

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

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

Augusta, Maine
2013

§757-C. Trafficking in contraband in a state hospital

1. A person is guilty of trafficking in contraband in a state hospital if:

A. That person intentionally conveys or attempts to convey a dangerous weapon to any patient at a state hospital. Violation of this paragraph is a Class C crime;

B. That person intentionally conveys or attempts to convey contraband other than a dangerous weapon to any patient at a state hospital. Violation of this paragraph is a Class D crime; or

C. Being a patient at a state hospital, that person intentionally makes, obtains or possesses contraband. Violation of this paragraph is a Class D crime.

2. As used in this section, "contraband" means any tool or other item that may be used to facilitate a violation of section 755, a dangerous weapon or a scheduled drug as defined in section 1101, subsection 11, unless, in the case of a patient at a state hospital, the drug was validly prescribed to the patient and was approved for use by that patient pursuant to the procedures of the state hospital. As used in this section, "state hospital" means the Riverview Psychiatric Center or the Dorothea Dix Psychiatric Center.

See title page for effective date.

CHAPTER 192**H.P. 194 - L.D. 257****An Act To Protect Newborns Exposed to Drugs or Alcohol**

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

Sec. 1. 22 MRSA §4002, sub-§5-B is enacted to read:

5-B. Fetal alcohol spectrum disorders. "Fetal alcohol spectrum disorders" means conditions whose effects include having facial characteristics, growth restriction, central nervous system abnormalities or other characteristics consistent with prenatal alcohol exposure identified in a child from birth to 12 months of age.

Sec. 2. 22 MRSA §4004-B, as enacted by PL 2003, c. 673, Pt. Z, §1, is amended to read:

§4004-B. Infants born affected by substance abuse or after prenatal exposure to drugs or with fetal alcohol spectrum disorders

The department shall act to protect infants born identified as being affected by illegal substance abuse

~~or suffering from, demonstrating~~ withdrawal symptoms resulting from prenatal drug exposure, whether ~~or not~~ the prenatal exposure was to legal or illegal drugs, ~~or having fetal alcohol spectrum disorders,~~ regardless of whether ~~or not~~ the infant is abused or neglected. The department shall:

1. Receive notifications. Receive reports notifications of infants who may be affected by illegal substance abuse or ~~suffering from demonstrating~~ withdrawal symptoms resulting from prenatal drug exposure or who have fetal alcohol spectrum disorders;

2. Investigate. Promptly investigate all reports notifications received of infants born who may be affected by illegal substance abuse or ~~suffering from demonstrating~~ withdrawal symptoms resulting from prenatal drug exposure or who have fetal alcohol spectrum disorders as determined to be necessary by the department to protect the infant;

3. Determine if infant is affected. Determine whether ~~or not~~ each infant reported for whom the department conducts an investigation is affected by illegal substance abuse or ~~suffers from, demonstrates~~ withdrawal symptoms resulting from prenatal drug exposure or has fetal alcohol spectrum disorders;

4. Determine if infant is abused or neglected. Determine whether ~~or not~~ the infant for whom the department conducts an investigation is abused or neglected and, if so, determine the degree of harm or threatened harm in each case;

5. Develop plan for safe care. For each infant whom the department determines to be affected by illegal substance abuse ~~or, to be suffering from demonstrating~~ withdrawal symptoms resulting from prenatal drug exposure or to have fetal alcohol spectrum disorders, develop, with the assistance of any health care provider involved in the mother's or the child's medical or mental health care, a plan for the safe care of the infant and, in appropriate cases, refer the child or mother or both to a social service agency or voluntary substance abuse prevention service; and

6. Comply with section 4004. For each infant whom the department determines to be abused or neglected, comply with section 4004, subsection 2, paragraphs E and F.

Sec. 3. 22 MRSA §4011-B, as enacted by PL 2003, c. 673, Pt. Z, §5, is amended to read:

§4011-B. Notification of prenatal exposure to drugs or having fetal alcohol spectrum disorders

1. Notification of prenatal exposure to drugs or having fetal alcohol spectrum disorders. A health care provider involved in the delivery or care of an infant who the provider knows or has reasonable cause to suspect has been born affected by illegal substance abuse ~~or, is suffering from demonstrating~~ with-

drawal symptoms ~~resulting~~ that require medical monitoring or care beyond standard newborn care when those symptoms have resulted from or have likely resulted from prenatal drug exposure, whether ~~or not~~ the prenatal exposure was to legal or illegal drugs, or has fetal alcohol spectrum disorders shall notify the department of that condition in the infant. The ~~report~~ notification required by this subsection must be made in the same manner as reports of abuse or neglect required by this subchapter.

A. This section, and any notification made pursuant to this section, may not be construed to establish a definition of "abuse" or "neglect."

B. This section, and any notification made pursuant to this section, may not be construed to require prosecution for any illegal action, including, but not limited to, the act of exposing a fetus to drugs or other substances.

2. **Definition.** For purposes of this section, "health care provider" means a person described in section 4011-A, subsection 1, paragraph A, subparagraphs (1) to (10), (15), (17) to (20) or (22) or any person who assists in the delivery or birth of a child for compensation, including, but not limited to, a midwife.

See title page for effective date.

CHAPTER 193

S.P. 516 - L.D. 1430

An Act To Clarify the Permitted Use of Aquatic Pesticides

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

Sec. 1. 38 MRSA §464, sub-§4, ¶A, as amended by PL 2007, c. 291, §1, is further amended to read:

A. Notwithstanding section 414-A, the department may not issue a water discharge license for any of the following discharges:

- (1) Direct discharge of pollutants to waters having a drainage area of less than 10 square miles, except that:
 - (a) Discharges into these waters that were licensed prior to January 1, 1986 are allowed to continue only until practical alternatives exist;
 - (b) Storm water discharges in compliance with state and local requirements are exempt from this subparagraph;

(c) Aquatic pesticide or chemical discharges approved by the department and conducted by the department, the Department of Inland Fisheries and Wildlife or an agent of either agency for the purpose of restoring biological communities affected by an invasive species are exempt from this subparagraph;

(d) Chemical discharges for the purpose of restoring water quality in GPA waters approved by the department are exempt from this subparagraph; ~~and~~

(e) Discharges of aquatic pesticides approved by the department for the control of mosquito-borne diseases in the interest of public health and safety using materials and methods that provide for protection of nontarget species are exempt from this subparagraph. When the department issues a license for the discharge of aquatic pesticides authorized under this division, the department shall notify the municipality in which the application is licensed to occur and post the notice on the department's publicly accessible website; ~~and~~

(f) Discharges of pesticides approved by the department are exempt from this subparagraph that are:

- (i) Unintended and an incidental result of the spraying of pesticides;
- (ii) Applied in compliance with federal labeling restrictions; and
- (iii) Applied in compliance with statute, Board of Pesticides Control rules and best management practices.

(2) New direct discharge of domestic pollutants to tributaries of Class-GPA waters;

(3) Any discharge into a tributary of GPA waters that by itself or in combination with other activities causes water quality degradation that would impair the characteristics and designated uses of downstream GPA waters or causes an increase in the trophic state of those GPA waters except for ~~aquatic pesticide or chemical discharges approved by the department and conducted by the department, the Department of Inland Fisheries and Wildlife or an agent of either agency for the purpose of restoring biological communities affected by an invasive species in the GPA waters or a tributary to the GPA waters;~~ the following: