

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

violence intervention program unless the program is certified under Title 19-A, section 4014.

Sec. 13. 34-A MRSA §1206-A, sub-§1, ¶B, as amended by PL 2017, c. 407, Pt. A, §151, is further amended to read:

B. "Community intervention program" means a program operated at the community level providing services designed to intervene in the risk factors for reoffending, including, but not limited to, mental health, sex offender treatment, social service and substance use disorder treatment programs, but not including a ~~batterers'~~ domestic violence intervention program under Title 19-A, section 4014.

Sec. 14. 34-A MRSA §1214, sub-§5, as amended by PL 2017, c. 407, Pt. A, §153, is further amended to read:

5. Report regarding batterers domestic violence intervention programs. Beginning January 2003 and annually thereafter, the department shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the work of ~~batterers~~ domestic violence intervention programs. The report must include information regarding: meeting program benchmarks and goals, developing and implementing new programs, measuring effectiveness of existing programs and communicating and coordinating efforts with providers of substance use disorder services, literacy support and other services with whom ~~batterers~~ persons ordered to complete a domestic violence intervention program may need to work in order to participate meaningfully in a ~~batterers~~ domestic violence intervention program.

See title page for effective date.

**CHAPTER 175
S.P. 225 - L.D. 822**

An Act To Affirm That Food Seeds Are a Necessity in Maine

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

Sec. 1. 10 MRSA §1105, sub-§1, ¶C, as amended by PL 2019, c. 126, §1, is further amended to read:

C. "Necessities" includes food for human or animal consumption; seeds; potable water; pharmaceutical products, including prescription medications; wearing apparel; shoes; building materials; gas and electricity for light, heat and power; ice; fuel of all kinds; and fertilizer and fertilizer ingredients; together with tools, utensils, implements, machinery and equipment required for the actual

production or manufacture of the same. "Necessities" includes any other vital or necessary good or service except those:

- (1) Subject to continuous maximum price regulation under the provisions of any state or federal law;
- (2) As to which the State's authority is preempted; or
- (3) Furnished or provided by:
 - (a) Insurers; or
 - (b) Nonprofit hospitals, medical service organizations or health maintenance organizations authorized to transact business within the State pursuant to Title 24 and Title 24-A.

See title page for effective date.

**CHAPTER 176
H.P. 605 - L.D. 837**

An Act To Amend the Child and Family Services and Child Protection Act

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

Sec. 1. 22 MRSA §4002, sub-§1, as amended by PL 2015, c. 360, §2, is further amended to read:

1. Abuse or neglect. "Abuse or neglect" means a threat to a child's health or welfare by physical, mental or emotional injury or impairment, sexual abuse or exploitation including under Title 17-A, sections 282, 852, 853 and 855; or deprivation of essential needs, or lack of protection from these or failure to ensure compliance with school attendance requirements, by a person responsible for the child. "Abuse or neglect" also means truancy under Title 20-A, section 3272, subsection 2, paragraph ~~B~~ C or section 5051-A, subsection 1, paragraph ~~C~~; or D when truancy is the result of neglect by a person responsible for the child. "Abuse or neglect" also means a threat to a child's health or welfare caused by child sex trafficking by any person, regardless of whether or not the person is responsible for the child.

Sec. 2. 22 MRSA §4002, sub-§3-B is enacted to read:

3-B. Child sex trafficking. "Child sex trafficking" means the recruitment, harboring, transportation, provision or obtaining of a child for the purposes of a commercial sex act as defined in 22 United States Code, Section 7102(4).

Sec. 3. 22 MRSA §4002, sub-§6, ¶B, as amended by PL 2007, c. 304, §11, is further amended to read:

B. Deprivation of adequate food, clothing, shelter, supervision or care or education when the child is at least 7 years of age and has not completed grade 6;

Sec. 4. 22 MRSA §4002, sub-§6, ¶B-2 is enacted to read:

B-2. Truancy under Title 20-A, section 3272, subsection 2, paragraph C or section 5051-A, subsection 1, paragraph C or D;

Sec. 5. 22 MRSA §4008, sub-§1-A is enacted to read:

1-A. Disclosure. The department may determine that for the purposes of disclosure under this section records are limited to only records created by the department in connection with its duties under this chapter.

See title page for effective date.

CHAPTER 177

H.P. 641 - L.D. 885

An Act To Promote Bulk Retail Purchasing

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

Sec. 1. 7 MRSA §219-A is enacted to read:

§219-A. Reusable containers

The department shall ensure that its rules, established in accordance with the commissioner's rule-making authority in section 12, and guidelines neither preclude business owners from allowing nor require business owners to allow consumers to supply their own containers for the bulk purchase of shelf-stable food and nonfood items. The department shall provide technical assistance and education to business owners and consumers regarding best practices for the use of reusable containers.

Sec. 2. Review and report. The Department of Agriculture, Conservation and Forestry shall review its rules and guidelines to ensure they are in compliance with the Maine Revised Statutes, Title 7, section 219-A. By February 1, 2022, the department shall provide a report on its progress toward implementation of the requirements of Title 7, section 219-A to the Joint Standing Committee on Innovation, Development, Economic Advancement and Business.

See title page for effective date.

CHAPTER 178
S.P. 304 - L.D. 952

An Act To Limit Liability Regarding Donations of Menstrual Products

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

Sec. 1. 14 MRSA §173 is enacted to read:

§173. Immunity for menstrual product donations

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

A. "Apparently usable" means, with respect to a product, that the product meets all quality and labeling standards imposed by federal, state and local laws and regulations even if the product may not be readily marketable.

B. "Menstrual product" means a sanitary napkin, tampon, liner, cup, underwear or any similar item used by an individual with respect to menstruation.

2. Immunity for donor. Notwithstanding any other provision of law, a good faith donor of menstrual products that are apparently usable at the time they are donated to a bona fide charitable or nonprofit organization for free distribution is immune from civil or criminal liability arising from injury or death due to the condition of the menstrual products, unless the injury or death is a direct result of the gross negligence, recklessness or intentional misconduct of the donor.

3. Immunity of distributor. Notwithstanding any other provision of law, a bona fide charitable or nonprofit organization and any employee or volunteer of that organization who in good faith receive and distributes menstrual products that are apparently usable at the time they are distributed are immune from civil or criminal liability arising from an injury or death due to the condition of the menstrual products, unless the injury or death is a direct result of the gross negligence, recklessness or intentional misconduct of the organization employee or volunteer.

4. Application. This section applies to all good faith donations of menstrual products that are not readily marketable due to appearance, grade, surplus or other conditions, but nothing in this section restricts the authority of any appropriate agency to regulate or bar the use of those menstrual products for use.

5. Immunity of facilities. Notwithstanding any provision of law to the contrary, a hospital or other health care facility licensed by the Department of Health and Human Services that, in good faith and in accordance with guidelines established by the recipient organization, donates menstrual products that are apparently usable at the time they are donated to a bona fide