CHAPTER 201

GENERAL PROVISIONS

§4001. Facilities

The following provisions shall apply to school facilities. [PL 1981, c. 693, §§5, 8 (NEW).]

1. Maintenance and repairs. A school administrative unit shall repair, improve and maintain its facilities with funds from its own budget.
[PL 1981, c. 693, §§5, 8 (NEW).]

2. Erect buildings. A school administrative unit may raise money to erect and equip school buildings.
[PL 1981, c. 693, §§5, 8 (NEW).]

3. Lease. A school administrative unit may lease facilities and other property.

A. The term of a lease must be at least equal to the period during which similar property of the unit is used. A lease may not exceed a term of 10 years. [PL 1999, c. 81, §2 (AMD).]

B. A lease of classroom space shall provide for its exclusive use by the unit during the period of instruction. A lease may provide for the nonexclusive use of other property, but that property may be used for housing only in emergencies. [PL 1983, c. 485, §20 (AMD).]

C. Leased property shall be considered property of the unit in all respects. [PL 1981, c. 693, §§5, 8 (NEW).]

D. A lease may not be eligible for the state school subsidy unless it is approved by the commissioner before it is signed. [PL 1981, c. 693, §§5, 8 (NEW).]
[PL 1999, c. 81, §2 (AMD).]

3-A. Long-term leases authorized. Notwithstanding the provisions of subsection 3, paragraph A, the school committee of the Town of Blue Hill is authorized to lease for school purposes, for one or more terms of up to 99 years each, the existing site of the Blue Hill Consolidated School and up to 20 acres of adjacent land and any buildings located thereon, on terms and conditions as may be approved by the Blue Hill School Committee, and during the term or terms of any leases which may be entered into by the Blue Hill School Committee, the leased premises shall constitute school property for all purposes including, without limitation, school construction projects, provided that any school construction projects on the leased premises shall be subject to the requirements of chapter 609 and its successor provisions.
[PL 1989, c. 474 (NEW).]

4. Financing. School administrative units may, with approval of the legislative body, arrange financing for maintenance of plant and minor remodeling.
[PL 1981, c. 693, §§5, 8 (NEW).]

5. Capital reserve fund. School administrative units may establish a capital reserve fund for maintenance of plant and minor remodeling.
[PL 1981, c. 693, §§5, 8 (NEW).]

6. Insurance. School administrative units shall carry fire insurance and allied coverage in the amount of the replacement cost of any school construction project. The commissioner may adjust the amount of coverage required if insurance cannot be obtained at a reasonable cost.
[PL 1981, c. 693, §§5, 8 (NEW).]

7. Maintenance and capital improvement program. A school administrative unit, including the unorganized territories, shall establish and maintain a maintenance and capital improvement program for all school facilities.
[PL 2013, c. 506, §7 (AMD).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 485, §20 (AMD). PL 1989, c. 474 (AMD). PL 1997, c. 787, §§2,3 (AMD). PL 1999, c. 81, §§2,3 (AMD). PL 2013, c. 506, §7 (AMD).

§4002. Schoolbooks, apparatus and appliances

The following provisions shall apply to schoolbooks, apparatus and appliances. [PL 1981, c. 693, §§ 5, 8 (NEW).]

1. Free schoolbooks. A school administrative unit shall provide its students with schoolbooks and necessary apparatus and appliances at the expense of the school administrative unit.
[PL 1981, c. 693, §§ 5, 8 (NEW).]

2. Purchased textbooks. The parent of a student may buy required textbooks for that student's exclusive use.
[PL 1981, c. 693, §§ 5, 8 (NEW).]

3. Rules. A school board may adopt rules for distributing and preserving schoolbooks, apparatus and appliances provided by the unit.
[PL 1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW).

§4003. Water supply

If a school building of a school administrative unit is supplied by a water supply operated by the school administrative unit and which serves only the school buildings under the control of the school board, the water supply is not considered a public water supply under Title 22, sections 2651-B and 2653. The school board shall ensure that this water supply meets standards set by the Department of Health and Human Services for private water supplies of schools. [RR 2021, c. 2, Pt. A, §41 (COR).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 2003, c. 689, §B6 (REV). RR 2021, c. 2, Pt. A, §41 (COR).

§4003-A. Hazardous chemicals

(REPEALED)

SECTION HISTORY

PL 2005, c. 2, §D16 (NEW). PL 2005, c. 2, §§D72,74 (AFF). PL 2005, c. 12, §WW18 (AFF). PL 2019, c. 398, §19 (RP).

