

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

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

Augusta, Maine
2023

- B. Any crime of criminal OUI under Title 29-A, section 2411;
- C. Any crime of failure to appear, failure to report or violation of condition of release under sections 1091, 1091-A or 1092, respectively;
- D. A motion to revoke any conditional release of the survivor under Title 17-A, chapter 67;
- E. Any civil violation or crime under Title 28-A;
- F. Engaging in prostitution under Title 17-A, section 853-A; and
- G. Any juvenile crime based on a violation of the laws set forth in paragraphs A to F.

See title page for effective date.

CHAPTER 200

H.P. 880 - L.D. 1366

An Act to Address Educational Technician Shortages in Public Schools by Establishing an Alternative Certification Pathway

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

Sec. 1. 20-A MRSA §13012-B, sub-§1, ¶C, as enacted by PL 2021, c. 228, §2, is amended to read:

C. Holds a certification as an education technician III issued according to rules of the department pursuant to section 13019-H, except that an emergency education technician III is not eligible for an emergency teacher certificate under this paragraph.

Sec. 2. 20-A MRSA §13019-H, sub-§5 is enacted to read:

5. Approved educational technician III training programs; certification. The commissioner may approve training programs for educational technician III certification, as defined by rule, offered by an accredited postsecondary institution in this State. Programs approved under this subsection may include, but are not limited to, learning facilitator programs offered through the Maine Community College System. An applicant who successfully completes a training program approved under this subsection may receive an educational technician III certificate if the applicant meets all other certification requirements established by rule, except that the applicant is not required to meet the minimum 90 credits of approved study in an educationally related field. An education technician III certified under this subsection is eligible for certificate renewal in accordance with subsection 3.

See title page for effective date.

CHAPTER 201

H.P. 923 - L.D. 1427

An Act to Allow the Public Utilities Commission to Provide Financial Assistance to Low-income Households in Emergency Situations

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

Sec. 1. 35-A MRSA §3214, sub-§2, as enacted by PL 1997, c. 316, §3, is amended to read:

2. Low-income assistance. In order to continue existing levels of financial assistance for low-income households and to meet future increases in need caused by economic exigencies, the commission shall:

A. Receive funds collected by all transmission and distribution utilities in the State at a rate set by the commission in periodic rate cases; and

B. Set initial funding for programs based on an assessment of aggregate customer need in periodic rate cases. The funding formula may not result in assistance being counted as income or as a resource in other means-tested assistance programs for low-income households. To the extent possible, assistance must be provided in a manner most likely to prevent the loss of other federal assistance.

The commission may use funds available under this subsection to provide financial assistance to low-income households in emergency situations as determined by the commission in a proceeding or by rule.

The commission may adopt rules to implement this subsection. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 35-A MRSA §3214, sub-§6, as amended by PL 2009, c. 122, §14, is further amended to read:

6. Annual report. The commission shall include in its annual report pursuant to section 120, subsection 7 a report on low-income assistance programs established or approved under subsection 2 or 3 and any equitable-treatment program established pursuant to subsection 5. The report must, at a minimum, include:

A. For each month of the program year, the number of participants enrolled in low-income assistance programs, the number receiving oxygen pump benefits and the number receiving ventilator benefits;

B. For each month of the program year, the dollar amount of low-income assistance program benefits, the dollar amount of oxygen pump benefits and the dollar amount of ventilator benefits; ~~and~~

C. An assessment of the effectiveness of the oxygen pump benefit and the ventilator benefit with regard to covering only those electric charges directly related to use of an oxygen pump or ventilator by the program participant; and

D. An identification of the sources of funds used for low-income assistance program benefits for the program year.

See title page for effective date.

CHAPTER 202

H.P. 978 - L.D. 1523

An Act to Establish a Qualifying Condition Review Board to Provide Benefits to Certain Service Members

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

Sec. 1. 37-B MRSA §503, sub-§9, as enacted by PL 2021, c. 37, §1, is repealed.

Sec. 2. 37-B MRSA §504, sub-§4, ¶A-1, as amended by PL 2021, c. 37, §2, is further amended by amending subparagraph (3) to read:

(3) "Program of general amnesty" does not include the process for upgrading a discharge for state law purposes under section 503, ~~subsection 9~~ 517.

Sec. 3. 37-B MRSA §517 is enacted to read:

§517. Qualifying Condition Review Board

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

A. "Board" means the Qualifying Condition Review Board established under this section.

B. "Gender identity" has the same meaning as in Title 5, section 4553, subsection 5-C.

C. "Sexual orientation" has the same meaning as in Title 5, section 4553, subsection 9-C.

D. "Veteran" means a person who served in the United States Armed Forces, the reserve components of the United States Armed Forces, the Maine National Guard or the Active Guard Reserve.

2. Board established. The Qualifying Condition Review Board is established to review applications submitted by veterans under this section.

3. Board composition; terms; chair; compensation; meetings. The director shall appoint 3 members to serve on the board. Board members must have clinical experience working with veterans who have been

discharged or are at risk of discharge based on a circumstance listed in subsection 4. Members of the board serve a term of 3 years. The director shall appoint a member to fill a vacancy on the board. The director shall designate one of the members as the chair of the board. The members of the board serve without compensation. The board shall meet at least monthly or as often as determined to be necessary by the chair of the board.

4. Application. A veteran who receives an other than honorable discharge may file an application for eligibility for rights, privileges and benefits granted to veterans under state law if the veteran believes the discharge characterization was based on:

A. The veteran's sexual orientation, gender identity or gender expression;

B. Conduct associated with a diagnosis of post-traumatic stress disorder or acquired brain injury; or

C. Conduct or circumstances relating to being a victim of military sexual assault.

A veteran filing an application under this section may include evidence supporting the veteran's claim that the discharge characterization was based on a reason described in this subsection.

The bureau shall prescribe an application form to be used for purposes of this subsection and make that form available on the bureau's publicly accessible website along with instructions for filing the application.

5. Review of application. The board shall review each application submitted and render a recommendation to the director as to whether the reason cited in the application was more likely than not the primary reason for the other than honorable discharge. The board shall review each application not later than the 30th day after the date the board receives the application and render a written recommendation to the director not later than the 30th day after the date of the review. The director shall issue a written decision not later than the 10th day after the date the director receives the board's recommendation, approving or denying the application. If the director approves the application, the veteran is eligible for rights, privileges and benefits granted to veterans under state law. A veteran aggrieved by the director's decision may file a request for reconsideration with the director not later than the 15th day after the date of the director's decision. The veteran may include supplemental documentation in support of the request for reconsideration. The director shall provide due consideration to the request for reconsideration and render a decision not later than the 10th day after the day the director receives the request for reconsideration. The director's decision with regard to the reconsideration is a final decision by the Maine Bureau of Veterans' Services and may be appealed by filing a complaint in the Superior Court.