

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

H. Until January 1, 2025, the prohibitions in this section do not apply to:

(1) New foams, excluding rigid polyurethane one-component foam sealants, when used in space-related and aeronautics-related applications when the department has determined that reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements; and

(2) New rigid polyurethane high-pressure 2-component spray foams and new rigid polyurethane low-pressure 2-component spray foams, when used in military or space-related and aeronautics-related applications when the department has determined that reasonable efforts have been made to ascertain that other alternatives are not technically feasible due to performance or safety requirements.

I. Any product or equipment the end use of which is regulated under this section is exempt from the prohibitions in this section and the rules adopted pursuant to this section if such state regulation of the product or equipment is preempted by federal statute or regulation, so long as that federal preemption remains in effect.

4. Record keeping. In accordance with rules adopted by the department pursuant to this section, a person that manufactures for sale or entry into commerce in the State a product or equipment regulated under this section shall maintain for 5 years, and shall make available to the department upon request, records sufficient to demonstrate that the product or equipment does not contain any substances prohibited for an applicable end use regulated under this section or that the product or equipment is exempt from the prohibitions in this section pursuant to subsection 3.

5. Venting prohibition. In accordance with rules adopted by the department, a person may not intentionally or knowingly vent or otherwise release into the environment any prohibited substance identified pursuant to subsection 2 when maintaining, servicing, repairing or disposing of a product or equipment regulated under this section that was sold, leased, rented, installed or entered into commerce in the State prior to the date of an applicable prohibition under subsection 2 for that product or equipment. The prohibition under this subsection does not apply to a person who causes such a release if that release is de minimis and the person caused the release while engaged in a good faith attempt to recycle or recover the prohibited substance in a product or equipment regulated under this section.

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

A. In its initial adoption of rules to implement this section, the department may not regulate a substance or end use not specifically identified in this section. Subsequent to that initial adoption of rules, the department may amend its adopted rules to regulate or exempt, consistent with this section, substances that are hydrofluorocarbons with high global warming potential and air conditioning, refrigeration, foam or aerosol propellant end uses that are not specifically identified in this section or for other purposes consistent with this section.

B. Prior to adopting or amending rules to implement this section, the department shall consult with the Department of Public Safety, Office of the State Fire Marshal regarding the effects of any proposed rules on safety-related requirements and restrictions in state or local building codes and in other related state laws and rules.

C. The department may not adopt by rule a prohibition pursuant to this section that is applicable to new light duty vehicles unless a substantially similar prohibition has been adopted in another state and is in effect in that other state.

D. If, pursuant to the federal Clean Air Act, 42 United States Code, Section 7671k, the United States Environmental Protection Agency approves a hydrofluorocarbon blend with a global warming potential of 750 or less for foam blowing of polystyrene extruded boardstock and billet or rigid polyurethane low-pressure 2-component spray foam, the department may initiate rulemaking to amend its rules adopted pursuant to this section to address that federal action.

See title page for effective date.

CHAPTER 193

H.P. 234 - L.D. 330

**An Act To Improve the Process
of Disposal of Hospice
Medications Used in the Home**

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

Sec. 1. 22 MRSA §8624 is enacted to read:

§8624. Medication disposal

A hospice provider who provides services to a client in the home of the client or the family of the client or another person shall provide a written policy to the client or family as part of developing the care plan. The written policy must include, but is not limited to, the following:

1. Care plan guidance. Clarification of the hospice provider, client and family roles and expectations

regarding the prescribing and administering of controlled substances;

2. Safe use and storage. Requirements for management for safe use and storage of controlled substances in the home;

3. Disposal expected. Requirements for documentation that the client's family is expected to safely and appropriately dispose of any medications, especially controlled substances, after the client has died;

4. Safe disposal. Information on safe and environmentally sound disposal of medications;

5. Disposal method. Requirements for return envelopes or disposal kits or any other method of collection or disposal that the pharmacy providing the medication or the hospice provider has provided or recommended to the client and the family that is consistent with Maine Drug Enforcement Agency recommendations and requirements;

6. Notice of letter after death. Requirements for advance notice that the hospice provider will send a letter to the client's family after the client has died with a reminder that the family is expected to dispose of medications; and

7. Documentation. Requirements for signed documentation, retained by the hospice provider, from the client or family that the written policy has been provided and discussed in a language and manner that the client can understand.

The hospice provider shall send a letter to the family within 30 days of the death of the client stating that the family is expected to dispose of any medications with the information on safe and environmentally sound disposal that was provided at the time of developing the care plan.

For the purposes of this section, "controlled substances" has the same meaning as in section 7246, subsection 1.

Sec. 2. Division of licensing and certification within the Department of Health and Human Services medication disposal policy. The division of licensing and certification within the Department of Health and Human Services shall establish minimum criteria for the written policy for medication disposal required by hospice providers licensed pursuant to the Maine Revised Statutes, Title 22, chapter 1681 providing services to hospice clients in the home of the client or the client's family. The criteria for the written policy used by hospice providers must comply with the requirements of 42 Code of Federal Regulations, Section 418.106 or any subsequent federal regulations and Title 22, section 8624.

See title page for effective date.

**CHAPTER 194
H.P. 244 - L.D. 346**

**An Act Requiring the Use of
Propane and Natural Gas
Detectors**

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

Sec. 1. 25 MRSA §2469 is enacted to read:

§2469. Fuel gas detectors

1. Fuel gas detector. As used in this section, unless the context otherwise indicates, "fuel gas detector" means a device:

- A. With an assembly that incorporates a sensor control component and an alarm notification that detects elevations in propane, natural gas or any liquified petroleum gas;
- B. That sounds a warning alarm; and
- C. That is approved or listed for the purpose specified in paragraph B by a nationally recognized independent testing laboratory.

A fuel gas detector may be battery-operated, plugged into an electrical outlet or hardwired.

2. Fuel gas detector required. The building owner shall install, or cause to be installed, in accordance with the manufacturer's requirements at least one approved fuel gas detector in every room containing an appliance fueled by propane, natural gas or any liquified petroleum gas in:

- A. Each unit in any building of multifamily occupancy;
- B. A fraternity house, sorority house or dormitory that is affiliated with an educational facility;
- C. A children's home, emergency children's shelter, children's residential care facility, shelter for homeless children or specialized children's home as defined in Title 22, section 8101, subsections 1, 2, 4, 4-A and 5, respectively;
- D. A hotel, motel or inn;
- E. A mixed use occupancy that contains a dwelling unit;
- F. A business occupancy;
- G. A mercantile occupancy; or
- H. An assembly occupancy.

3. Residential rental units. In a residential rental unit occupied under the terms of a rental agreement or under a month-to-month tenancy:

- A. At the time of each occupancy, the landlord shall provide fuel gas detectors in accordance with