

# 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**

Guard called to active state service under section 181-A, subsection 5 in support of a cooperative agreement with the Federal Government are entitled to receive the same pay and allowances as would be payable to those persons from the United States Armed Forces, but not more than the pay and allowances payable in accordance with the terms of the cooperative agreement. Pay may not be less than pay based upon 12 hours a day at the state minimum wage.

**Sec. 7. 37-B MRSA §147**, as amended by PL 2003, c. 583, §5, is repealed.

**Sec. 8. 37-B MRSA §150**, as amended by PL 1995, c. 196, Pt. A, §2, is further amended to read:

**§150. Unauthorized voluntary service without pay prohibited**

A unit of the state military forces may not perform any voluntary active state service without pay, unless authorized by express order of the Governor.

An officer, warrant officer or enlisted person or any retired officer, retired warrant officer or retired enlisted person of the state military forces may not perform any voluntary active state service without pay, unless authorized by express order of the Governor, the Adjutant General or the Deputy Adjutant General.

**Sec. 9. 37-B MRSA §181-A, sub-§5**, as enacted by PL 1995, c. 600, §2, is amended to read:

**5. Military duty by consent.** The Governor, ~~or the Governor's designee, Adjutant General or Deputy Adjutant General~~ may ~~order call~~ a member or retired member of the Maine National Guard, with that member's consent, to perform active state service of any nature.

**Sec. 10. 37-B MRSA §190**, as enacted by PL 2017, c. 108, §5, is repealed.

**Sec. 11. 37-B MRSA §264, sub-§3, ¶Q**, as amended by PL 2015, c. 37, §2, is further amended to read:

Q. The Gardiner Armory, located on Brunswick Avenue, Gardiner, by means of a quitclaim deed as long as the purchaser agrees to indemnify and hold harmless the State from all claims, including any environmental clean-up costs that may arise in connection with the land or the buildings constituting the armory; ~~and~~

**Sec. 12. 37-B MRSA §264, sub-§3, ¶R**, as enacted by PL 2015, c. 37, §3, is amended to read:

R. The Belfast Armory, located on U.S. Route 1, Belfast, by means of a quitclaim deed as long as the purchaser agrees to indemnify and hold harmless the State from all claims, including any environmental clean-up costs that may arise in connection with the land or the buildings constituting the armory; ~~and~~

**Sec. 13. 37-B MRSA §264, sub-§3, ¶S** is enacted to read:

S. The South Portland Air National Guard Station, located on Western Avenue, South Portland, by means of a quitclaim deed as long as the purchaser agrees to indemnify and hold harmless the State from all claims, including any environmental clean-up costs that may arise in connection with the land or the buildings constituting the station.

**Sec. 14. 37-B MRSA §343**, as enacted by PL 2005, c. 353, §4, is repealed.

**Sec. 15. 37-B MRSA §462** is enacted to read:

**§462. Operating under the influence**

**1. Prohibition; operating under the influence.** Any person subject to this Code who commits an offense prohibited under Title 29-A, section 2411 is guilty of that offense under this Code.

**2. Punishment.** Any person subject to this Code who is found guilty of an offense prohibited under Title 29-A, section 2411 may be punished as a court-martial may direct.

See title page for effective date.

**CHAPTER 342**

**H.P. 1293 - L.D. 1816**

**An Act To Ensure the Safety and Well-being of Infants Affected by Substance Exposure**

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

**Sec. 1. 22 MRSA §4002, sub-§5-B**, as enacted by PL 2013, c. 192, §1, is amended to read:

**5-B. Fetal alcohol spectrum disorder.** "Fetal alcohol spectrum ~~disorders~~ disorder" means ~~conditions~~ a condition whose effects include having facial characteristics, growth restriction, central nervous system abnormalities or other characteristics consistent with prenatal alcohol exposure identified in a child from birth to 12 months of age.

