

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

A. The results of the inventories completed by the bureau and by the property owners of state-leased buildings pursuant to subsection 2;

B. Detailed plans for the remediation, abatement or containment of asbestos, lead, black mold and other substances that may be harmful to human health found in state-owned buildings and state-leased buildings; and

C. Data on the completion of planned remediation, abatement or containment under paragraph B.

4. Access to database. The database established and maintained pursuant to subsection 3 must be readily accessible electronically to:

A. Collective bargaining agents of employees who work in state-owned buildings or state-leased buildings;

B. State employees whose usual work sites are state-owned buildings or state-leased buildings that contain asbestos, lead, black mold or other substances that may be harmful to human health;

C. Individuals who perform maintenance, repair and custodial services in state-owned buildings or state-leased buildings;

D. Firefighters responsible for providing services to state-owned buildings or state-leased buildings;

E. The Department of Labor;

F. The Department of Health and Human Services, Maine Center for Disease Control and Prevention; and

G. Members of the joint standing committee of the Legislature having jurisdiction over state and local government matters.

5. Building maintenance or repair. Prior to any maintenance or repair of a state-owned building by a person employed by a state agency, the bureau shall review the building's records in the database established and maintained pursuant to subsection 3 or inventory the state-owned building if the state-owned building has not already been inventoried pursuant to subsection 2 and add the results of the inventory into the database established and maintained pursuant to subsection 3. If asbestos, lead, black mold or other substances that may be harmful to human health are found in the state-owned building to be maintained or repaired by a person employed by a state agency, the bureau shall inform the person performing the maintenance or repair work and provide appropriate protective gear.

6. Monitoring, abatement and remediation. To promote a safe and healthy environment in state-owned buildings, the bureau's division of safety and environmental services shall:

A. Provide statewide monitoring of state-owned buildings to continuously identify the presence of

health hazards in state-owned buildings, including, but not limited to, asbestos, lead, black mold and other substances that may be harmful to human health;

B. Conduct routine building inventories and testing as appropriate to discover and assess the presence of health hazards in state-owned buildings, including, but not limited to, asbestos, lead, black mold and other substances that may be harmful to human health;

C. Identify any abatement, remediation, containment and maintenance necessary to address and prevent potential health hazards in state-owned buildings, including, but not limited to, asbestos, lead, black mold and other substances that may be harmful to human health; and

D. Work with state departments and state agencies to develop safety protocols and train state employees on safety protocols.

7. Biennial report. The department shall submit a report to the joint standing committee of the Legislature having jurisdiction over state and local government matters that describes the conditions of state-owned buildings and state-leased buildings and areas of concern by February 1st of every even-numbered year.

8. Rules. The department may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules pursuant to chapter 375, subchapter 2-A.

Sec. 2. Safety education; black mold standards; safety committees. The Department of Administrative and Financial Services and the Department of Labor shall work together with collective bargaining organizations representing state employees to promote health and safety education of state employees, to identify appropriate standards for black mold prevention and remediation in state-owned buildings and state-leased buildings similar to the standards recommended by the United States Environmental Protection Agency and to develop a framework for regionally based safety committees.

See title page for effective date.

CHAPTER 263

H.P. 772 - L.D. 1044

**An Act To Protect the Rights of
Certain Incarcerated
Individuals**

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

Sec. 1. 34-A MRSA §1208-B, sub-§2, as enacted by PL 2015, c. 335, §22, is amended to read:

2. **Rulemaking.** Rules adopted pursuant to this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. ~~Rules adopted pursuant to this section must take effect January 1, 2016.~~

Sec. 2. 34-A MRSA §1208-B, sub-§3 is enacted to read:

3. Gender affirmation. The standards, policies and procedures established pursuant to this section for the county jails and regional jail must require the jails to respect and acknowledge an incarcerated person's consistently held gender identity irrespective of anatomy or physique. Housing placements and search practices must be consistent with the person's consistently held gender identity except when such placement or search would present significant management or security problems to the jail or threaten the health and safety of the person. A person must have access to commissary items, clothing, personal property, programming and educational materials that are consistent with the person's consistently held gender identity. County and regional jail staff shall address a person in a manner that is consistent with the person's consistently held gender identity.

Sec. 3. 34-A MRSA §3031, sub-§8, as amended by PL 2019, c. 139, §2, is further amended to read:

8. Visitation. A reasonable opportunity to visit with relatives and friends, in accordance with departmental policies and institutional procedures, ~~provided~~ except that the department may restrict or prohibit visits when the restriction or prohibition is necessary for the security of the institution; ~~and~~

Sec. 4. 34-A MRSA §3031, sub-§9, as enacted by PL 2019, c. 139, §3, is amended to read:

9. Menstrual products. Comprehensive access to menstrual products, including, but not limited to, sanitary pads and tampons, provided and available at all times and without inconvenience or charge to a person who menstruates who resides in a correctional or detention facility; and

Sec. 5. 34-A MRSA §3031, sub-§10 is enacted to read:

10. Gender affirmation. Have the person's consistently held gender identity respected and acknowledged, irrespective of anatomy or physique. Housing placements and search practices must be consistent with the person's consistently held gender identity except when such placement or search would present significant management or security problems to the correctional or detention facility or threaten the health and safety of the person. A person must have access to commissary items, clothing, personal property, programming and educational materials that are consistent with the person's consistently held gender identity. Correctional or detention facility staff shall address a person in

a manner that is consistent with the person's consistently held gender identity.

See title page for effective date.

CHAPTER 264

S.P. 361 - L.D. 1100

An Act To Support the Continued Access to Solar Energy and Battery Storage by Maine Homes and Businesses

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

Sec. 1. 35-A MRSA §3474, sub-§3 is enacted to read:

3. Interconnection rules. The commission shall adopt rules related to the interconnection of renewable capacity resources, as defined in section 3210-C, subsection 1, paragraph E, using solar power to investor-owned transmission and distribution utilities, as defined in section 3201, subsection 11-A, in a manner that supports the goals in this section and ensures:

A. The State's interconnection rules reflect nationally recognized best practices;

B. Customers affected by deficiencies in the rules are able to access timely resolution processes that do not place an undue burden on the customer; and

C. Investments in investor-owned transmission and distribution utility distribution upgrades related to load are coordinated with utility infrastructure upgrades required for the interconnection of renewable capacity resources using solar power.

Sec. 2. Solar energy resources interconnection evaluation. The Public Utilities Commission shall contract with an expert to evaluate near-term reforms to the State's standards, practices and procedures related to the interconnection of renewable capacity resources as defined in the Maine Revised Statutes, Title 35-A, section 3210-C, subsection 1, paragraph E using solar power to investor-owned transmission and distribution utilities to:

1. Ensure that the timelines and requirements for interconnection do not unduly limit the ability of residential and nonresidential customers to install on-site solar energy generation and battery storage systems to offset a customer's electrical consumption and that interconnection costs for these customers are limited to interconnection facility upgrades and do not include the cost of distribution upgrades;

2. Improve the transparency of interconnection screens and upgrades for customer-sited generation; and