

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON HEALTH AND
HUMAN SERVICES**

August 2019

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 129th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 129th Legislature is Thursday, September 19, 2019. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Health and Human Services

**LD 152 An Act To Prohibit the Possession and Use of Electronic Smoking
Devices on School Grounds**

PUBLIC 61

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R CARNEY A	OTP-AM	S-32

This bill includes in the prohibition against tobacco use in elementary or secondary schools the possession of an electronic smoking device, which is defined as a device used to deliver nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the device, including, without limitation, a device manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic pipe, electronic hookah or so-called vape pen.

Committee Amendment "A" (S-32)

Current law prohibits in elementary or secondary schools and on school grounds the use of smokeless tobacco and the possession of a lighted cigarette, cigar, pipe or other object giving off or containing any substance giving off smoke. This committee amendment repeals and replaces existing law so that the following is included in the prohibition against tobacco use in elementary or secondary schools and on school grounds:

1. The possession of a lighted or heated cigarette, cigar or pipe or a lighted or heated tobacco or plant product intended for human consumption through inhalation whether natural or synthetic in any manner or in any form;
2. The use or possession of an electronic smoking device;
3. The possession of any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, a hookah, pipe tobacco, chewing tobacco, snuff or snus; and
4. The possession of components or accessories used in the consumption of a tobacco product, such as filters, rolling papers, pipes and liquids.

The amendment also prohibits tobacco use on a school bus and at any school-sponsored event and removes the exception that permitted tobacco use in classrooms as part of a bona fide demonstration during a class lesson.

Enacted Law Summary

Public Law 2019, chapter 61 prohibits the following items from elementary or secondary schools and on school grounds:

1. A lighted or heated cigarette, cigar or pipe or a lighted or heated tobacco or plant product intended for human consumption through inhalation whether natural or synthetic in any manner or in any form;
2. An electronic smoking device;
3. Any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, a hookah, pipe tobacco, chewing tobacco, snuff or snus; and
4. Components or accessories used in the consumption of a tobacco product, such as filters, rolling papers, pipes

Joint Standing Committee on Health and Human Services

and liquids.

It also prohibits tobacco use on a school bus and at any school-sponsored event and removes the exception that permitted tobacco use in classrooms as part of a bona fide demonstration during a class lesson.

LD 153 An Act To Strengthen Testing for Lead in School Drinking Water

PUBLIC 158

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLETT R MADIGAN C	OTP-AM OTP-AM	S-84

This bill requires all schools to test water used for drinking or culinary purposes for lead using water testing kits or by submitting samples of water to an approved laboratory for lead testing. It directs the Department of Health and Human Services to establish by major substantive rule water lead levels, testing protocols, appropriate abatement and mitigation methods and public notification requirements. It directs the department to provisionally adopt major substantive rules and submit them to the Legislature no later than 5:00 p.m. on January 10, 2020. It provides that the department has the authority to issue an order reducing exposure to lead until the elevated water lead levels are abated or mitigated. It provides that water lead abatement or mitigation efforts will receive Priority 1 status for receipt of funds from the School Revolving Renovation Fund in the custody of the Maine Municipal Bond Bank.

Committee Amendment "A" (S-84)

This amendment, which is the majority report of the committee, amends the bill to provide that the State is not establishing a mandate on school administrative units. It provides that a school must test water used for drinking or culinary purposes for lead to the extent the Department of Health and Human Services provides the necessary resources to the school so that the school is not required to expand or modify its activities so as to necessitate additional expenditures from local revenue. It directs the department to adopt rules regarding testing and guidance to reduce exposure to lead but provides that the department may not require a school to expand or modify its activities so as to necessitate additional expenditures from local revenue in implementing the rules. It further provides that the department may provide resources to schools within its existing resources or identify alternative means to achieve the purposes of the legislation. It requires the Department of Health and Human Services to report annually beginning January 1, 2021 on lead testing in schools.

Committee Amendment "B" (S-85)

This amendment, which is the minority report of the committee, replaces the bill. It provides that school boards may adopt a policy governing testing for lead in school drinking water and abating or mitigating lead in school drinking water. It provides that water lead abatement or mitigation efforts receive Priority 1 status for receipt of funds from the School Revolving Renovation Fund in the custody of the Maine Municipal Bond Bank.

This amendment was not adopted.

Enacted Law Summary

Public Law 2019, chapter 158 provides that a school must test water used for drinking or culinary purposes for lead to the extent the Department of Health and Human Services provides the necessary resources to the school so that the school is not required to expand or modify its activities so as to necessitate additional expenditures from local revenue. It directs the department to adopt rules regarding testing and guidance to reduce exposure to lead but provides that the department may not require a school to expand or modify its activities so as to necessitate additional expenditures from local revenue in implementing the rules. It further provides that the department may provide resources to schools within its existing resources or identify alternative means to achieve the purposes of the legislation and provides that water lead abatement or mitigation efforts will receive Priority 1 status for receipt of funds from the School Revolving Renovation Fund in the custody of the Maine Municipal Bond Bank. It