

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

SECOND REGULAR SESSION
January 3, 2024 to May 10, 2024

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 9, 2024

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

Augusta, Maine
2024

Violation of this paragraph is a Class E B crime;

Sec. 2. 15 MRSA §393, sub-§1, ¶D, as amended by PL 2021, c. 608, Pt. B, §5, is further amended by amending the first blocked paragraph to read:

Violation of this paragraph is a Class D C crime;

Sec. 3. 15 MRSA §393, sub-§1, ¶E, as amended by PL 2015, c. 470, §1, is further amended by amending the first blocked paragraph to read:

Violation of this paragraph is a Class D C crime;

Sec. 4. 15 MRSA §393, sub-§1, ¶F, as amended by PL 2015, c. 470, §1, is further amended to read:

F. Is a fugitive from justice. For the purposes of this paragraph, "fugitive from justice" has the same meaning as in section 201, subsection 4. Violation of this paragraph is a Class D C crime;

Sec. 5. 15 MRSA §393, sub-§1, ¶G, as amended by PL 2015, c. 470, §1, is further amended to read:

G. Is an unlawful user of or is addicted to any controlled substance and as a result is prohibited from possession of a firearm under 18 United States Code, Section 922(g)(3). Violation of this paragraph is a Class D C crime;

Sec. 6. 15 MRSA §393, sub-§1, ¶H, as amended by PL 2015, c. 470, §1, is further amended to read:

H. Is an alien who is illegally or unlawfully in the United States or who was admitted under a nonimmigrant visa and who is prohibited from possession of a firearm under 18 United States Code, Section 922(g)(5). Violation of this paragraph is a Class D C crime;

Sec. 7. 15 MRSA §393, sub-§1, ¶I, as amended by PL 2015, c. 470, §1, is further amended to read:

I. Has been discharged from the United States Armed Forces under dishonorable conditions. Violation of this paragraph is a Class D C crime; or

Sec. 8. 15 MRSA §393, sub-§1, ¶J, as amended by PL 2015, c. 470, §1, is further amended to read:

J. Has, having been a citizen of the United States, renounced that person's citizenship. Violation of this paragraph is a Class D C crime.

See title page for effective date.

CHAPTER 492

H.P. 604 - L.D. 957

An Act Requiring Water Bottle Filling Stations in New and Renovated Public Schools

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

Sec. 1. 20-A MRSA §6309 is enacted to read:

§6309. Water bottle filling stations

1. Water bottle filling stations. Beginning in fiscal year 2024-25, a newly constructed public school or existing public school undergoing substantial renovations must be equipped with a water bottle filling station pursuant to this section. For purposes of this section, "water bottle filling station" means a water dispenser accessible to all persons in compliance with the federal Americans with Disabilities Act of 1990 that dispenses potable drinking water directly into a bottle or other drinking container. For purposes of this section, "substantial renovations" means any renovation for which the cost exceeds 50% of the building's current value prior to renovation.

2. Water bottle filling station criteria. A water bottle filling station:

- A. Must dispense clean, filtered, cooled drinking water;
- B. Must be regularly cleaned to maintain sanitary conditions;
- C. Must be maintained to ensure proper functioning, including replacing the filling station's filter as recommended by the manufacturer;
- D. May be integrated into a drinking fountain, which is considered one water bottle filling station under subsection 3; and
- E. May be touchless for sanitary reasons.

3. Building inspection requirements. A state or municipal building inspection authority may not approve the plans or specifications for a new public school building or for any substantial renovations to an existing public school building unless the plans and specifications provide for:

- A. A minimum of one water bottle filling station for every 200 people projected to occupy the building upon completion of the proposed construction;
- B. A minimum of one water bottle filling station for every floor or wing of the new construction; and
- C. A minimum of one water bottle filling station located near a cafeteria, gymnasium, outdoor recreation space or other high-traffic area.

4. Student water bottles. A public school shall allow a student to possess a water bottle in school that:

- A. Is refillable;
- B. Is made of a material that is not easily breakable;
- C. Has a lid or cover to prevent the bottle from spilling; and
- D. Is to be filled and used exclusively for water.

5. Disciplinary policy. A school board may enact a disciplinary policy regarding the misuse of a water bottle by a school student, employee or staff member.

6. Rules. The state board shall adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules under Title 5, chapter 375, subchapter 2-A.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF
State Mandate Reimbursement - Water Bottle Filling Stations N476**

Initiative: Provides one-time funds to reimburse school administrative units for 90% of the cost of installing water bottle filling stations when constructing a new public school building or undergoing a substantial renovation to an existing school building in fiscal year 2024-25 only.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$1,404
GENERAL FUND TOTAL	\$0	\$1,404

See title page for effective date.

**CHAPTER 493
S.P. 770 - L.D. 1898**

An Act to Ensure That a Teacher Who Participates in the Prevention of Dangerous Behavior Is Protected Under a Collective Bargaining Agreement

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

Sec. 1. 20-A MRSA §6555, as amended by PL 2021, c. 320, §4, is further amended to read:

§6555. Dangerous behavior prevention and intervention

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

A. "Administrator" has the same meaning as in section 13001-A, subsection 1.

B. "Assigned public school employee" means a public school employee chosen by the local president of the applicable bargaining unit to review a reported incident of dangerous behavior.

C. "Dangerous behavior" means behavior of a student that presents a risk of injury or harm to a student or others.

2. Report of incident of dangerous behavior. Upon receipt of a report made by a teacher or school staff person of an incident of dangerous behavior made by a teacher or school staff person, a school administrative unit shall review the reported incident and develop an individualized response plan in accordance with this subsection. The review of the reported incident must be conducted by an administrator and an assigned public school employee. If the report of the incident of dangerous behavior is substantiated, the school administrative unit shall, in consultation with the public school employee who was subjected to the dangerous behavior, if any, develop an individualized response plan to avoid future dangerous behavior, which may include but is not limited to:

- A. Minimizing suspension and expulsion of the student;
- B. Prioritizing counseling and guidance services for the student and educators;
- C. Providing positive behavioral interventions and supports and supports designed to address the consequences of trauma in the individual and training for the student and educators;
- D. Restorative practices and restorative interventions as defined in section 1001, subsection 15-A, paragraph B;
- E. Training for public school employees who interact with the student; and
- F. Provision of adequate staffing and professional development necessary to implement the plan.

Nothing in this subsection may be construed as limiting any federally protected right of a student, including, but not limited to, federally protected rights of students with disabilities.

Notwithstanding any provision of this subsection to the contrary, in the case of a student eligible for services under the federal Individuals with Disabilities Education Act or protected from discrimination under Section 504 of the federal Rehabilitation Act of 1973, any discussions or actions related to the identification, evaluation or educational placement of the student or provision of a free, appropriate public education to the student must take place through the processes established under federal law.