

# 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**

serving on the commission immediately prior to the effective date of this Act continue to serve as members of the commission for the terms for which they were appointed until the Governor appoints their successors.

See title page for effective date.

## CHAPTER 151

H.P. 1074 - L.D. 1467

### **An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State's Cellular Telephone Recycling Law**

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

**Sec. 1. 38 MRSA §2143, sub-§4**, as amended by PL 2013, c. 315, §8, is repealed.

See title page for effective date.

## CHAPTER 152

H.P. 873 - L.D. 1209

### **An Act To Require Legislative Hearings on Citizen-initiated Legislation**

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

**Sec. 1. 21-A MRSA §907** is enacted to read:

#### **§907. Public hearing on direct initiatives**

A petition for direct initiative of legislation under the Constitution of Maine, Article IV, Part Third, Section 18 that is determined valid by the Secretary of State pursuant to section 905, subsection 1 and is submitted to the Legislature in accordance with the procedure established in the Constitution of Maine, Article IV, Part Third, Section 18, Subsection 1 must be afforded a public hearing conducted by the joint standing committee of the Legislature having jurisdiction over the subject matter of the petition or by a special legislative committee established for that purpose by the Legislative Council. The public hearing must be conducted in the same manner as other public hearings. The requirement to hold a public hearing may be waived by a vote of 2/3 of the members present in each House of the Legislature.

See title page for effective date.

## CHAPTER 153

H.P. 407 - L.D. 563

### **An Act To Help Municipalities Prepare for Sea Level Rise**

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

**Sec. 1. 30-A MRSA §4312, sub-§3, ¶J**, as amended by PL 2015, c. 349, §1, is further amended to read:

J. To promote and protect the availability of outdoor recreation opportunities for all Maine citizens, including access to surface waters; ~~and~~

**Sec. 2. 30-A MRSA §4312, sub-§3, ¶K**, as enacted by PL 2015, c. 349, §2, is amended to read:

K. To encourage municipalities to develop policies that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets; and

**Sec. 3. 30-A MRSA §4312, sub-§3, ¶L** is enacted to read:

L. To plan for the effects of the rise in sea level on buildings, transportation infrastructure, sewage treatment facilities and other relevant state, regional, municipal or privately held infrastructure, property or resources.

**Sec. 4. 30-A MRSA §4326, first ¶**, as amended by PL 2001, c. 578, §13, is further amended to read:

A growth management program must include at least a comprehensive plan, as described in subsections 1 to ~~4~~ 4-A, and an implementation program as described in subsection 5.

**Sec. 5. 30-A MRSA §4326, sub-§4-A** is enacted to read:

**4-A. Addressing sea level rise.** A municipality or multimunicipal region that is in the coastal area may include in its comprehensive plan projections regarding changes in sea level and potential effects of the rise in sea level on buildings, transportation infrastructure, sewage treatment facilities and other relevant municipal, multimunicipal or privately held infrastructure or property and may develop a coordinated plan for addressing the effects of the rise in sea level. For the purposes of this subsection, "coastal area" has the same meaning as in Title 38, section 1802, subsection 1.

See title page for effective date.

## CHAPTER 154 H.P. 586 - L.D. 798

### An Act To Protect Maine Children and Students from Preventable Diseases by Repealing Certain Exemptions from the Laws Governing Immunization Requirements

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

**Sec. 1. 20-A MRSA §6355, sub-§2**, as amended by PL 2001, c. 326, §2, is further amended to read:

**2. Medical exemption.** The parent or the child provides a physician's written statement from a licensed physician, nurse practitioner or physician assistant that, in the licensed physician's, nurse practitioner's or physician assistant's professional judgment, immunization against one or more of the diseases may be medically inadvisable.

**Sec. 2. 20-A MRSA §6355, sub-§3**, as amended by PL 2001, c. 326, §2, is repealed.

**Sec. 3. 20-A MRSA §6355, sub-§4** is enacted to read:

**4. Student covered by individualized education plan.** A student covered by an individualized education plan on September 1, 2021 who elected a philosophical or religious exemption from immunization requirements on or before September 1, 2021 pursuant to the law in effect prior to that date may continue to attend school under that student's existing exemption as long as:

A. The parent or guardian of the student provides a statement from a licensed physician, nurse practitioner or physician assistant that the physician, nurse practitioner or physician assistant has consulted with that parent or guardian and has made that parent or guardian aware of the risks and benefits associated with the choice to immunize; or

B. If the student is 18 years of age or older, the student provides a statement from a licensed physician, nurse practitioner or physician assistant that the physician, nurse practitioner or physician assistant has consulted with that student and has made that student aware of the risks and benefits associated with the choice to immunize.

**Sec. 4. 20-A MRSA §6358**, as amended by PL 2001, c. 326, §3 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

### §6358. Rules; requirements; reports

**1. Rules authorized.** The commissioner and the Director of the Bureau of Health, Maine Center for Disease Control and Prevention within the Department of Health and Human Services, shall jointly issue rules necessary for the effective implementation of this subchapter, including, but not limited to, rules specifying those diseases for which immunization is required and establishing school record keeping and reporting requirements or guidelines and procedures for the exclusion of nonimmunized children from school. The rules may not include any provision governing medical exemptions. Rules adopted pursuant to this subchapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A except that rules adopted pursuant to this subchapter specifying the diseases for which immunization is required are major substantive rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

**2. Local requirements authorized.** Immunization requirements more stringent than the provisions of this subchapter may be adopted by ordinance enacted by a municipality, by regulation of a school board or by policy of a private school's governing board.

**3. Report.** By January 1st of each odd-numbered year, the Director of the Maine Center for Disease Control and Prevention within the Department of Health and Human Services shall submit a report to the joint standing committees of the Legislature having jurisdiction over health and human services matters and education matters concerning any new developments in the evaluation of vaccine safety and effectiveness. The joint standing committees of the Legislature having jurisdiction over health and human services matters and education matters are each authorized to submit a bill during the legislative session in which the report was submitted.

**Sec. 5. 20-A MRSA §6359, sub-§3, ¶A**, as amended by PL 1991, c. 146, §3, is further amended to read:

A. The parent or the student provides a ~~physician's written statement or~~ a written statement from a school health provider from a licensed physician, nurse practitioner or physician assistant that, in the physician's, nurse practitioner's or physician assistant's professional judgment, immunization against one or more of the diseases may be medically inadvisable.

**Sec. 6. 20-A MRSA §6359, sub-§3, ¶B**, as amended by PL 2001, c. 326, §6, is repealed.

**Sec. 7. 20-A MRSA §6359, sub-§6**, as amended by PL 1991, c. 146, §4, is further amended to read:

**6. Rules; requirements; reports.** The Director of the Bureau of Health, Maine Center for Disease