

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

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

charitable or nonprofit organization for free distribution is immune from civil or criminal liability arising from injury, illness or death due to the condition of the menstrual products, unless the injury, illness or death is a direct result of intentional misconduct of the donor. Nothing in this subsection prevents a licensed hospital or health care facility from receiving the immunity provided in subsection 2 if the donor qualifies for immunity under the terms of that subsection.

See title page for effective date.

**CHAPTER 179
H.P. 837 - L.D. 1159**

**An Act To Amend the
Membership Requirements of
the Board of Pesticides Control**

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

Sec. 1. 22 MRSA §1471-B, sub-§1, as amended by PL 2019, c. 192, §1, is further amended to read:

1. Board established. The Board of Pesticides Control is established by Title 5, section 12004-D, subsection 3, within the Department of Agriculture, Conservation and Forestry. Except as provided in this chapter, the board must be composed of 7 members, appointed by the Governor, subject to approval by the joint standing committee of the Legislature having jurisdiction over agricultural matters and confirmation by the Senate. To provide the knowledge and experience necessary for carrying out the duties of the board, the board must consist of the following members: one person with practical experience and knowledge regarding the agricultural use of chemicals; one person who has practical experience and knowledge regarding the use of chemicals in forest management; one person from the medical community; a scientist from the University of Maine System specializing in agronomy, entomology or plant pathology having practical experience and expertise in integrated pest management; one commercial applicator; and 2 persons appointed to represent the public. ~~One of the~~ The 2 members appointed to represent the public must have ~~practical experience and knowledge of methods of sustainable management of indoor or outdoor pests a demonstrated interest in environmental protection.~~ A member appointed to represent the public may not have a financial interest in activities regulated by the board and may not be an individual who has been or is licensed, certified or given a permit in this State or any other state for activities regulated by the board. The term must be for 4 years, except that of the initial appointees, 2 serve 4-year terms, 2 serve 3-year terms, 2 serve 2-year terms and one serves a one-year term. Any vacancy must be filled by an appointment for the remainder of the unexpired term.

Sec. 2. Transition. The Governor shall appoint members of the board representing the public who meet the criteria of this Act within 60 days of the effective date of this Act. Notwithstanding the term limits of members of the board in section 1, a member of the board representing the public who does not meet the criteria for a member representing the public under section 1 serving on the effective date of this Act serves until the member's replacement has been confirmed by the Senate.

See title page for effective date.

**CHAPTER 180
H.P. 850 - L.D. 1172**

**An Act To Delay State-
mandated Teacher and
Principal Evaluation**

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

Sec. 1. Temporary waiver of educator performance evaluations. Notwithstanding any provision of law to the contrary, except for teachers in the 2nd year of a probationary period as described in the Maine Revised Statutes, Title 20-A, section 1055, subsection 10, a school administrative unit is not required to evaluate an educator as defined in Title 20-A, section 13701, subsection 1 pursuant to a performance evaluation and professional growth system developed in accordance with Title 20-A, chapter 508 during the 2021-2022 school year.

See title page for effective date.

**CHAPTER 181
H.P. 891 - L.D. 1216**

**An Act To Amend the State
Tax Laws**

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

PART A

Sec. A-1. 20-A MRSA §12545, as amended by PL 2015, c. 328, §1, is further amended to read:

§12545. Report

By February 1, ~~2024~~ 2022, each accredited Maine community college, college and university, as defined in section 12541, subsection 1, shall report to the department on efforts to promote the program and to train admissions and financial aid staff about the program. By ~~March~~ February 1, 2024 ~~2022~~, the department shall report findings and recommendations regarding the program to the joint standing committee of the Legislature