

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.

Augusta, Maine
2019

7. Recycling progress reports. Municipalities shall report ~~annually~~ biennially, on forms provided by the department, on their solid waste management and recycling practices. ~~The annual biennial report must include how much of each type of solid waste is generated and how that solid waste is managed~~ identify the options available to residents and businesses within the municipality for managing solid waste, including any provisions for the separate management of reportable recyclable materials and organic waste and the disposal of other municipal solid waste, including construction and demolition debris. The department shall assist ~~municipal reporting municipalities in developing and tracking a municipal or regional recycling rate~~ by developing a municipal waste stream management assessment model. The model must rely on actual waste data whenever possible, but incorporate default generation estimates when needed. Default generation estimates must incorporate factors such as commercial activity, geographical differences and municipal population.

Sec. B-5. 38 MRSA §2145 is enacted to read:

§2145. Recycling reporting

1. Reporting requirement. Beginning March 1, 2020 and annually thereafter, a recycling establishment shall report to the department regarding its recycling of reportable recyclable materials generated in the State. The report must be on a form provided by or a format approved by the department and must include:

A. The business name, mailing address, physical address, e-mail address, contact person and telephone number of the recycling establishment;

B. The amount in tons of each category of reportable recyclable materials, by generator, received by the recycling establishment; and

C. The amount in tons of each category of reportable recyclable materials, by destination, shipped by the recycling establishment.

The report must specify the quantity of reportable recyclable materials required to be reported under paragraphs B and C delineated into distinct material types to the extent possible. If the report specifies the quantity of reportable recyclable materials as determined using a volume-to-weight conversion formula, the report must include that conversion formula for review and approval by the department. The report may provide an aggregate quantity for multiple locations operated by a recycling establishment as long as the report specifically identifies each location used in determining the aggregate quantity.

The department shall establish reporting guidelines to ensure that reportable recyclable materials to be included in a report under this subsection are not counted more than once.

2. Data aggregation. The department shall aggregate data contained within the reports submitted under this section for the purpose of determining statewide quantities of reportable recyclable materials recycled.

3. Confidentiality. Information submitted to the department pursuant to this section may be designated as confidential by the submitting party in accordance with the provisions of section 1310-B and, if the information is so designated, the provisions of section 1310-B apply.

See title page for effective date.

CHAPTER 292

H.P. 227 - L.D. 303

An Act To Require Recovery Residences for Persons with Substance Use Disorder Be Equipped with Naloxone and To Exempt from Criminal Liability Persons Administering Naloxone

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

Sec. 1. 17-A MRSA §1111-B, as enacted by PL 2019, c. 137, §1, is amended to read:

§1111-B. Exemption from criminal liability for reporting a drug-related medical emergency or administering naloxone

A person who in good faith seeks medical assistance for or administers naloxone hydrochloride to another person experiencing a drug-related overdose or who is experiencing a drug-related overdose and is in need of medical assistance may not be arrested or prosecuted for a violation of section 1107-A, 1108, 1111 or 1111-A or a violation of probation as authorized by chapter 49 if the grounds for arrest or prosecution are obtained as a result of the person's seeking medical assistance, administering naloxone hydrochloride or experiencing a drug-related overdose.

Sec. 2. 22 MRSA §2353, sub-§1, ¶E is enacted to read:

E. "Recovery residence" means a shared living residence for individuals recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder.

Sec. 3. 22 MRSA §2353, sub-§4-A is enacted to read:

4-A. Recovery residences; standing orders for naloxone hydrochloride. Acting under standing orders from a licensed health care professional authorized by law to prescribe naloxone hydrochloride, a recovery residence shall operate in accordance with rules adopted by the department and the provisions of this subsection.

A. Notwithstanding any provision of law to the contrary, a recovery residence shall store and dispense naloxone hydrochloride and is not subject to the provisions of Title 32, chapter 117. The recovery residence shall store on site at least 2 units of naloxone hydrochloride for each floor of the recovery residence.

B. A recovery residence shall provide training in administration of naloxone hydrochloride that meets the protocols and criteria established by the department, and residents of the recovery residence, employees of the recovery residence and all other persons involved in the administration of a recovery residence shall successfully complete the training.

C. A licensed health care professional authorized by law to prescribe naloxone hydrochloride shall distribute unit-of-use packages of naloxone hydrochloride and the medical supplies necessary to administer the naloxone hydrochloride to a recovery residence that has provided training described in paragraph B so that the recovery residence may possess and administer naloxone hydrochloride to an individual who appears to be experiencing a drug-related overdose.

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

See title page for effective date.

**CHAPTER 293
H.P. 526 - L.D. 721**

An Act To Encourage Public Participation in School Board Meetings

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

Sec. 1. 20-A MRSA §1001, sub-§20 is enacted to read:

20. School board meeting public comment period. A school board shall provide the opportunity for the public to comment on school and education mat-

ters at a school board meeting. Nothing in this subsection restricts the school board from establishing reasonable standards for the public comment period, including time limits and conduct standards. For purposes of this subsection, "school board meeting" means a full meeting of the school board and does not include meetings of subcommittees.

See title page for effective date.

**CHAPTER 294
H.P. 710 - L.D. 955**

An Act To Prohibit Offshore Oil and Natural Gas Drilling and Exploration

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

Sec. 1. 12 MRSA §1862, sub-§14 is enacted to read:

14. Prohibition on oil and natural gas exploration, development and production. Notwithstanding any other provision of law to the contrary, the director may not permit, approve or otherwise authorize any oil or natural gas exploration, development or production in, on or under the submerged and intertidal land owned by the State.

As used in this subsection, "development" has the same meaning as in Title 38, section 570-AA, subsection 1; "exploration" has the same meaning as in Title 38, section 570-AA, subsection 2; and "production" has the same meaning as in Title 38, section 570-AA, subsection 3.

Sec. 2. 38 MRSA c. 3, sub-c. 2-C is enacted to read:

SUBCHAPTER 2-C

PROHIBITION ON OIL AND NATURAL GAS EXPLORATION, DEVELOPMENT AND PRODUCTION

§570-AA. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Development. "Development" means the activities conducted subsequent to the exploration for and discovery of oil or natural gas resources, but prior to the production of those resources, to facilitate the production of those resources, including, but not limited to, geophysical activities, drilling, platform construction, pipeline construction and the operation of all onshore support facilities specifically constructed or designed to support those activities.