§4004. Fencing

Schoolhouse lots and playgrounds that require fencing shall be fenced by the municipality or school administrative unit. [PL 1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW).

§4005. Gifts

School administrative units may receive and expend gifts for educational purposes. [PL 1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW).

§4006. Closing schools

(REPEALED)

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW). PL 1983, c. 422, §16 (RP).

§4007. Secret societies prohibited

Secret societies shall be prohibited as follows. [PL 1981, c. 693, §§ 5, 8 (NEW).]

1. Prohibition. Secret fraternities or societies in or associated with public schools shall be prohibited.
[PL 1981, c. 693, §§ 5, 8 (NEW).]

2. Enforcement. School boards shall enforce this section.
[PL 1981, c. 693, §§ 5, 8 (NEW).]

3. Penalty. School boards may expel or otherwise discipline any student for failure or refusal to comply with this section.
[PL 1981, c. 693, §§ 5, 8 (NEW).]

SECTION HISTORY

PL 1981, c. 693, §§5,8 (NEW).

§4008. Privileged communications

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

A. "Client" means a person who has actively sought or is in the process of seeking professional help from a school counselor or school social worker. [PL 1989, c. 396, §1 (AMD).]

B. "School counselor" means a person who is employed as a school counselor in a school setting and who:

(1) Is certified as a school counselor by the department; or

(2) Possesses a minimum of a master's degree in an approved program in guidance and counseling. [PL 1981, c. 693, §§5, 8 (NEW).]

C. "School social worker" means a person who is employed as a school social worker in a school setting and who:

(1) Is licensed as a social worker by the State Board of Social Worker Licensure; or

(2) Possesses a bachelor's degree and has been granted a conditional license from the State Board of Social Worker Licensure. [PL 1989, c. 396, §2 (NEW).]
[PL 1989, c. 396, §§1, 2 (AMD).]

2. Privileged communication. A school counselor or school social worker may not be required, except as provided by this section, to divulge or release information gathered during a counseling relation with a client or with the parent, guardian or a person or agency having legal custody of a minor client. A counseling relation and the information resulting from it shall be kept confidential consistent with the professional obligations of the counselor or social worker.
[PL 1989, c. 396, §3 (AMD).]

3. Exceptions. This section shall not apply to the extent that disclosure of information is necessary:

A. To comply with Title 22, chapter 1071; and [PL 1983, c. 781, §1 (AMD).]

B. To report to an appropriate authority or to take appropriate emergency measure when:

(1) The client's condition requires others to assume responsibility for the client; or

(2) There is clear and imminent danger to the client or others. [PL 1983, c. 806, §42 (AMD).]
[PL 1983, c. 806, §42 (AMD).]

SECTION HISTORY

PL 1981, c. 693, §§5, 8 (NEW). PL 1983, c. 485, §21 (AMD). PL 1983, c. 781, §1 (AMD). PL 1983, c. 806, §42 (AMD). PL 1989, c. 396, §§1-3 (AMD).

§4008-A. School counselors and school social workers

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

A. "Direct services" means in-person interactions between a school counselor or school social worker and students that are within the scope of the duties of a school counselor or school social worker as established by the department by rule. [PL 2019, c. 45, §1 (NEW).]

B. "Indirect services" means services provided by a school counselor or school social worker on behalf of students as a result of a school counselor's or school social worker's interactions with the students and others that are within the scope of the duties of a school counselor or school social worker as established by the department by rule. [PL 2019, c. 45, §1 (NEW).]

C. "School counselor" has the same meaning as in section 4008, subsection 1, paragraph B. [PL 2019, c. 45, §1 (NEW).]

D. "School social worker" has the same meaning as in section 4008, subsection 1, paragraph C. [PL 2019, c. 45, §1 (NEW).]
[PL 2019, c. 45, §1 (NEW).]

2. Direct and indirect services to students. Each school counselor and school social worker shall spend at least 80% of the school counselor's or school social worker's time providing direct services to and indirect services on behalf of students.
[PL 2019, c. 45, §1 (NEW).]

3. Rules. The commissioner shall adopt rules to implement this section. The rules must include guidelines regarding the duties of school counselors, including that a school counselor deliver a comprehensive school counseling program, and guidelines regarding the duties of school social workers. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2019, c. 45, §1 (NEW).]

SECTION HISTORY

PL 2019, c. 45, §1 (NEW).

§4009. Civil liability

The following provisions apply to civil liability. [PL 1981, c. 693, §§5, 8 (NEW).]

