

# 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**

Control and Prevention within the Department of Health and Human Services shall adopt rules necessary for the effective implementation of this subchapter, including, but not limited to, rules establishing immunization requirements ~~and medical exceptions to receiving vaccines or toxoids~~ for each disease, school record keeping and reporting requirements or guidelines and procedures for the exclusion of nonimmunized students 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 2-A.

Immunization requirements more stringent than the provisions of this subchapter may be adopted by a school board or by policy of a private school's governing board.

**Sec. 8. 22 MRSA §802, sub-§4-B, ¶A,** as enacted by PL 2001, c. 185, §2, is amended to read:

A. A medical exemption is available to an employee who provides a ~~physician's~~ written statement ~~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 diseases may be medically inadvisable.

**Sec. 9. 22 MRSA §802, sub-§4-B, ¶B,** as enacted by PL 2001, c. 185, §2, is repealed.

**Sec. 10. 22 MRSA §8402, sub-§3, ¶A,** as amended by PL 2001, c. 645, §10, is further amended to read:

A. The department shall adopt rules regarding the health of staff as required to protect the health and safety of the children. The rules must include a requirement that every 2 years each licensee, administrator or other staff member of the nursery school who provides care for children be declared free from communicable disease by a licensed physician, ~~except that this requirement may be waived for a person who objects on the grounds of sincerely held religious or philosophical belief, nurse practitioner or physician assistant.~~ Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

**Sec. 11. Rules.** The Department of Education and the Department of Health and Human Services shall amend their rules to remove any rules exempting persons from immunization requirements because of their religious or philosophical beliefs.

Rules adopted pursuant to this section are routine technical rules pursuant to the Maine Revised Statutes,

Title 20-A, section 6358, subsection 1 and section 6359, subsection 6.

**Sec. 12. Effective date.** Those sections of this Act that amend the Maine Revised Statutes, Title 22, section 802, subsection 4-B, paragraph A and Title 22, section 8402, subsection 3, paragraph A and that repeal Title 20-A, section 6355, subsection 3 and Title 20-A, section 6359, subsection 3, paragraph B take effect September 1, 2021.

See title page for effective date, unless otherwise indicated.

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## CHAPTER 155

### H.P. 1081 - L.D. 1479

#### An Act To Clarify Guardianship over Detainees under 18 Years of Age Regarding Mental Health Care

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

**Sec. 1. 34-A MRSA §3809-A, sub-§2,** as amended by PL 1999, c. 583, §32, is further amended to read:

**2. Juvenile detainee.** The commissioner has all the power over a juvenile detainee that a guardian has over a ward and that a parent has over a child with regard to necessary medical care and necessary mental health care. If a juvenile detainee is or becomes 18 years of age while still detained, the statutory guardianship of the commissioner over the juvenile detainee terminates, but the juvenile remains subject to the control of the commissioner, staff and rules of the facility until release from the facility.

**Sec. 2. 34-A MRSA §4111, sub-§2,** as amended by PL 2017, c. 148, §20, is further amended to read:

**2. Juvenile detainee.** The commissioner has all the power over a juvenile detainee that a guardian has over a ward and that a parent has over a child with regard to necessary medical care and necessary mental health care. If a juvenile detainee is or becomes 18 years of age while still detained, the statutory guardianship of the commissioner over the juvenile detainee terminates, but the juvenile remains subject to the control of the commissioner and the staff and rules of the Mountain View Correctional Facility until release from the Mountain View Correctional Facility.

See title page for effective date.

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