

# 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**

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

office costs related to the position. The position is reduced to part-time in fiscal year 2018-19.

GENERAL FUND	2017-18	2018-19
POSITIONS - FTE COUNT	1.000	0.500
Personal Services	\$76,217	\$40,009
All Other	\$25,500	\$25,900
<b>GENERAL FUND TOTAL</b>	<b>\$101,717</b>	<b>\$65,909</b>

See title page for effective date.

**CHAPTER 312**

**S.P. 362 - L.D. 1108**

**An Act To Restore Public Health Nursing Services**

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

**PART A**

**Sec. A-1. 22 MRSA §1963, sub-§3,** as amended by PL 1995, c. 502, Pt. D, §4, is further amended to read:

**3. Provide nursing services.** ~~To provide, at the discretion of the director,~~ nursing services in communities that lack these services or in which these services are inadequate according to established standards; ~~and. The Public Health Nursing Program shall provide to communities within the State nursing services, including, but not limited to:~~

- A. Treatment of and support for drug-affected babies and their parents;
- B. Assistance with public health emergencies, including, but not limited to, outbreaks of infectious disease, natural disasters and bioterrorist attacks;
- C. Early identification of children at risk of potential adverse childhood experiences to prevent future mental health and physical health issues;
- D. Support for chronic disease management to prevent costly hospitalizations and assistance to persons with chronic diseases who may not have health coverage;
- E. Early identification of persons at risk of domestic violence and referrals to community-based services as appropriate to those persons;
- F. Support for the public health infrastructure under chapter 152, including, but not limited to, the district coordinating councils for public health as defined in section 411, subsection 3 and local public health officers and the creation and imple-

mentation of district public health improvement plans; and

G. Assistance with the public health assessment and planning responsibilities of the Maine Center for Disease Control and Prevention and hospitals located within the State;

H. Support and education for prenatal clients, parents and newborn infants who are at risk for health challenges;

I. Support for activities of programs within the Maine Center for Disease Control and Prevention, including, but not limited to, the Universal Childhood Immunization Program under section 1066 and environmental health and tuberculosis programs;

J. Support for activities of programs that serve refugee and immigrant health services programs; and

K. Support for the assessment of unmet health needs in the elderly population, especially in rural areas, and assisting elderly persons in finding and receiving medical or community-based services; and

**Sec. A-2. 22 MRSA §§1964 and 1965** are enacted to read:

**§1964. Required staffing**

Notwithstanding any other provision of law, and without further approval or justification, the department shall promptly fill all public health nurse positions within the Public Health Nursing Program for which funding is provided.

The department shall widely post public notices for public health nurse vacancies under this section on publicly accessible state websites and in other appropriate locations. Public notice must be posted within 30 days of the effective date of this section for vacancies then existing and within 30 days of each subsequent vacancy that occurs. The department shall recruit and hire qualified individuals for these vacant positions.

Notwithstanding any other provision of law, the department may not transfer or otherwise repurpose any funds appropriated or allocated for the salaries, benefits and other costs of public health nurses and the services they provide.

**§1965. Required office space; support for staff**

The department shall provide office space and support services on a regional basis for the staff of the Public Health Nursing Program to the full extent of required staffing provided in section 1964 in order to derive the maximum benefit from the professional skills of public health nursing staff and to minimize unnecessary driving time.