1. Reasonable force. A teacher or other person entrusted with the care or supervision of a person for special or limited purposes may not be held civilly liable for the use of a reasonable degree of force against the person who creates a disturbance if the teacher or other person reasonably believes it is necessary to:

A. Control the disturbing behavior; or [PL 1981, c. 693, §§5, 8 (NEW).]

B. Remove the person from the scene of the disturbance. [PL 1981, c. 693, §§5, 8 (NEW).]

[PL 1981, c. 693, §§5, 8 (NEW).]

2. Exceptions. Subsection 1 shall not apply to the intentional or reckless use of force that creates a substantial risk of death, serious bodily injury or extraordinary pain.
[PL 1981, c. 693, §§5, 8 (NEW).]

3. Effect on civil liability. This section may not be construed to increase the scope of potential civil liability of a teacher or other person entrusted with the care or supervision of a person for special or limited purposes.
[PL 1981, c. 693, §§5, 8 (NEW).]

4. Emergency medical treatment. Notwithstanding any other provision of any public or private and special law, any nonlicensed agent or employee of a school or school administrative unit who renders first aid, emergency treatment or rescue assistance to a student during a school program may not be held liable for injuries alleged to have been sustained by that student or for the death of that student alleged to have occurred as a result of an act or omission in rendering such aid, treatment or assistance. This subsection does not apply to injuries or death caused willfully, wantonly or recklessly or by gross negligence on the part of the agent or employee.
[PL 1981, c. 693, §§5, 8 (NEW).]

SECTION HISTORY

PL 1981, c. 693, §§5, 8 (NEW).

§4010. Pledge of Allegiance

A school administrative unit shall allow every student enrolled in the school administrative unit the opportunity to recite the Pledge of Allegiance at some point during a school day in which students are required to attend. A school administrative unit may not require a student to recite the Pledge of Allegiance. [PL 2011, c. 162, §1 (NEW).]

REVISOR'S NOTE: §4010. Employment reference immunity (As enacted by PL 2011, c. 397, §1 is REALLOCATED TO TITLE 20-A, SECTION 4011)

SECTION HISTORY

PL 2011, c. 162, §1 (NEW).

§4011. Employment reference immunity

(REALLOCATED FROM TITLE 20-A, SECTION 4010)

An employee of a school administrative unit who discloses information about a former employee's job performance or work record to a prospective employer of the former employee is presumed to be acting in good faith and, unless lack of good faith is shown by clear and convincing evidence, is immune from civil liability for such disclosure or its consequences. "Clear and convincing evidence of lack of good faith" means evidence that clearly shows the knowing disclosure, with malicious intent, of false or deliberately misleading information. This section is supplemental to and not in derogation of any claims available to the former employee that exist under state law and any protections that are already afforded employers under state law. [PL 2011, c. 397, §1 (NEW); RR 2011, c. 1, §26 (RAL).]

SECTION HISTORY

PL 2011, c. 397, §1 (NEW). RR 2011, c. 1, §26 (RAL).

§4012. Uniforms worn by members of military and public safety personnel

A member of the United States Armed Forces, the Maine National Guard or a public safety agency, including but not limited to a firefighter, police officer, emergency medical technician, game warden, forest ranger and park ranger, when visiting a school in that person’s official capacity may not be denied

access to a publicly supported secondary school or secondary public charter school solely because that person is wearing a uniform. [PL 2013, c. 450, §1 (NEW).]

SECTION HISTORY

PL 2013, c. 450, §1 (NEW).

§4013. Radon

1. Testing. A school administrative unit may hire a person registered with the division of environmental health within the Department of Health and Human Services under the Radon Registration Act to test an occupied elementary school, secondary school or other building of the school administrative unit every 5 years for radon. The method of testing must be consistent with testing standards established in rules adopted by the Department of Health and Human Services. The school administrative unit shall maintain, make available for review and notify parents, faculty and staff of test results under this subsection. The school administrative unit shall report radon test results to the Department of Education and the Department of Health and Human Services. No later than October 1, 2025, and every 5 years thereafter, the Department of Health and Human Services shall submit a report of the test results from all school administrative units to the Legislature and the Governor.
[PL 2019, c. 172, §1 (NEW).]

2. Funding. When funds are available, the department shall disburse money to school administrative units to use for radon testing. The department shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2019, c. 172, §1 (NEW).]

3. New schools. A school administrative unit, when building a new elementary school, secondary school or other building, shall use radon-resistant new construction techniques consistent with rules adopted by the Department of Health and Human Services.
[PL 2019, c. 172, §1 (NEW).]

