

# 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.**

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**Augusta, Maine**  
**2023**

includes no more than  $\$ 10$  grams of cannabis concentrate;

**Sec. 21. 28-B MRSA §1501, sub-§1, ¶C**, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

C. Transfer or furnish, without remuneration, to a person 21 years of age or older up to 2 1/2 ounces of cannabis or 2 1/2 ounces of a combination of cannabis and cannabis concentrate that includes no more than  $\$ 10$  grams of cannabis concentrate;

**Sec. 22. 28-B MRSA §1501, sub-§1, ¶F**, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

F. Subject to the limitations imposed under paragraph B, purchase up to 2 1/2 ounces of adult use cannabis or 2 1/2 ounces of a combination of adult use cannabis and cannabis concentrate that includes no more than  $\$ 10$  grams of cannabis concentrate from a cannabis store; and

See title page for effective date.

**CHAPTER 397**

**H.P. 916 - L.D. 1420**

**An Act to Strengthen Maine's Elementary and Secondary Education System by Clarifying Purposes and Procedures for Reviews of Schools**

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

**Sec. 1. 20-A MRSA §258-A**, as amended by PL 1985, c. 142, §1, is further amended to read:

**§258-A. Inspection of schools**

**1. Petition or request.** The commissioner shall inspect a school or schools in a school administrative unit or a private school approved for tuition purposes that enrolls 60% or more publicly funded students and report the findings and recommendations to the appropriate school board, addressing the concerns of the petition in light of applicable school approval standards, when:

A. Petitioned by 60% of the parents of the children of one school;

B. Requested by the school board or superintendent of schools or, if regarding a private school approved for tuition purposes, the school board of the qualified sending school administrative unit; or

C. Petitioned by 20% of the registered voters of the unit or qualified sending school administrative unit.

For the purposes of this subsection, "qualified sending school administrative unit" means a school administrative unit that contracts for school privileges under section 2701 for at least 20% of its resident students to attend the private school approved for tuition purposes that is the subject of the request or petition.

**2. Periodic reviews.** The commissioner shall periodically review all public schools and all private schools ~~which~~ that receive public funds; to determine their compliance with the applicable provisions of this Title and the Maine Human Rights Act.

**3. Special reviews.** The commissioner shall fulfill the monitoring functions required by any state or federal grants to school units or schools.

**4. Private schools.** The commissioner may, as a condition of approval, inspect any private school ~~which~~ that applies for approval status.

**5. Comprehensive reviews.** Beginning in the 2024-2025 school year and every 2 years thereafter, the commissioner shall conduct a comprehensive review of 5 schools, school administrative units or private schools approved for tuition purposes selected at random. If a school, school administrative unit or private school approved for tuition purposes is selected, and at the time of selection is within 2 years of an accreditation review by the New England Association of Schools and Colleges or its successor organization or has been through a comprehensive review under this subsection in the last 10 years, the commissioner shall randomly select a different school, school administrative unit or private school approved for tuition purposes in its place. For selected schools, school administrative units and private schools approved for tuition purposes:

A. The commissioner shall notify the school, school administrative unit or private school approved for tuition purposes no later than 14 days before the date the review is to take place;

B. On receipt of the notice described in paragraph A, the school, school administrative unit or private school approved for tuition purposes shall ensure that the physical site of the school or schools under review are available for inspection and make available to the commissioner documents related to:

(1) Basic school approval standards under this Title;

(2) Compliance with the Maine Human Rights Act;

(3) The statewide assessment program established under section 6202;

(4) Implementation of the system of learning results established in section 6209; and

(5) Health and safety requirements; and

C. The commissioner shall provide a school, school administrative unit or private school approved for tuition purposes that is unable to demonstrate compliance with basic school approval standards or other requirements of this Title with a corrective action plan.

If the commissioner finds that a school, school administrative unit or private school approved for tuition purposes is not in compliance with the Maine Human Rights Act, the commissioner shall refer the finding to the Maine Human Rights Commission.

**Sec. 2. 20-A MRSA §4504, sub-§1**, as enacted by PL 1983, c. 859, Pt. A, §§20 and 25, is amended to read:

**1. Implementation.** The commissioner shall determine which schools and school units are in compliance with the basic school approval standards, in accordance with the procedures of the basic school approval rules and the provisions of this Title, and the Maine Human Rights Act.

If the commissioner finds that a school or school administrative unit is not in compliance with the Maine Human Rights Act, the commissioner shall refer the finding to the Maine Human Rights Commission.

See title page for effective date.

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**CHAPTER 398**

**H.P. 877 - L.D. 1363**

**An Act to Support Extraction of Common Minerals by Amending the Maine Metallic Mineral Mining Act**

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

**Sec. 1. 38 MRSA §490-MM, sub-§3-A** is enacted to read:

**3-A. Cement.** "Cement" means any of various calcined mixtures of clay and limestone that can be mixed with water and used as an ingredient in making mortar or concrete.

**Sec. 2. 38 MRSA §490-MM, sub-§8**, as enacted by PL 2011, c. 653, §23 and affected by §33, is amended to read:

**8. Metallic mineral.** "Metallic mineral" means any mineral, ore or excavated material ~~to be excavated from the natural deposits on or in the earth for its metallic mineral content to be used for commercial or industrial purposes.~~ "Metallic mineral" ~~does not include thorium or uranium that has metal or a metalloid element as its economically valuable constituent, regardless of the chemical end product of the metal or metalloid element.~~

**Sec. 3. 38 MRSA §490-MM, sub-§11**, as enacted by PL 2011, c. 653, §23 and affected by §33, is amended to read:

**11. Mining, mining operation or mining activity.** "Mining," "mining operation" or "mining activity" means activities, facilities or processes necessary for the extraction or removal of metallic minerals or overburden or for the preparation, washing, cleaning or other treatment of metallic minerals and includes the bulk sampling, advanced exploration, extraction or beneficiation of metallic minerals as well as waste storage and other stockpiles and reclamation activities, but does not include exploration ~~or any of the following activities:~~

A. The physical extraction, crushing, grinding, sorting, storage or heating of calcium carbonate or limestone to produce cement when such activity is subject to article 6, article 8-A or Title 12, chapter 206-A or when such activity covers one acre or less of surface area in total;

B. The exploration for or physical extraction, crushing, grinding, sorting or storage of borrow, topsoil, clay or silt when such activity is subject to article 7 or Title 12, chapter 206-A or when such activity covers 5 acres or less of surface area in total;

C. The exploration for or physical extraction, crushing, grinding, sorting or storage of gemstones, aggregate, dimension stone or other construction materials from a quarry that is subject to article 8-A or Title 12, chapter 206-A or when such activity covers one acre or less of surface area in total; and

D. The exploration for or physical extraction, crushing, grinding, sorting or storage of any other metallic minerals when such activity has been excluded from the requirements of this article pursuant to a determination made by the department under section 490-NN, subsection 4.

**Sec. 4. 38 MRSA §490-NN, sub-§4** is enacted to read:

**4. Determination of applicability of Maine Metallic Mineral Mining Act requirements.** As provided in this subsection and following the adoption of rules by the department pursuant to this subsection, a person proposing to conduct exploration for or physical extraction, crushing, grinding, sorting or storage of metallic minerals as described in section 490-MM, subsection 11, paragraph D may request a written determination from the department that the requirements of this article do not apply to the activity. The department shall adopt rules governing the requirements for issuance of such a determination under this subsection, which must include, but are not limited to: