

# 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.**

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**Augusta, Maine**  
**2021**

**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.

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**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:

- A. One physician licensed to practice medicine in the State;
- B. One member of the State Board of Nursing representing a school of nursing;
- C. ~~One~~ Two sexual assault nurse ~~examiner~~ examiners;
- D. One representative from a sexual assault support center;
- E. One member from a statewide coalition against sexual assault;
- F. One survivor of sexual assault;
- G. One attorney from the Department of the Attorney General, designated by the Attorney General;
- H. One employee of the Maine State Police Crime Laboratory;
- I. One member from a statewide association of prosecutors;
- J. One member from a statewide association of hospitals;
- K. One member who is a forensic pediatric health care provider; ~~and~~
- K-1. One representative of law enforcement; and
- L. Two public members.

See title page for effective date.

**CHAPTER 119**

**H.P. 640 - L.D. 872**

**An Act Concerning Motor Vehicle Emissions Control System Tampering**

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

**Sec. 1. 38 MRSA §585-O** is enacted to read:

**§585-O. Motor vehicle emission control system tampering**

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

A. "Dealer" means a person engaged in the business of buying, selling, exchanging or offering to negotiate, negotiating or advertising the sale, lease or rental of a motor vehicle at retail and that has:

- (1) An established place of business for those purposes in this State; and
- (2) A current dealer license issued by the Secretary of State.

"Dealer" does not include the State when selling state-owned motor vehicles; a vehicle auction business as defined in Title 29-A, section 851, subsection 14; an insurance salvage pool as defined in Title 29-A, section 602, subsection 6; or a franchisee as defined in Title 10, section 1171, subsection 7.

B. "Emission control system" means a device or element of design installed on or in a motor vehicle or engine by the original manufacturer and certified to comply with pollutant emission standards established by federal or state law.

C. "Motor vehicle" means a self-propelled vehicle intended for operation on roads. "Motor vehicle" does not include a salvage vehicle, as defined in Title 29-A, section 602, subsection 13, or a vehicle sold for parts or scrap.

D. "Person" means an individual, corporation, firm, partnership, joint venture, association, fiduciary, trust, estate or any other legal or commercial entity.

E. "Tamper" means to deactivate, dismantle, defeat, bypass, alter, modify, remove or otherwise render inoperable, in whole or in part, mechanical or electronic components of the emission control system that is installed on or in a motor vehicle by the original manufacturer of the motor vehicle.

**2. Tampering prohibited.** Tampering with the emission control system of a motor vehicle is prohibited as provided in this subsection.

A. A person may not tamper with the emission control system of a motor vehicle for compensation, except to repair or replace a part or all of the emission control system to return the emission control system to its original manufacturer's certified specifications.

B. A dealer may not sell, lease or rent, or offer to sell, lease or rent, or transfer title or right of possession of a motor vehicle if a person has tampered with the emission control system of the motor vehicle.

**3. Penalties.** A person that violates this section is subject to penalties under section 349.

**4. Rulemaking.** The department may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.