

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 2016 to August 2, 2017**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**NOVEMBER 1, 2017**

**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**  
**2017**

**AGRICULTURE,  
CONSERVATION AND  
FORESTRY,  
DEPARTMENT OF  
DEPARTMENT TOTALS**

	<b>2017-18</b>	<b>2018-19</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$91,032</b>	<b>\$92,301</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$91,032</b>	<b>\$92,301</b>

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF (FORMERLY DHS)**

**Maine Center for Disease Control and Prevention  
0143**

Initiative: Provides allocations for one Environmental Specialist III position to certify licensed retail marijuana testing facilities.

	<b>2017-18</b>	<b>2018-19</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>		
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$74,552	\$77,185
All Other	\$10,170	\$10,170
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$84,722</b>	<b>\$87,355</b>

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF (FORMERLY DHS)  
DEPARTMENT TOTALS**

	<b>2017-18</b>	<b>2018-19</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$84,722</b>	<b>\$87,355</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$84,722</b>	<b>\$87,355</b>

	<b>2017-18</b>	<b>2018-19</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$175,754</b>	<b>\$179,656</b>
<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$175,754</b>	<b>\$179,656</b>

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective August 2, 2017.

**CHAPTER 310**

**H.P. 462 - L.D. 648**

**An Act To Expand the Types of Nonprofit Organizations to Which Surplus Property May Be Sold by the State**

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

**Sec. 1. 5 MRSA §1828, sub-§1, ¶B,** as amended by PL 2011, c. 9, §1, is further amended to read:

B. "Qualifying nonprofit organization" means:

(1) A public or private nonprofit entity that owns or operates a project or facility for the homeless; or

~~(2) A nonprofit organization that has been determined to be exempt from taxation under the United States Internal Revenue Code, Section 501(c) and that provides services to persons with physical or mental handicaps as defined in section 4553, subsection 7-A;~~

~~(3) A nonprofit organization that has been determined to be exempt from taxation under the United States Internal Revenue Code, Section 501(c) and that contracts with the Department of Health and Human Services to provide vehicles to low-income families to assist them in participating in work, education or training; or~~

~~(4) A nonprofit organization that has been determined to be exempt from taxation under the United States Internal Revenue Code, Section 501(c) and that houses animals and operates for the purpose of providing stray, abandoned, abused or owner surrendered animals with sanctuary or finding the animals temporary or permanent adoptive homes.~~

(5) A nonprofit organization that has been determined to be exempt from taxation under the United States Internal Revenue Code of 1986, Section 501(c).

**Sec. 2. 5 MRSA §1828, sub-§2,** as amended by PL 2011, c. 9, §2, is further amended to read:

**2. Surplus property.** Pursuant to this chapter and rules adopted under section 1813, the Department of Administrative and Financial Services through the

Bureau of General Services shall allow private sales of surplus property to:

~~A. Nonprofit organizations that contract with the Department of Health and Human Services to provide affordable vehicles to low income families to assist them in participating in work, education or training;~~

B. Homeless shelter sponsors;

C. Educational institutions; and

~~D. Nonprofit organizations that house animals and operate for the purpose of providing stray, abandoned, abused or owner surrendered animals with sanctuary or finding the animals temporary or permanent adoptive homes.~~

E. Nonprofit organizations that have been determined to be exempt from taxation under the United States Internal Revenue Code of 1986, Section 501(c).

See title page for effective date.

## CHAPTER 311

### H.P. 138 - L.D. 182

#### **An Act To Protect Firefighters by Establishing a Prohibition on the Sale and Distribution of New Upholstered Furniture Containing Certain Flame-retardant Chemicals**

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

**Sec. 1. 38 MRSA §1609-A** is enacted to read:

#### **§1609-A. Residential upholstered furniture**

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

A. "Flame-retardant chemical" means a chemical or chemical compound for which a functional use is to resist or inhibit the spread of fire. "Flame-retardant chemical" includes, but is not limited to, halogenated, phosphorus-based, nitrogen-based and nanoscale flame retardants and any chemical or chemical compound for which "flame retardant" appears on the substance safety data sheet required under 29 Code of Federal Regulations, Section 1910.1200(g) (2015).

B. "Upholstered furniture" means residential furniture intended for indoor use in a home or other dwelling intended for residential occupancy that consists in whole or in part of resilient cushioning

materials enclosed within a covering consisting of fabric or related materials.

**2. Sales prohibition.** Except as otherwise provided in section 1609, subsection 4, beginning January 1, 2019, a person may not sell or offer to sell or distribute for promotional purposes upholstered furniture containing in its fabric or other covering or in its cushioning materials more than 0.1% of a flame-retardant chemical or more than 0.1% of a mixture that includes flame-retardant chemicals.

**3. Exemptions.** The restrictions in subsection 2 do not apply to the following upholstered furniture products containing flame-retardant chemicals:

A. Used upholstered furniture;

B. Upholstered furniture purchased for public use in public facilities, including, but not limited to, schools, jails and hospitals, that is required by the State of California to meet the flammability standard in California Department of Consumer Affairs, Bureau of Home Furnishings and Thermal Insulation Technical Bulletin 133, "Flammability Test Procedure for Seating Furniture for Use in Public Occupancies," dated January 1991; and

C. New upholstered furniture otherwise subject to the prohibition in subsection 2 that is sold, offered for sale or distributed for promotional purposes in the State by a retailer or wholesaler on or after January 1, 2019 and that was imported into the State or otherwise purchased or acquired by the retailer or wholesaler for sale or distribution in the State prior to January 1, 2019.

**4. Rulemaking.** The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Transfer funds.** The State Controller shall transfer \$101,717 by June 30, 2018 and \$65,909 by June 30, 2019 from the Medical Use of Marijuana Fund, Other Special Revenue Funds account in the Department of Health and Human Services to the unappropriated surplus of the General Fund.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

#### **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

##### **Administration - Environmental Protection 0251**

Initiative: Provides appropriations in fiscal year 2017-18 for one full-time Environmental Specialist III position to monitor furniture sales and develop and oversee laboratory testing for compliance with a prohibition on flame-retardant chemicals in new upholstered residential furniture and appropriations for technology and