**Sec. 2. 22 MRSA §4004-B**, as amended by PL 2017, c. 407, Pt. A, §83, is further amended to read:

**§4004-B. Infants born affected by substance use disorder or after prenatal exposure to drugs or with a fetal alcohol spectrum disorder**

The department shall act to protect infants born identified as being affected by ~~illegal~~ substance use; ~~demonstrating~~ or withdrawal symptoms resulting from

prenatal drug exposure, whether the prenatal exposure was to legal or illegal drugs, or having a fetal alcohol spectrum ~~disorders~~ disorder, regardless of whether the infant is abused or neglected. The department shall:

**1. Receive notifications.** Receive notifications of infants who may be affected by ~~illegal~~ substance use or ~~demonstrating~~ withdrawal symptoms resulting from prenatal drug exposure or who have a fetal alcohol spectrum ~~disorders~~ disorder;

**2. Investigate.** Promptly investigate notifications received of infants born who may be affected by ~~illegal~~ substance use or ~~demonstrating~~ withdrawal symptoms resulting from prenatal drug exposure or who have a fetal alcohol spectrum ~~disorders~~ disorder as determined to be necessary by the department to protect the infant;

**3. Determine if infant is affected.** Determine whether each infant for whom the department conducts an investigation is affected by ~~illegal~~ substance use, ~~demonstrates~~ or withdrawal symptoms resulting from prenatal drug exposure or has a fetal alcohol spectrum ~~disorders~~ disorder;

**4. Determine if infant is abused or neglected.** Determine whether the infant for whom the department conducts an investigation is abused or neglected and, if so, determine the degree of harm or threatened harm in each case;

**5. Develop plan for safe care.** For each infant ~~whom~~ who the department determines to be affected by ~~illegal~~ substance use, ~~to be demonstrating~~ or withdrawal symptoms resulting from prenatal drug exposure or ~~to have~~ who has a fetal alcohol spectrum ~~disorders~~ disorder, develop, with the assistance of any health care provider involved in the ~~mother's~~ caregiver's or the child's medical or mental health care, a plan for the safe care of the infant and, in appropriate cases, refer the child or ~~mother~~ caregiver or both to a social service agency, a health care provider or a voluntary substance use disorder prevention service; ~~and~~. For purposes of this subsection, "health care provider" means a person described in section 4011-A, subsection 1, paragraph A, subparagraphs (1) to (10), (15), (17) to (20) or (22); and

**6. Comply with section 4004.** For each infant ~~whom~~ who the department determines to be abused or neglected, comply with section 4004, subsection 2, paragraphs E and F.

**Sec. 3. 22 MRSA §4011-B**, as amended by PL 2017, c. 407, Pt. A, §84, is further amended to read:

**§4011-B. Notification of prenatal exposure to drugs or having a fetal alcohol spectrum disorder**

**1. Notification of prenatal exposure to drugs or having a fetal alcohol spectrum disorder.** A health care provider involved in the delivery or care of

an infant who the provider knows or has reasonable cause to suspect has been born affected by ~~illegal~~ substance use, ~~is demonstrating~~ has withdrawal symptoms that require medical monitoring or care beyond standard newborn care when those symptoms have resulted from or have likely resulted from prenatal drug exposure, whether the prenatal exposure was to legal or illegal drugs, or has a fetal alcohol spectrum ~~disorders~~ disorder shall notify the department of that condition in the infant. The notification required by this subsection must be made in the same manner as reports of abuse or neglect required by this subchapter.

A. This section, and any notification made pursuant to this section, may not be construed to establish a definition of "abuse" or "neglect."

B. This section, and any notification made pursuant to this section, may not be construed to require prosecution for any illegal action, including, but not limited to, the act of exposing a fetus to drugs or other substances.

**2. Definition.** For purposes of this section, "health care provider" means a person described in section 4011-A, subsection 1, paragraph A, subparagraphs (1) to (10), (15), (17) to (20) or (22) or any person who assists in the delivery or birth of a child for compensation, including, but not limited to, a midwife.

See title page for effective date.

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**CHAPTER 343**

**H.P. 743 - L.D. 1001**

**An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2019, June 30, 2020 and June 30, 2021**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, the 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas**, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; and