

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

The provisions of this section apply even if Medicaid coverage is limited during the period of incarceration. Nothing in this section requires or permits the department to maintain an incarcerated person's Medicaid eligibility if the person no longer meets eligibility requirements.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Office for Family Independence Z020

Initiative: Provides one-time appropriation and allocation for required technology changes to add a presumptive eligibility group when eligibility is determined by a provider other than a hospital.

Table with columns: GENERAL FUND, 2019-20, 2020-21. Rows include All Other, GENERAL FUND TOTAL, OTHER SPECIAL REVENUE FUNDS, and OTHER SPECIAL REVENUE FUNDS TOTAL.

See title page for effective date.

CHAPTER 493 H.P. 670 - L.D. 906

An Act Concerning Pavement Sealing Products

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

Sec. 1. 38 MRSA §419-E is enacted to read:

§419-E. Coal tar sealant products

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Coal tar" means a viscous substance obtained by the destructive distillation of coal and containing levels of polycyclic aromatic hydrocarbons in excess of 10,000 milligrams per kilogram. "Coal tar" includes, but is not limited to, refined coal tar, high temperature coal tar and coal tar pitch.

B. "Coal tar sealant product" means a surface-applied sealant product that contains coal tar or coal tar pitch volatiles.

C. "Polycyclic aromatic hydrocarbons" means a group of compounds that are by-products of incomplete combustion, that include several carcinogens and that are designated as hazardous substances under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 United States Code, Section 9602(a).

2. Sale of coal tar sealant products prohibited. Beginning October 1, 2023, a person may not sell at wholesale or retail a coal tar sealant product that is labeled as containing coal tar and that is designed to be applied on a driveway or parking area.

3. Application of coal tar sealant products prohibited. Beginning October 1, 2024, a person may not apply on a driveway or parking area a coal tar sealant product that is labeled as containing coal tar and that is designed to be applied on a driveway or parking area.

4. Exemptions. A person may request an exemption from the prohibitions in subsections 2 and 3 by submitting a written request to the commissioner. The request must include the reason an exemption is needed. The commissioner may exempt a person from the prohibitions in subsections 2 and 3 if the commissioner determines that the person is researching the effects of a coal tar sealant product on the environment or the person is developing an alternative technology and the use of a coal tar sealant product is required for research or development.

See title page for effective date.

CHAPTER 494 S.P. 267 - L.D. 913

An Act To Amend the Laws on Gross Sexual Assault, Unlawful Sexual Contact and Unlawful Sexual Touching To Include Counseling Professionals

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

Sec. 1. 17-A MRSA §253, sub-§2, ¶I, as repealed and replaced by PL 2011, c. 691, Pt. A, §13, is amended to read:

I. The actor is a psychiatrist, a psychologist or licensed as a social worker or counseling professional or purports to be a psychiatrist, a psychologist or licensed as a social worker or counseling professional to the other person and the other per-

son, not the actor's spouse, is a current patient or client of the actor. Violation of this paragraph is a Class C crime;

Sec. 2. 17-A MRSA §255-A, sub-§1, ¶U, as repealed and replaced by PL 2011, c. 691, Pt. A, §14, is amended to read:

U. The actor is a psychiatrist, a psychologist or licensed as a social worker or counseling professional or purports to be a psychiatrist, a psychologist or licensed as a social worker or counseling professional to the other person and the other person, not the actor's spouse, is a current patient or client of the actor. Violation of this paragraph is a Class D crime;

Sec. 3. 17-A MRSA §255-A, sub-§1, ¶V, as repealed and replaced by PL 2011, c. 691, Pt. A, §15, is amended to read:

V. The actor is a psychiatrist, a psychologist or licensed as a social worker or counseling professional or purports to be a psychiatrist, a psychologist or licensed as a social worker or counseling professional to the other person and the other person, not the actor's spouse, is a current patient or client of the actor and the sexual contact includes penetration. Violation of this paragraph is a Class C crime;

Sec. 4. 17-A MRSA §260, sub-§1, ¶K, as repealed and replaced by PL 2011, c. 691, Pt. A, §16, is amended to read:

K. The actor is a psychiatrist, a psychologist or licensed as a social worker or counseling professional or purports to be a psychiatrist, a psychologist or licensed as a social worker or counseling professional to the other person and the other person, not the actor's spouse, is a current patient or client of the actor. Violation of this paragraph is a Class D crime;

See title page for effective date.

CHAPTER 495

S.P. 364 - L.D. 1190

**An Act To Prohibit the
Furnishing of Tobacco
Products to Minors**

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

Sec. 1. 17-A MRSA §554, sub-§1, ¶B, as amended by PL 2015, c. 358, §3, is further amended to read:

B. Knowingly sells, furnishes, gives away or offers to sell, furnish or give away to a child under

16 years of age any intoxicating liquor, ~~cigarettes~~, tobacco product as defined in Title 22, section 1551, subsection 3, air rifles, gunpowder, smokeless powder or ammunition for firearms. Violation of this paragraph is a Class D crime;

Sec. 2. 17-A MRSA §554, sub-§2, ¶A, as amended by PL 2015, c. 358, §3, is further amended to read:

A. The defendant was the parent, foster parent, guardian or other similar person responsible for the long-term general care and welfare of the child under 16 years of age who furnished the child ~~cigarettes~~, any tobacco product as defined in Title 22, section 1551, subsection 3 or a reasonable amount of intoxicating liquor in the actor's home and presence;

Sec. 3. 22 MRSA §1580-F is enacted to read:

§1580-F. Furnishing or allowing consumption of tobacco products by certain persons prohibited

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Minor" means a person who has not reached the age of 21 years, unless the person has attained 18 years of age as of July 1, 2018.

B. "Tobacco product" has the same meaning as in section 1551, subsection 3.

2. Offense. Except as provided in subsection 3, a person who is 21 years of age or older may not knowingly:

A. Procure, or in any way aid or assist in procuring, furnish, give, sell or deliver a tobacco product for or to a minor. The following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph commits a Class D crime.

(2) A person who violates this paragraph commits a Class D crime for which a fine of not less than \$500 may be imposed, none of which may be suspended, if the violation involves a minor who is less than 18 years of age.

(3) A person who violates this paragraph after having been previously convicted of violating this paragraph or paragraph B within a 6-year period commits a Class D crime for which a fine of not less than \$1,000 may be imposed, none of which may be suspended.

(4) A person who violates this paragraph after having been previously convicted of violating this paragraph or paragraph B 2 or more times within a 6-year period commits a