

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
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NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2001

CHAPTER 421**AUTOMATED EXTERNAL DEFIBRILLATORS****§2150-C. Automated external defibrillators**

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

A. "Automated external defibrillator" or "AED" means a medical device approved by the United States Food and Drug Administration that:

(1) Is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia;

(2) Is capable of determining whether defibrillation should be performed on an individual;

(3) Upon determination that defibrillation should be performed, automatically charges and requests delivery of an electrical impulse to an individual's heart; and

(4) Upon action by an operator, delivers an appropriate electrical impulse to the individual's heart to perform defibrillation.

B. "Department" means the Department of Public Safety.

2. Prohibition. A person may not use an AED on another person unless the person using the AED:

A. Has successfully completed a course, approved by the American Red Cross, the American Heart Association or the department, in the use and operation of the AED; and

B. Has made a reasonable attempt to summon appropriate emergency services personnel when communication is possible.

This subsection does not apply to a person licensed under Title 32, chapter 2-B or to a health care practitioner, as defined in Title 24, section 2502, subsection 1-A, if the practitioner has received training in the use of an AED.

The department may provide periodic training bulletins and other information to persons owning and using an AED.

3. Duties. A person who owns or leases an AED shall:

A. Consult with a licensed physician for technical assistance in the selection and storage loca-

tion of an AED, training of potential operators, protocols for use and use review;

B. Notify the Maine Emergency Medical Services within the department of:

(1) The existence, location and type of AED the person possesses; and

(2) The clinical use made of the AED; and

C. Maintain and test the AED in accordance with the applicable standards of the manufacturer and any other standards prescribed by the department.

4. Penalties. A person who violates any provision of this section commits a civil violation for which a civil forfeiture not exceeding \$50 may be adjudged.

5. Effect on other law. This section is not intended to modify or limit and may not be interpreted as modifying or limiting the immunities provided under Title 14, section 164.

See title page for effective date.

CHAPTER 365**H.P. 236 - L.D. 273****An Act to Clarify that Polluters Who Violate the Environmental Laws on Private Land are Liable for Their Actions**

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

Sec. 1. 12 MRSA §685-C, sub-§11 is enacted to read:

11. Landowner liability for actions of others.

An owner, lessee, manager, easement holder or occupant of premises is not subject to criminal sanctions or civil penalties or forfeitures for a violation of laws or rules enforced by the commission if that person provides substantial credible evidence that the violation was committed by another person other than a contractor, employee or agent of the owner, lessee, manager, easement holder or occupant. This subsection does not prevent the commission or a court from requiring an owner, lessee, manager, easement holder or occupant of premises to remediate or abate environmental hazards or damage or to reimburse the commission for the cost of remediation or abatement. An owner, lessee, manager, easement holder or occupant of premises is subject to criminal sanctions or civil penalties or forfeitures for failure to comply with a lawful administrative order or court

order to remediate or abate environmental hazards or damage.

A. The commission shall investigate substantiated allegations by an owner, lessee, manager, easement holder or occupant that the violation was caused by another person.

B. If an owner, lessee, manager, easement holder or occupant is subjected to criminal sanctions or civil penalties or forfeitures, or if such a person is required to remediate or abate environmental hazards or damage as a result of violations by another person, the owner, lessee, manager, easement holder or occupant has a cause of action against the actual violator to recover all damages and costs, including attorney's fees, incurred in connection with the environmental damage, and all costs, including attorney's fees, incurred in bringing the action to recover.

Sec. 2. 38 MRSA §347-A, sub-§7 is enacted to read:

7. Landowner liability for actions of others.

An owner, lessee, manager, easement holder or occupant of premises is not subject to criminal sanctions or civil penalties or forfeitures for a violation of laws or rules enforced by the department or the board if that person provides substantial credible evidence that the violation was committed by another person other than a contractor, employee or agent of the owner, lessee, manager, easement holder or occupant. This subsection does not prevent the department, the board or a court from requiring an owner, lessee, manager, easement holder or occupant of premises to remediate or abate environmental hazards or damage or to reimburse the department for the cost of such remediation or abatement. An owner, lessee, manager, easement holder or occupant of premises is subject to criminal sanctions or civil penalties or forfeitures for failure to comply with a lawful administrative order or court order to remediate or abate environmental hazards or damage.

A. The department shall investigate substantiated allegations by an owner, lessee, manager, easement holder or occupant that the violation was caused by another person.

B. If an owner, lessee, manager, easement holder or occupant is subjected to criminal sanctions or civil penalties or forfeitures, or if such a person is required to remediate or abate environmental hazards or damage as a result of violations by another person, the owner, lessee, manager, easement holder or occupant has a cause of action against the actual violator to recover all damages and costs, including attorney's

fees, incurred in connection with the environmental damage, and all costs, including attorney's fees, incurred in bringing the action to recover.

C. This subsection does not apply to persons who are defined as "responsible parties" under chapter 3, subchapters II-A and II-B; chapter 13, subchapter II-A; or chapter 13-B.

See title page for effective date.

CHAPTER 366

H.P. 1042 - L.D. 1399

An Act to Require Reporting of Activities under the Workforce Investment Act of 1998

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

Sec. 1. 26 MRSA c. 35 is enacted to read:

CHAPTER 35

FEDERAL WORKFORCE INVESTMENT ACT OF 1998

§3101. Report required

The Department of Labor shall annually, by September 1st, report the following information regarding the federal Workforce Investment Act of 1998, referred to in this section as the "Act," to the joint standing committee of the Legislature having jurisdiction over labor matters:

1. Funds received. The total amount of funds received by the State for adults and dislocated workers under the Act for the previous federal program year and the distribution of those funds, by service provider;

2. General program, direct training and support services; expenditures and number of participants. For each of the following categories, the amount of funds received under the Act and spent for those categories and the number of persons receiving services in each category, by service provider:

A. General program costs, including staff salaries and benefits, rent and utilities and equipment;

B. Direct training, including tuition, training accounts, on-the-job training and customized training. The report must include the number of