

# 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.**

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**Augusta, Maine**  
**2024**

**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
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$1,404</b>

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.

3. Collective bargaining dispute. If a public school employee was subjected to the dangerous behavior and that employee is covered by a collective bargaining agreement, a dispute arising out of the incident of dangerous behavior is subject to the dispute resolution process of the collective bargaining agreement.

See title page for effective date.

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**CHAPTER 494**

**S.P. 866 - L.D. 2038**

**An Act to Amend the Law  
Regarding the Land for  
Maine's Future Board to Allow  
for Proxy Designees**

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

**Sec. 1. 5 MRSA §6204, sub-§1,** as affected by PL 2011, c. 655, Pt. II, §11 and amended by c. 657, Pt. X, §3, is further amended to read:

**1. Composition.** The board consists of 9 members, 6 who are private citizens and 3 who are permanent members. The permanent members are the Commissioner of Inland Fisheries and Wildlife; the Commissioner of Marine Resources; and the Commissioner of Agriculture, Conservation and Forestry. A permanent member may appoint a designee to represent that member at board meetings.

See title page for effective date.

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**CHAPTER 495**

**H.P. 1325 - L.D. 2063**

**An Act to Clarify the Laws  
Governing Disclosure of Wood  
Processing Data**

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

**Sec. 1. 12 MRSA §8884, sub-§3-A** is enacted to read:

**3-A. Disclosure of confidential information.** Notwithstanding subsection 3, confidential information may be disclosed pursuant to this subsection.

A. The director of the bureau may disclose information designated as confidential under subsection 3 to the United States Department of Agriculture, Forest Service, Northern Research Station when that entity, in the opinion of the director, requires that information and the bureau and that entity have executed a confidentiality agreement that protects against further disclosure of that information except in summary reports that use aggregate data

that do not reveal the activities of an individual person or firm.

B. The director of the bureau may not disclose information furnished by a state or federal agency when that information has been designated as confidential by the furnishing agency unless the furnishing agency authorizes the disclosure.

A recipient of information pursuant to paragraph A or B may not disclose or use the information except as authorized by the director of the bureau, and the information remains confidential and the property of the bureau.

**Sec. 2. 12 MRSA §8884, sub-§4,** as enacted by PL 2003, c. 452, Pt. F, §45 and affected by Pt. X, §2, is repealed and the following enacted in its place:

**4. Penalties.** A person who:

A. Fails to submit a report pursuant to this section commits a civil violation for which a fine of not more than \$1,000 for each failure may be adjudged; or

B. Receives confidential information pursuant to subsection 3-A and uses that information for a purpose other than that authorized by the director of the bureau commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

See title page for effective date.

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**CHAPTER 496**

**H.P. 1306 - L.D. 2044**

**An Act to Update Air Quality  
Health Warnings**

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

**Sec. 1. 38 MRSA §584-F,** as amended by PL 1999, c. 79, §2, is further amended to read:

**§584-F. Ozone Air quality health warnings**

**1. Dissemination of warnings to media and public.** Whenever monitored data demonstrates or the department predicts that ground-level ozone ambient air concentrations have exceeded or of a pollutant will exceed .08 parts per million averaged over an 8-hour period reach the United States Environmental Protection Agency's Air Quality Index category of Unhealthy for Sensitive Groups or a higher category, the department shall disseminate a health warning to the mass media, including but not limited to television, radio and print media, and shall urge the media to issue the warning to the general public. The department shall use best efforts to educate the media as to the need to broadly disseminate health warnings to the public. In disseminating a warning under this subsection, the department shall also