

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

**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**  
**2019**

cluded on customer bills, or inserts or attachments to customer bills.

Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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**CHAPTER 89**  
**S.P. 324 - L.D. 1092**

**An Act To Amend the Laws  
Governing Critical Incident  
Stress Management Teams**

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

**Sec. 1. 25 MRSA §4201, sub-§1**, as amended by PL 2015, c. 112, §1, is further amended to read:

**1. Critical incident.** "Critical incident" means a work-related incident that causes or has the potential to cause an employee ~~or member of or emergency dispatcher for a criminal justice~~ public safety agency or an organization involved in emergency care or response, a corrections officer as defined in section 2801-A, subsection 2 or an employee of a county jail or a detention or correctional facility operated by the Department of Corrections to experience emotional or physical stress. "Critical incident" includes, but is not limited to, use-of-force encounters that may result in the death of or serious injury to another person or an officer, ~~member or employee,~~ fatal motor vehicle accidents, child abuse investigations, emergency care or response operations and death investigations.

**Sec. 2. 25 MRSA §4201, sub-§§1-A and 1-B** are enacted to read:

**1-A. Critical incident stress management peer support.** "Critical incident stress management peer support" means services provided to an employee or member of a public safety agency or an organization involved in emergency care or response, a corrections officer as defined in section 2801-A, subsection 2 or an employee of a county jail or a detention or correctional facility operated by the Department of Corrections when that person has been involved in a critical incident that can reasonably have a devastating, long-lasting effect on that person. "Critical incident stress management peer support" includes assisting the employee, member or officer to appropriately process the trauma and stress and connecting that person to appropriate resources.

**1-B. Critical incident stress management peer support person.** "Critical incident stress management peer support person" means a person who provides critical incident stress management peer support and is

trained in accordance with national best practices and standards established by rule by the Commissioner of Public Safety. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 3. 25 MRSA §4201, sub-§2**, as amended by PL 2015, c. 112, §1, is repealed and the following enacted in its place:

**2. Critical incident stress management team.** "Critical incident stress management team" means:

A. A team of critical incident stress management peer support persons designated by the chief or director of a public safety agency or of an organization involved in emergency care or response, the sheriff of a county jail or the head of a detention or correctional facility, or that person's designee; or

B. A volunteer team coordinator by a nonprofit entity that is trained, in accordance with national best practices and standards established by rule by the Commissioner of Public Safety, to assist and provide critical incident stress management peer support.

A critical incident stress management team shall have an established relationship with a licensed mental health clinician who is available for consultation with members of the critical incident stress management team as the members determine to be necessary and for at least one meeting annually with the team. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 4. 25 MRSA §4201, sub-§3**, as enacted by PL 2015, c. 112, §2, is repealed.

**Sec. 5. 25 MRSA §4201, sub-§4** is enacted to read:

**4. Public safety agency.** "Public safety agency" has the same meaning as in section 2921, subsection 6-B.

**Sec. 6. 25 MRSA §4202, sub-§1**, as enacted by PL 2009, c. 289, §1, is amended to read:

**1. Information confidential.** Except as provided in subsection 2, all proceedings, communications and records, including, but not limited to, information concerning the identity of a person seeking or being furnished assistance, connected in any way with the work of a critical incident stress management team, including critical incident stress management peer support persons, are confidential and are not subject to compulsory legal process or otherwise discoverable or admissible in evidence in any civil action unless the confidentiality is waived by the affected person. Statistical data not identifying a person seeking the assistance of a critical incident stress management team

must be made available for statistical evaluation and may not be made available for any other purpose.

See title page for effective date.

**CHAPTER 90**  
**S.P. 309 - L.D. 1049**

**An Act Regarding the Sale of  
Cats and Dogs with Health  
Problems**

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

**Sec. 1. 7 MRSA §4155, sub-§3, ¶¶B and C,** as enacted by PL 1995, c. 589, §1, are amended to read:

B. Exchange of the animal for an animal of the purchaser's choice of equivalent value, ~~providing if a replacement is available; or~~

C. Retainment of the animal and reimbursement for 1/2 of the reasonable veterinary fees not to exceed 1/2 of the original purchase price of the animal; ~~or~~

**Sec. 2. 7 MRSA §4155, sub-§3, ¶D** is enacted to read:

D. For an animal with less than one year of life expectancy, as determined by a veterinarian pursuant to subsection 1, retainment of the animal and a full refund of the original purchase price of the animal. Reimbursement of veterinary fees by the seller is not required under this paragraph.

**Sec. 3. 7 MRSA §4155, sub-§5,** as amended by PL 2007, c. 702, §27, is further amended to read:

**5. Sellers not exempt.** Sellers may not, contractually or otherwise, exempt themselves from the remedies provided by this section for deaths or health problems in animals caused by infectious, contagious, parasitic or communicable disease or for deaths or health problems in animals caused by hereditary or congenital defects as described in subsection 1.

**Sec. 4. 7 MRSA §4156, sub-§2,** as amended by PL 2007, c. 702, §29, is further amended to read:

**2. Refund.** If the purchaser wishes to receive a full refund for the animal, the purchaser must return the animal no later than 2 business days after receipt of a written statement from a veterinarian indicating that the animal is unfit due to a health problem. With respect to a dead animal, the purchaser must provide the seller with a written statement from a veterinarian indicating that the animal died from a health problem that existed on or before the receipt of the animal by the purchaser. This subsection does not apply to a

refund requested pursuant to section 4155, subsection 3, paragraph D.

See title page for effective date.

**CHAPTER 91**  
**S.P. 223 - L.D. 779**

**An Act To Improve the  
Definition of "Strangulation"  
in the Aggravated Assault  
Laws**

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

**Sec. 1. 17-A MRSA §208, sub-§1, ¶C,** as amended by PL 2015, c. 358, §1, is further amended to read:

C. Bodily injury to another under circumstances manifesting extreme indifference to the value of human life. Such circumstances include, but are not limited to, the number, location or nature of the injuries, the manner or method inflicted, the observable physical condition of the victim or the use of strangulation. For the purpose of this paragraph, "strangulation" means ~~the intentional~~ impeding ~~of~~ the breathing or circulation of the blood of another person by intentionally, knowingly or recklessly applying pressure on the person's throat or neck. Violation of this paragraph is a Class B crime.

See title page for effective date.

**CHAPTER 92**  
**H.P. 509 - L.D. 688**

**An Act To Set Maine Dental  
Provider Licensing Fees**

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

**Sec. 1. 32 MRSA §18323, sub-§3,** as enacted by PL 2015, c. 429, §21, is amended to read:

**3. Fees.** The authority to adopt by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that ~~the fee for any one purpose may not exceed \$550;~~

A. The fee for any one purpose may not exceed \$550 unless another fee is authorized by paragraph B or C;