriate prosecutorial office and whether appropriate action was taken by that prosecutorial office; and
4. Whether the results of the law enforcement agency's investigation and the prosecution, if any, were communicated to the relevant officials within the Maine National Guard, if requested and appropriate.

By February 15, 2023, the Attorney General shall submit a report to the joint standing committee of the Legislature having jurisdiction over veterans affairs summarizing the results of the review and including recommendations for improving the process by which law enforcement agencies and prosecutors investigate and prosecute allegations of sexual assault and the crime of harassment between members of the Maine National Guard in the future. The committee may report out legislation regarding the subject matter of the report to the 131st Legislature in 2023.

PART B

Sec. B-1. 5 MRSA §4653, sub-§1, ¶B, as amended by PL 2019, c. 359, §1, is further amended to read:

B. If the alleged harassment does not meet the definition in section 4651, subsection 2, paragraph C or is not related to an allegation of domestic violence, violence against a dating partner, sexual assault, stalking or harassment as described in Title 17-A, section 506, subsection 1, paragraph A-1 or A-2, a copy of a notice to stop harassing the plaintiff issued to the defendant pursuant to Title 17-A, section 506-A, subsection 1, paragraph A, subparagraph (1), division (a) or subparagraph (3) or a statement of good cause why such a notice was not sought or obtained. The court has discretion, based on the nature of the allegations as well as any further inquiry that the court may make of the plaintiff, to issue an order even if notice to stop harassing the plaintiff has not been issued to the defendant as described in Title 17-A, section 506-A, subsection 1, paragraph A, subparagraph (1), division (a) or subparagraph (3).

Sec. B-2. 17-A MRSA §506-A, sub-§1, ¶A, as amended by PL 2009, c. 246, §1, is further amended by amending subparagraph (1), division (b) to read:

(b) A court in a protective order issued under Title 5, section 4654 or 4655 or Title 19-A, section 4006 or 4007; ~~or~~

Sec. B-3. 17-A MRSA §506-A, sub-§1, ¶A, as amended by PL 2009, c. 246, §1, is further amended by amending subparagraph (2) to read:

(2) If the person is an adult in the custody or under the supervision of the Department of Corrections, after having been forbidden to engage in such conduct by the Commissioner of Corrections, the chief administrative officer of the facility, the correctional administrator for the region or their designees; or

Sec. B-4. 17-A MRSA §506-A, sub-§1, ¶A, as amended by PL 2009, c. 246, §1, is further amended by enacting a new subparagraph (3) to read:

(3) After having been notified, in writing or otherwise, while the person was a member of the National Guard, not to engage in such conduct by a commanding officer. A person violates this subparagraph regardless of whether the person is a member of the National Guard when the person engages in the conduct and regardless of where the conduct occurs. The notification not to engage in such conduct expires one year from the date of issuance.

Sec. B-5. 17-A MRSA §506-A, sub-§3, as enacted by PL 1991, c. 566, §3, is amended to read:

3. For the purposes of this section, "immediate family" means spouse, parent, child, sibling, stepchild and stepparent, "National Guard" has the same meaning as in Title 37-B, section 102, subsection 1 and "commanding officer" has the same meaning as in Title 37-B, section 402, subsection 4.

Sec. B-6. 19-A MRSA §4013, sub-§1, ¶A, as amended by PL 2021, c. 174, §9, is further amended by amending subparagraph (10) to read:

(10) Up to 4 3 members-at-large, appointed by the Governor;

Sec. B-7. 19-A MRSA §4013, sub-§1, ¶A, as amended by PL 2021, c. 174, §9, is further amended by amending subparagraph (15) to read:

(15) One member, appointed by the Governor, who is a representative of a tribal court; ~~and~~

Sec. B-8. 19-A MRSA §4013, sub-§1, ¶A, as amended by PL 2021, c. 174, §9, is further amended by amending subparagraph (16) to read:

(16) One member, appointed by the Governor, who is a representative of tribal government; and

Sec. B-9. 19-A MRSA §4013, sub-§1, ¶A, as amended by PL 2021, c. 174, §9, is further amended by enacting a new subparagraph (17) to read:

(17) One member, appointed by the Governor, who is a member of the military community with experience in sexual assault response.

Sec. B-10. 37-B MRSA §3, sub-§1, ¶D, as repealed and replaced by PL 2017, c. 475, Pt. A, §63 and amended by PL 2019, c. 377, §6, is further amended by enacting a new subparagraph (24) to read:

(24) The Adjutant General shall provide current and former members of the National Guard who were the victims of sexual assault or sexual harassment while members of the National Guard and who are involved in administrative or Maine Code of Military Justice proceedings related to the sexual assault or sexual harassment with financial assistance to fully cover the expenses of traveling to and from and participating in those proceedings.

