

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST SPECIAL SESSION**

**August 26, 2019**

**SECOND REGULAR SESSION**

**January 8, 2020 to March 17, 2020**

**THE GENERAL EFFECTIVE DATE FOR  
FIRST SPECIAL SESSION  
NON-EMERGENCY LAWS IS  
NOVEMBER 25, 2019**

**THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 16, 2020**

**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  
2020**

C. Wine may be served only ~~to be consumed on the premises when accompanied by a full meal if a full meal is available for purchase and consumption on the premises.~~ For the purposes of this paragraph, "full meal" means a diversified selection of food that cannot ordinarily be consumed without the use of tableware and cannot be conveniently consumed while standing or walking; and

**Sec. 3. 28-A MRSA §1208, sub-§2, ¶D,** as reallocated by PL 2009, c. 510, §7, is amended to read:

D. Patrons of the establishment may not consume any alcoholic beverage on the premises unless it is served in accordance with this section by the licensee or an employee of the licensee; ~~and.~~

**Sec. 4. 28-A MRSA §1208, sub-§2, ¶E,** as reallocated by PL 2009, c. 510, §7, is repealed.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective February 18, 2020.

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**CHAPTER 560**

**S.P. 674 - L.D. 1972**

**An Act To Increase Access to and Reduce the Cost of Epinephrine Autoinjectors by Amending the Definition of "Epinephrine Autoinjector"**

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

**Whereas,** this Act expands the definition of "epinephrine autoinjector" to include devices approved by the federal Food and Drug Administration that deliver a specific dose of epinephrine by means other than automatic injection; and

**Whereas,** this Act provides more flexibility for entities, including, but not limited to, recreation camps, colleges, universities, day care facilities, youth sports leagues, amusement parks, restaurants and sports arenas, that purchase epinephrine for emergency purposes to consider lower-cost alternatives; and

**Whereas,** this Act, if it becomes effective prior to the expiration of the 90-day period, could provide financial relief to youth camps, recreational camps, municipal recreation programs and amusement parks before the upcoming summer season; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of

the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 20-A MRSA §254, sub-§5, ¶C,** as enacted by PL 2003, c. 531, §1, is amended to read:

C. A public school or a private school approved pursuant to section 2902 must have a written local policy authorizing students to possess and self-administer emergency medication from an asthma inhaler or an epinephrine ~~pen~~ autoinjector as defined in section 6305, subsection 1, paragraph C. The written local policy must include the following requirements.

(1) A student who self-administers an asthma inhaler or an epinephrine ~~pen~~ autoinjector must have the prior written approval of the student's primary health care provider and, if the student is a minor, the prior written approval of the student's parent or guardian.

(2) The student's parent or guardian must submit written verification to the school from the student's primary health care provider confirming that the student has the knowledge and the skills to safely possess and use an asthma inhaler or an epinephrine ~~pen~~ autoinjector in school.

(3) The school nurse shall evaluate the student's technique to ensure proper and effective use of an asthma inhaler or an epinephrine ~~pen~~ autoinjector in school.

**Sec. 2. 20-A MRSA §6305, sub-§1, ¶C,** as enacted by PL 2013, c. 526, §1, is amended to read:

C. "Epinephrine autoinjector" means a single-use device that automatically injects used for the automatic injection of a premeasured dose of epinephrine into a human body or another single-use epinephrine delivery system approved by the federal Food and Drug Administration for public use.

**Sec. 3. 22 MRSA §2150-F, sub-§3,** as enacted by PL 2015, c. 231, §1, is amended to read:

**3. Epinephrine autoinjector.** "Epinephrine autoinjector" means a single-use device used for the automatic injection of a premeasured dose of epinephrine into a human body or another single-use epinephrine delivery system approved by the federal Food and Drug Administration for public use.

**Sec. 4. 22 MRSA §2496, sub-§2,** as amended by PL 2009, c. 211, Pt. A, §9, is further amended to read:

**2. Youth camps; emergency medication.** A youth camp must have a written policy authorizing

campers to self-administer emergency medication, including, but not limited to, an asthma inhaler or an epinephrine ~~pen~~ autoinjector as defined in section 2150-F, subsection 3. The written policy must include the following requirements:

- A. A camper who self-administers emergency medication must have the prior written approval of the camper's primary health care provider and the camper's parent or guardian;
- B. The camper's parent or guardian must submit written verification to the youth camp from the camper's primary health care provider confirming that the camper has the knowledge and the skills to safely self-administer the emergency medication in camp;
- C. The youth camp health staff must evaluate the camper's technique to ensure proper and effective use of the emergency medication in camp; and
- D. The emergency medication must be readily available to the camper.

**Sec. 5. 30-A MRSA §3108,** as enacted by PL 2007, c. 588, §1, is amended to read:

**§3108. Asthma inhalers and epinephrine ~~pens~~ autoinjectors**

Municipal employees and volunteers that operate or assist in any municipal recreational program or camp may receive training on how to administer asthma inhalers and epinephrine ~~pens~~ autoinjectors as defined in Title 22, section 2150-F, subsection 3. Municipal employees and volunteers may possess and administer prescribed asthma inhalers and epinephrine ~~pens~~ autoinjectors in order to provide emergency aid.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective February 21, 2020.

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CHAPTER 561

H.P. 777 - L.D. 1054

**An Act To Amend the Laws  
Regarding Ancient Burying  
Grounds**

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

**Sec. 1. 13 MRSA §1101, sub-§1,** as amended by PL 2013, c. 524, §1, is further amended to read:

**1. Grave sites of veterans in ancient burying grounds.** In any ancient burying ground, as referenced in Title 30-A, section 5723, the municipality in which that burying ground is located, in collaboration with veterans' organizations, cemetery associations, civic

and fraternal organizations, descendants of veterans buried in the ancient burying ground and other interested persons, shall keep in good condition all graves, headstones, monuments and markers designating the burial place of Revolutionary soldiers and sailors and veterans of the Armed Forces of the United States. To the best of its ability given the location and accessibility of the ancient burying ground, the municipality, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations, descendants of veterans buried in the ancient burying ground and other interested persons, shall keep the grass, weeds and brush suitably cut and trimmed on those graves from May 1st to September 30th of each year. A municipality may designate a caretaker to whom it delegates for a specified period of time the municipality's responsibilities regarding an ancient burying ground. A caretaker for a municipality may be designated only by a writing signed by the municipal officers as defined in Title 30-A, section 2001, subsection 10.

**Sec. 2. 13 MRSA §1101-A, sub-§1,** as enacted by PL 1999, c. 700, §2, is repealed and the following enacted in its place:

**1. Ancient burying ground.** "Ancient burying ground" means a cemetery established before 1880 in which burial is restricted to:

- A. Members of the family or families that established the cemetery, their descendants or others as chosen by the members of the family or families that established the cemetery; or
- B. Persons or a group of persons as specified by the persons or group of persons that established the cemetery.

The existence of an ancient burying ground may be established in accordance with section 1101-B, subsection 3.

**Sec. 3. 13 MRSA §1101-B, sub-§3** is enacted to read:

**3. Documentation; lack of documentation or apparent marked boundaries.** The existence of an ancient burying ground may be documented in papers, including:

- A. Records of the register of deeds;
- B. Property deeds;
- C. Manuscripts or published records of the history of a county or municipality;
- D. Records of a municipality; or
- E. Historical or current maps.

A lack of documentation of an ancient burying ground as described in this subsection may not disprove the existence of an ancient burying ground if there is physical evidence of its existence.