

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

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

subsection 2 if fuel gas detectors are not already present. Each fuel gas detector must be in working condition. After notification, in writing, by the tenant of any deficiencies in a fuel gas detector, the landlord shall repair or replace the fuel gas detector. If the landlord did not know and had not been notified of the need to repair or replace a fuel gas detector, the landlord's failure to repair or replace the fuel gas detector may not be considered evidence of negligence in a subsequent civil action arising from death, property loss or personal injury; and

B. The tenant shall keep the fuel gas detectors in working condition by keeping the fuel gas detectors connected to the electrical service in the building or keeping charged batteries in battery operated fuel gas detectors, by testing the fuel gas detectors periodically and by refraining from disabling the fuel gas detectors.

4. Transfer of building. A person who, after January 1, 2022, acquires by sale or exchange a building listed in subsection 2, paragraph A shall install fuel gas detectors in accordance with subsection 2 in the acquired building within 30 days of acquisition or occupancy of the building, whichever is later, if fuel gas detectors in accordance with subsection 2 are not already present, and shall certify at the closing of the transaction that fuel gas detectors will be installed. This certification must be signed and dated by the person acquiring the building. A fuel gas detector must be installed in accordance with the manufacturer's requirements at the time of installation in each area containing an appliance fueled by propane, natural gas or liquified petroleum gas. A person may not have a claim for relief against a property owner, a property purchaser, an authorized agent of a property owner or purchaser, a person in possession of real property, a closing agent or a lender for any damages resulting from the operation, maintenance or effectiveness of a fuel gas detector. Violation of this subsection does not create a defect in title.

5. Penalties. A person who violates this section commits a civil violation for which a fine of not more than \$500 for each violation may be adjudged. The court may waive any penalty or cost against a violator upon satisfactory proof that the violation was corrected within 10 days of the issuance of a complaint.

6. Liability. Nothing in this section gives rise to any action against an owner required to comply with subsection 2 or 3 if the owner has conducted an inspection of the required fuel gas detectors immediately after installation and has reinspected the fuel gas detectors prior to occupancy by each new tenant, unless the owner has been given at least 24 hours' actual notice of a defect or failure of the fuel gas detector to operate properly and has failed to take action to correct the defect or failure.

7. Noninterference. A person may not knowingly interfere with or make inoperative any fuel gas detector

required by this section, except that the owner or the agent of an owner of a building may temporarily disconnect a fuel gas detector in a dwelling unit or common area only for construction or rehabilitation activities when such activities are likely to activate the fuel gas detector or make it inactive. The fuel gas detector must be immediately reconnected at the cessation of construction or rehabilitation activities each day, regardless of the intent to return to construction or rehabilitation activities on succeeding days.

Sec. 2. Application. Notwithstanding the Maine Revised Statutes, Title 25, section 2469, subsection 2, paragraphs F, G and H, a business occupancy, a mercantile occupancy or an assembly occupancy in existence on January 1, 2022 shall comply with Title 25, section 2469, subsection 2 by January 1, 2026.

Sec. 3. Effective date. This Act takes effect January 1, 2022.

Effective January 1, 2022.

CHAPTER 195

S.P. 194 - L.D. 487

An Act Regarding Certain Employees of and To Provide for the Payment of Certain Filing Fees to the Public Advocate

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

Sec. 1. 35-A MRSA §708, sub-§4-A is enacted to read:

4-A. Filing fee to Office of the Public Advocate. When an applicant pays a filing fee to the commission pursuant to subsection 4, the applicant shall, at the same time, pay to the Office of the Public Advocate a filing fee not to exceed 3/100 of 1% of the total transaction value of the reorganization, as determined by the commission, if the office determines that the application may involve issues that would necessitate significant additional costs to the office. The applicant may request the Office of the Public Advocate to waive all or a portion of the filing fee. The Office of the Public Advocate shall decide on the waiver request within 30 days.

Filing fees paid as required under this subsection must be segregated, apportioned and expended by the Office of the Public Advocate for the purposes of representing the interests of consumers in the proceeding before the commission or conducting public outreach to inform consumers about the proceeding. The Office of the Public Advocate shall return any portion of the filing fee that is not expended for these purposes to the applicant who paid the fee.