SECTION HISTORY

PL 2019, c. 172, §1 (NEW).

§4014. Use of seclusion and physical restraint

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

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

A. "Chemical restraint" means a drug or medication that is not prescribed as the standard treatment of a student's medical or psychiatric condition by a licensed physician or other qualified health professional acting under the scope of the professional's authority under state law that is used on a student to control behavior or restrict freedom of movement. [PL 2021, c. 453, §1 (NEW).]

B. "Covered entity" means an entity that owns, operates or controls a school or educational program that receives public funds from the department, including, but not limited to, public schools, public regional programs, public charter schools, private schools, private schools approved for tuition purposes, special purpose private schools, career and technical education programs, public prekindergarten programs and providers of services pursuant to the provisions of the federal Individuals with Disabilities Education Act, Parts B and C, 20 United States Code, Section 1401 et seq. (2015). [PL 2021, c. 453, §1 (NEW).]

C. "Mechanical restraint" means the use of a device to restrict a student's freedom of movement. [PL 2021, c. 453, §1 (NEW).]

D. "Physical escort" means the temporary touching or holding of the hand, wrist, arm, shoulder or back to induce a student to walk to a safe location. [PL 2025, c. 266, §1 (AMD).]

E. "Physical prompt" means a teaching technique that involves voluntary physical contact with a student that enables the student to learn or model the physical movement necessary for the development of a desired competency. [PL 2021, c. 453, §1 (NEW).]

F. "Physical restraint" means a personal restriction that immobilizes or reduces the ability of a student to move the arms, legs or head freely. "Physical restraint" does not include a physical escort, mechanical restraint, physical prompt or chemical restraint. [PL 2021, c. 453, §1 (NEW).]

G. "Seclusion" means the involuntary isolation or confinement of a student alone in a room or clearly defined area from which the student does not feel free to go or is physically denied exit. "Seclusion" does not include a timeout. [PL 2021, c. 453, §1 (NEW).]

G-1. **(TEXT EFFECTIVE UNTIL 8/01/29) (TEXT REPEALED 8/01/29)** "Serious physical injury" means any impairment of the physical condition of a person, whether self-inflicted or inflicted by someone else, that requires a medical practitioner, including, but not limited to, a school nurse, to evaluate or treat the person.

This paragraph is repealed August 1, 2029. [PL 2025, c. 266, §2 (NEW).]

H. "Timeout" means an intervention where a student requests or complies with an adult request for a break. Timeout is not seclusion. [PL 2021, c. 453, §1 (NEW).]

I. "Unlawful restraint or seclusion" means:

(1) Mechanical restraint;

(2) Chemical restraint;

(3) Physical restraint or physical escort that is life-threatening, restricts breathing or restricts blood flow to the brain, including prone restraint; or

(4) Physical restraint or seclusion that is contraindicated based on Title 34-B, section 3003 or section 15002 or the student's disability or health care needs or medical or psychiatric condition as documented in:

(a) A health care directive or medical management plan;

(b) A behavior intervention plan;

(c) An individual education plan or an individual family service plan as defined in the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1401 et seq. (2015); or

(d) A plan developed pursuant to the federal Rehabilitation Act of 1973, 29 United States Code, Section 794 (2015) or the federal Americans with Disabilities Act of 1990, Title II, 42 United States Code, Section 12131 et seq. (2009).

"Unlawful restraint or seclusion" does not include a physical escort except as provided in subparagraph (3), a physical prompt, the use of adaptive devices or mechanical supports to achieve proper body position, balance or alignment to allow greater freedom of movement than would be possible without the use of such devices or supports or the use of vehicle safety restraints when used as intended during the transport of a student in a moving vehicle. [PL 2021, c. 453, §1 (NEW).]

[PL 2025, c. 266, §§1, 2 (AMD).]

2. Prohibition on unlawful restraint and seclusion; restriction on use of physical restraint and seclusion. A covered entity that receives state or federal assistance may not subject a student to unlawful restraint or seclusion. A covered entity may use physical restraint or seclusion only if:

A. The student's behavior poses an imminent danger of serious physical injury to the student or another person; [PL 2021, c. 453, §1 (NEW).]

B. Less restrictive interventions would be ineffective in stopping imminent danger of serious physical injury to the student or another person; [PL 2021, c. 453, §1 (NEW).]

