

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

beverages for exclusive sale by that dealer at retail has the obligation of a distributor under this section. The ~~commissioner~~ department may establish by rule, in accordance with the Maine Administrative Procedure Act, criteria prescribing the manner in which distributors shall fulfill the obligations imposed by this paragraph. The rules may establish a minimum number or value of containers below which a distributor is not required to respond to a request to pick up empty containers. Any rules adopted under this paragraph must allocate the burdens associated with the handling, storage and transportation of empty containers to prevent unreasonable financial or other hardship.

Sec. 20. Transition provisions. The following transition provisions apply to changes in rulemaking and the impact on pending proceedings.

1. Effect on existing rules. All rules adopted by the Commissioner of Environmental Protection prior to the effective date of this Act continue in effect until amended or rescinded by the Board of Environmental Protection; and

2. Effect on pending proceedings. All regulatory proceedings pending before the Board of Environmental Protection or the Commissioner of Environmental Protection on the effective date of this Act are subject to the Maine Revised Statutes, Title 1, section 302.

See title page for effective date.

CHAPTER 316

H.P. 1305 - L.D. 1834

An Act Regarding Prostitution

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

Sec. 1. 17-A MRSA §853-A, sub-§1, ¶B, as amended by PL 2007, c. 476, §29, is further amended to read:

B. The person violates paragraph A and, at the time of the offense, the person has one or more prior convictions under this section or for engaging in substantially similar conduct to that contained in this section in another jurisdiction. Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this paragraph, the date of the prior conviction may not precede the commission of the offense by more than 2 years. Violation of this paragraph is a Class ~~D~~ E crime.

Sec. 2. 17-A MRSA 1902, sub-§6 is enacted to read:

6. A deferred disposition is a preferred disposition in a prosecution for engaging in prostitution under section 853-A, subsection 1, paragraph B.

See title page for effective date.

CHAPTER 317

H.P. 211 - L.D. 287

An Act To Impose on Mental Health Professionals a Duty To Warn and Protect

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

Sec. 1. 32 MRSA §2600-D is enacted to read:

§2600-D. Duty to warn and protect

1. Duty. An osteopathic physician licensed under this chapter has a duty to warn of or to take reasonable precautions to provide protection from a patient's violent behavior if the osteopathic physician has a reasonable belief based on communications with the patient that the patient is likely to engage in physical violence that poses a serious risk of harm to self or others. The duty imposed under this subsection may not be interpreted to require the osteopathic physician to take any action that in the reasonable professional judgment of the osteopathic physician would endanger the osteopathic physician or increase the threat of danger to a potential victim.

2. Discharge of duty. An osteopathic physician subject to a duty to warn or provide protection under subsection 1 may discharge that duty if the osteopathic physician makes reasonable efforts to communicate the threat to a potential victim, notifies a law enforcement agency or seeks involuntary hospitalization of the patient under Title 34-B, chapter 3, subchapter 4, article 3.

3. Immunity. No monetary liability and no cause of action may arise concerning patient privacy or confidentiality against an osteopathic physician licensed under this chapter for information disclosed to 3rd parties in an effort to discharge a duty under subsection 2.

Sec. 2. 32 MRSA §3300-G is enacted to read:

§3300-G. Duty to warn and protect

1. Duty. A physician licensed under this chapter has a duty to warn of or to take reasonable precautions to provide protection from a patient's violent behavior if the physician has a reasonable belief based on communications with the patient that the patient is likely to engage in physical violence that poses a serious risk of harm to self or others. The duty imposed under this subsection may not be interpreted to require the physi-