Sec. B-11. 37-B MRSA §3, sub-§1, ¶D, as repealed and replaced by PL 2017, c. 475, Pt. A, §63 and amended by PL 2019, c. 377, §6, is further amended by enacting a new subparagraph (25) to read:

(25) By February 15, 2023 and annually thereafter, the Adjutant General shall submit a report to the joint standing committee of the Legislature having jurisdiction over veterans affairs containing:

(a) Data regarding all reported incidents of sexual assault and sexual harassment within the National Guard in each of the preceding 10 years, including information on the current duty status of victims and the outcome of any state or federal criminal or Maine Code of Military Justice proceedings arising out of such incidents, to the extent that the sharing of such data and information is not prohibited by federal law or federal regulation and can be presented in a way that does not identify, and that cannot be used with other information to identify, any victim of sexual assault or sexual harassment. If necessary to protect the identity of victims of sexual assault or sexual harassment, the Adjutant General may submit a summary of specific items of data or information required to be included in the report;

(b) A description of all sexual assault and sexual harassment prevention training provided to members of the National Guard in the preceding year;

(c) A description of the current practices and procedures for the prevention of sexual assault and sexual harassment and investigation of and disciplinary actions

taken in response to reports of sexual assault and sexual harassment in the National Guard; and

(d) A summary of the activities during the preceding year of any advisory council or special study group convened by the Governor or the department or in which officials of the department have been asked to participate whose duties involve, at least in part, examining or making recommendations regarding the prevention of or the response to sexual assault and sexual harassment in the National Guard or, if no advisory council or special study group with such duties engaged in activities during the preceding year, a statement to that effect.

After reviewing the report, the committee may report out legislation related to the report.

Sec. B-12. 37-B MRSA §463 is enacted to read:

§463. Harassment

1. Prohibition; criminal harassment. Any person subject to this Code who commits an offense prohibited under Title 17-A, section 506-A is guilty of that offense under this Code.

2. Punishment. Any person found guilty of an offense prohibited under Title 17-A, section 506-A must be punished as a court-martial may direct.

Sec. B-13. Maine Commission on Domestic and Sexual Abuse; transition. Notwithstanding the Maine Revised Statutes, Title 19-A, section 4013, subsection 1, paragraph A, the members of the Maine Commission on Domestic and Sexual Abuse serving immediately prior to the effective date of this Act continue to serve as members of the commission for the terms for which they were appointed until the Governor appoints their successors.

Sec. B-14. Report by Adjutant General. The Adjutant General shall include in the report required by the Maine Revised Statutes, Title 37-B, section 3, subsection 1, paragraph D, subparagraph (25) due February 15, 2023 the following additional information:

1. A copy of any report prepared by the United States National Guard Bureau, Office of Complex Investigations regarding any evaluation of the Maine National Guard's policies and procedures with respect to sexual assault prevention and response, sexual assault investigations and sexual harassment and equal opportunity programs or, if no report is available, an update on the progress of any related evaluation in the process of being conducted by the Office of Complex Investigations; and

2. A copy of any report submitted to the Governor by the Advisory Council on Military Sexual Trauma established by the Governor in Executive Order 1 FY 21/22.

See title page for effective date.

CHAPTER 635

H.P. 1482 - L.D. 1995

An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2022 and June 30, 2023

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; 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:

PART A

Sec. A-1. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Accident - Sickness - Health Insurance 0455

Initiative: Establishes one Public Service Manager II position to provide expertise related to both state and federal insurance laws and provides funding for related All Other costs.

ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND	2021-22	2022-23
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POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$121,746
All Other	\$0	\$8,333

ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND TOTAL	\$0	\$130,079
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Accident - Sickness - Health Insurance 0455

Initiative: Reorganizes one part-time Accountant I position to a full-time Public Service Coordinator I position and transfers the position from the General Fund to the Accident, Sickness and Health Insurance Internal Service Fund within the same program.

GENERAL FUND POSITIONS - LEGISLATIVE COUNT	2021-22	2022-23
Personal Services	(0.500)	(0.500)
	(\$32,600)	(\$34,006)

GENERAL FUND TOTAL	(\$32,600)	(\$34,006)
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ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND POSITIONS - LEGISLATIVE COUNT	2021-22	2022-23
Personal Services	1.000	1.000
	\$83,936	\$88,181

ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND TOTAL	\$83,936	\$88,181
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Accident - Sickness - Health Insurance 0455

Initiative: Provides funding for the approved reclassification of one Public Service Coordinator I position from range 21 to range 22 and transfers All Other to Personal Services to fund the reclassification.

FIREFIGHTERS AND LAW ENFORCEMENT OFFICERS HEALTH INSURANCE PROGRAM FUND	2021-22	2022-23
Personal Services	\$6,584	\$3,831
All Other	(\$6,584)	(\$3,831)

FIREFIGHTERS AND LAW ENFORCEMENT OFFICERS HEALTH INSURANCE PROGRAM FUND TOTAL	\$0	\$0
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Accident - Sickness - Health Insurance 0455

Initiative: Provides funding for the approved reclassification of one Public Service Executive I position to a Public Service Executive II position and provides retroactive pay from May 28, 2021.

ACCIDENT, SICKNESS AND HEALTH INSURANCE INTERNAL SERVICE FUND	2021-22	2022-23
Personal Services	\$7,073	\$12,221