

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2021

subsection 2, the governing body of a school administrative unit or an approved private school may authorize a school nurse or other licensed health care professional whose scope of practice includes administration of naloxone to:

A. Stock and possess naloxone hydrochloride prescribed by a legally authorized individual; and

B. Administer naloxone hydrochloride prescribed by a legally authorized individual to any student, staff member or visitor that the school nurse or other licensed health care professional, based on the school nurse's or other licensed health care professional's professional judgment, suspects to be experiencing an opioid overdose.

The administration of naloxone hydrochloride in accordance with this subsection is not the practice of medicine.

6. Manufacturer or supplier arrangement. A school administrative unit or an approved private school may enter into an arrangement with a manufacturer of naloxone hydrochloride or a 3rd-party supplier of naloxone hydrochloride to obtain naloxone hydrochloride at fair market prices, reduced prices or no cost.

7. Purchase from licensed pharmacies. A collaborative practice agreement under this section may provide that a school administrative unit or an approved private school may purchase naloxone hydrochloride from a pharmacy licensed in this State.

8. Guidelines. By January 1, 2022, and as needed after that date, the department in consultation with the Department of Health and Human Services shall develop and make available to all schools guidelines for the management of opioid overdose during school or a school-sponsored activity or otherwise on school grounds. The guidelines must include, but are not limited to:

A. Education and training for school personnel on recognition of opioid overdose, rescue breathing and the administration of naloxone hydrochloride; and

B. Procedures for responding to opioid overdose.

See title page for effective date.

CHAPTER 116

H.P. 583 - L.D. 778

An Act To Enable Electronic Reporting of Suspected Child Abuse and Neglect for Certain Mandated Reporters

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

Sec. 1. 22 MRSA §4012, sub-§1, as amended by PL 2011, c. 402, §2, is further amended to read:

1. Immediate report. Reports regarding abuse or neglect must be made immediately by telephone to the department unless otherwise specified in this subsection and must be followed by a written report within 48 hours if requested by the department.

~~Hospitals, medical personnel~~ Medical professionals, hospitals and hospital staff, school personnel and law enforcement personnel may submit emergency reports through password-protected e-mail submissions. A faxed report may also be accepted when preceded by a telephone call informing the department of the incoming fax transmission electronically. The department shall provide a portal through which these electronic reports may be submitted that is linked to the department's comprehensive child welfare information system.

See title page for effective date.

CHAPTER 117

H.P. 585 - L.D. 780

An Act Regarding Uncontrolled Hazardous Substance Sites

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

Sec. 1. 38 MRSA §1362, sub-§1, ¶F, as amended by PL 1985, c. 746, §32, is further amended to read:

F. Any imminently hazardous chemical substance or mixture with respect to which the Administrator of the United States Environmental Protection Agency has taken action pursuant to the United States Toxic Substances Control Act, Section 7; ~~and~~

Sec. 2. 38 MRSA §1362, sub-§1, ¶G, as amended by PL 1989, c. 878, Pt. B, §42, is further amended to read:

G. Waste oil as defined in section 1303-C; and

Sec. 3. 38 MRSA §1362, sub-§1, ¶H is enacted to read:

H. Any substance defined as a hazardous substance or a pollutant or contaminant under the United States Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 United States Code, Section 9601.

Sec. 4. 38 MRSA §1367-B, as enacted by PL 1991, c. 811, §4 and affected by §7, is amended to read:

§1367-B. Limited exemption exemptions from liability for state or local governmental entities

1. Limited exemption from liability for state or local governmental entities. Liability under section 1367 does not apply to the State or ~~any~~ a political subdivision that acquired ownership or control of an uncontrolled hazardous substance site through tax delinquency proceedings pursuant to Title 36, or through any similar statutorily created procedure for the collection of governmental taxes, assessments, expenses or charges, or involuntarily through abandonment, or in circumstances in which the State or a political subdivision involuntarily acquired ownership or control by virtue of its function as a sovereign. The exemption from liability provided under this subsection does not apply to the State or ~~any~~ a political subdivision that has caused, contributed to or exacerbated a release or threatened release of a hazardous substance on or from the uncontrolled site.

1-A. Limited exemption from liability for publicly owned treatment works. A publicly owned treatment works is exempt from liability under section 1367 as a responsible party under section 1362, subsection 2, paragraph C based on the contribution by the publicly owned treatment works of effluent or sewage sludge to an uncontrolled site, except that the exemption does not apply if the commissioner determines that the publicly owned treatment works:

- A. Has failed to follow applicable requirements under this Title and the rules adopted pursuant to this Title for the disposal or use of effluent or sewage sludge;
- B. Has failed to comply with an information request or administrative subpoena issued by the department under this chapter; or
- C. Has impeded or is impeding, through action or inaction, the performance of a response action or natural resources restoration at the uncontrolled site.

1-B. Limited exemption from liability for public water systems. A public water system is exempt from liability under section 1367 as a responsible party under section 1362, subsection 2, paragraph C based on the contribution by the public water system of water treatment residuals to an uncontrolled site, except that the exemption does not apply if the commissioner determines that the public water system:

- A. Has failed to follow applicable requirements under this Title and the rules adopted pursuant to this Title for the disposal or use of water treatment residuals;
- B. Has failed to comply with an information request or administrative subpoena issued by the department under this chapter; or
- C. Has impeded or is impeding, through action or inaction, the performance of a response action or

natural resources restoration at the uncontrolled site.

For the purposes of this subsection, "public water system" has the same meaning as in the federal Safe Drinking Water Act Amendments of 1996, 42 United States Code, Section 300f.

2. Reimbursement for department expenses. Notwithstanding the exemption from liability provided in subsection 1, the State or ~~any~~ a political subdivision that acquires or has acquired ownership of property that encompasses an uncontrolled hazardous substance site pursuant to any of the proceedings referred to in subsection 1 is liable for any costs incurred by the department pursuant to this chapter during the period in which the State or political subdivision had ownership of the property, up to the amount of the proceeds from the sale or disposition of the property minus the out-of-pocket costs of the sale or disposition.

Sec. 5. Report. On or before January 15, 2023, the Department of Environmental Protection shall report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters regarding uncontrolled hazardous substance sites where the department, pursuant to its authority under the Maine Revised Statutes, Title 38, chapter 13-B, has required a responsible party to investigate or remove a hazardous substance that is a pollutant or contaminant under Title 38, section 1362, subsection 1, paragraph H and, for each such site, the common name and chemical abstracts service registry number of the hazardous substance investigated or removed.

See title page for effective date.

**CHAPTER 118
H.P. 588 - L.D. 783**

**An Act Regarding the
Membership of the Sexual
Assault Forensic Examiner
Advisory Board**

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

Sec. 1. 5 MRSA §3360-N, sub-§1, as amended by PL 2015, c. 267, Pt. GG, §2, is further amended to read:

1. Establishment and membership. The Sexual Assault Forensic Examiner Advisory Board, referred to in this chapter as the "board," established under section 12004-J, subsection 13, is established within the Department of Health and Human Services. The board consists of ~~13~~ 15 members appointed by the Commissioner of Health and Human Services. Members must include the following: