

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

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.

Sec. 2. 35-A MRSA §1701, sub-§3, ¶E, as amended by PL 2019, c. 226, §2, is further amended to read:

E. ~~Business Services Manager~~ Senior Assistant to the Public Advocate, salary range 26;

Sec. 3. 35-A MRSA §3132, sub-§10-A, as amended by PL 2019, c. 177, §1, is further amended to read:

10-A. Filing fee to Office of the Public Advocate. When a person pays a filing fee to the commission pursuant to subsection 9, the person shall, at the same time, pay to the Office of the Public Advocate an amount equal to 2/100 of 1% of the estimated cost to erect, rebuild or relocate the transmission line, except that in the case of a petition filed under subsection 2, the fee is 3/100 of 1%. If the Office of the Public Advocate's expenses in the transmission line proceeding exceed the amount of the original filing fee, the Office of the Public Advocate may bill the person monthly for additional incurred expenses. The person may, at the time of the filing of the petition under this section, 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 person who paid the fee.

See title page for effective date.

**CHAPTER 196
H.P. 376 - L.D. 513**

**An Act Regarding the Citizen
Members and the Complaint
Review Committee of the
Board of Trustees of the Maine
Criminal Justice Academy**

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

Sec. 1. 25 MRSA §2801-A, sub-§1-A is enacted to read:

1-A. Citizen member. "Citizen member" means a citizen, educator or municipal official appointed to the board pursuant to section 2802 who is not and has never been a sworn member of a law enforcement agency.

Sec. 2. 25 MRSA §2805-C, sub-§1, as amended by PL 2013, c. 147, §37, is further amended to read:

1. Committee. The chair of the board shall appoint ~~3~~ 5 members of the board to serve on the complaint review committee. ~~One~~ Two of the members must be ~~one of the~~ citizen members of the board. ~~At~~ A majority of the members of the committee, including at least one citizen member, must be present for deliberations. A majority vote is necessary to recommend taking corrective or disciplinary action on a complaint or to order an independent investigation pursuant to subsection 3.

See title page for effective date.

**CHAPTER 197
H.P. 382 - L.D. 519**

**An Act To Protect Children
from Exposure to Toxic
Chemicals**

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

Sec. 1. 7 MRSA §606, sub-§3 is enacted to read:

3. Unlawful use. A person may not apply glyphosate or dicamba within 75 feet of school grounds. This subsection does not apply to residential property or land used for commercial farming.

For purposes of this subsection, unless the context otherwise indicates, the following terms have the following meanings:

A. "Commercial farming" has the same meaning as in section 52, subsection 3;

B. "Residential property" means real property located in this State that is used for residential dwelling purposes;

C. "School" means any public, private or tribally funded elementary school as defined in Title 20-A, section 1, subsection 10, secondary school as defined in Title 20-A, section 1, subsection 32 or a nursery school that is part of an elementary or secondary school; and

D. "School grounds" means:

(1) Land associated with a school building including playgrounds and athletic fields used by students or staff of a school. "School grounds" does not include land used for a school farm; and

(2) Any other outdoor area used by students or staff including property owned by a municipality or a private entity that is regularly used