C. The physical restraint or seclusion ends immediately upon the cessation of imminent danger of serious physical injury to the student or another person; and [PL 2021, c. 453, §1 (NEW).]

D. The least amount of force necessary is used to protect the student or another person from imminent danger of serious physical injury. [PL 2021, c. 453, §1 (NEW).]

[PL 2021, c. 453, §1 (NEW).]

3. Report on data regarding the use of physical restraint and seclusion. Each covered entity shall submit to the department an annual report on incidents of physical restraint and seclusion of students of that covered entity that includes:

A. The aggregate number of uses of physical restraint; [PL 2021, c. 453, §1 (NEW).]

B. The aggregate number of uses of seclusion; [PL 2021, c. 453, §1 (NEW).]

C. The aggregate number of students placed in physical restraint; [PL 2021, c. 453, §1 (NEW).]

D. The aggregate number of students placed in seclusion; [PL 2021, c. 453, §1 (NEW).]

E. The aggregate number of students with disabilities and an individualized education program under the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1401 et seq. (2015) or a plan pursuant to the federal Rehabilitation Act of 1973, 29 United States Code, Section 701 et seq. placed in physical restraint; [PL 2021, c. 453, §1 (NEW).]

F. The aggregate number of students with disabilities and an individualized education program under the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1401 et seq. (2015) or a plan pursuant to the federal Rehabilitation Act of 1973, 29 United States Code, Section 701 et seq. placed in seclusion; [PL 2021, c. 453, §1 (NEW).]

G. The aggregate number of serious physical injuries to students related to physical restraint; [PL 2021, c. 453, §1 (NEW).]

H. The aggregate number of serious physical injuries to students related to seclusion; [PL 2021, c. 453, §1 (NEW).]

I. The aggregate number of serious physical injuries to staff related to physical restraint; and [PL 2021, c. 453, §1 (NEW).]

J. The aggregate number of serious physical injuries to staff related to seclusion. [PL 2021, c. 453, §1 (NEW).]

[PL 2021, c. 453, §1 (NEW).]

4. Technical assistance. The department shall, using existing resources, provide technical assistance to covered entities by developing, implementing and providing technical assistance to support evidence-based programs that reduce the likelihood of physical restraint or seclusion, and support students in reducing behavior that can result in physical restraint or seclusion, such as developmentally appropriate, positive behavior interventions, functional behavioral interventions, mental health supports, restorative justice programs, trauma-informed care and crisis and de-escalation interventions.

[PL 2021, c. 453, §1 (NEW).]

5. Rules. The department shall adopt or amend rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2021, c. 453, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 453, §1 (NEW). PL 2025, c. 266, §§1, 2 (AMD).

§4015. Interlocking door controller technology

When constructing a new elementary or secondary school or renovating an existing elementary or secondary school, a school administrative unit shall ensure that the school is equipped with interlocking door controller technology. The State shall provide funds to a school administrative unit to implement this section. For purposes of this section, "interlocking door controller technology" means an area in between 2 doors separating the interior of a school from the exterior and where both doors cannot be opened at the same time. [PL 2023, c. 452, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 452, §1 (NEW).

§4016. Minimum hourly wage for educational technicians and other school support staff

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

A. "Educational technician" has the same meaning as in section 13001-A, subsection 8. [PL 2023, c. 643, Pt. G, §1 (NEW).]

B. "Other school support staff" means a public school employee who is not an educational technician and who is paid on an hourly basis. [PL 2023, c. 643, Pt. G, §1 (NEW).]
[PL 2023, c. 643, Pt. G, §1 (NEW).]

2. Minimum hourly wage. Except as provided in subsection 3, for the school year starting after June 30, 2025 and for each subsequent school year, the minimum hourly wage for educational technicians is equal to 125% of the minimum hourly wage established in Title 26, section 664, subsection 1 and the minimum hourly wage for other school support staff is equal to 115% of the minimum hourly wage established in Title 26, section 664, subsection 1.
[PL 2023, c. 643, Pt. G, §1 (NEW).]

3. Wage increases. If, pursuant to the requirements of Title 26, section 664, subsection 1, the minimum hourly wage is increased on January 1st of any year, the minimum hourly wage for educational technicians and other school support staff is increased beginning July 1st of the same year in an amount equal to 125% of the increased minimum hourly wage under Title 26, section 664, subsection 1 for educational technicians and in an amount equal to 115% of the increased minimum hourly wage under Title 26, section 664, subsection 1 for other school support staff.
[PL 2023, c. 643, Pt. G, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 643, Pt. G, §1 (NEW).

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