

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

physically handicapped persons with disabilities at the time of placement.

Sec. 55. 35-A MRSA §7505, as amended by PL 2009, c. 174, §§24 and 25, is further amended to read:

§7505. Telecommunication devices for the persons who are hard of hearing and or speech impaired required in public facilities

1. **State buildings.** The Department of Administrative and Financial Services shall require the installation and maintenance of telecommunication devices for communication for the persons who are deaf, hard of hearing, late deafened and speech impaired or speech impaired who rely on those devices for telephone communications in locations accessible to the public in state buildings where a primary function is the delivery of service to the general public in accordance with a plan developed by the Department of Administrative and Financial Services, Bureau of Information Services and the Department of Labor, Bureau of Rehabilitation Services.

2. **Other facilities serving the public.** If public telephones are provided in a public facility, it shall be the responsibility of the owner or manager of the public facility to provide equal access by providing at least one telecommunication device for the persons who are hard of hearing and or speech impaired in the public facility.

3. **Public facilities.** For the purposes of this section, the following kinds of facilities shall be considered public facilities:

- A. Airport terminals serving scheduled flights;
- B. Bus and train depots; and
- C. Hospitals.

4. **Notice.** A sign noting the availability and location of the telecommunication device for persons who are hard of hearing and or speech impaired persons shall be posted by the owner of the facility in a conspicuous location within each public facility covered by this section.

5. **Devices.** The requirements of this section may be satisfied by installation of telecommunications devices for the deaf as defined in section 8702, subsection 6, or other devices approved by the Department of Labor, Bureau of Rehabilitation Services, Division for the Deaf, Hard of Hearing and Late Deafened.

6. **Relief.** A violation of this section is unlawful public accommodations discrimination under Title 5, section 4592, and any person aggrieved may assert that person's rights pursuant to Title 5, chapter 337.

Sec. 56. 36 MRSA §1760, sub-§70, as amended by PL 1989, c. 871, §14, is further amended to read:

70. Organizations providing certain services for hearing-impaired persons who are hard of hearing.

Sales to incorporated nonprofit organizations whose primary purposes are to promote public understanding of hearing impairment loss and to assist hearing-impaired persons who are hard of hearing through the dissemination of information about hearing impairment loss to the general public and referral to and coordination of community resources available to hearing-impaired persons who are hard of hearing.

Sec. 57. 36 MRSA §2557, sub-§25, as enacted by PL 2003, c. 673, Pt. V, §25 and affected by §29, is amended to read:

25. **Organizations providing certain services for hearing-impaired persons who are hard of hearing.** Sales to incorporated nonprofit organizations whose primary purposes are to promote public understanding of hearing impairment loss and to assist hearing-impaired persons who are hard of hearing through the dissemination of information about hearing impairment loss to the general public and referral to and coordination of community resources available to hearing-impaired persons who are hard of hearing;

Sec. 58. **State to discontinue use of terms "handicap," "handicapped" and "hearing impaired."** Departments, agencies and offices of the legislative, executive and judicial branches of State Government shall discontinue the use of the terms "handicap," "handicapped" and "hearing impaired" to describe a person or set of persons in all laws, rules and official documents. The commissioner's office of each department of State Government shall report to the Joint Standing Committee on Judiciary by December 1, 2021 regarding progress on removing the terms from official documents and a reasonable time frame to complete the removal.

See title page for effective date.

CHAPTER 349

H.P. 995 - L.D. 1344

An Act To Clarify the Authority of the Department of Health and Human Services during a Public Health Emergency

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

Sec. 1. 5 MRSA §10004, sub-§3, as enacted by PL 1977, c. 694, §38, is amended to read:

3. **Health or safety hazard.** The health or physical safety of a person or the continued well-being of a significant natural resource is in immediate jeopardy at the time of the agency's action, and acting in accordance with subchapter ~~IV~~ 4 or ~~VI~~ 6 would fail to adequately respond to a known risk, provided that as long as the

revocation, suspension or refusal to renew ~~shall~~ does not continue for more than 30 days, except as provided in Title 22, section 804 and subject to review under Title 22, section 804, subsection 3;

Sec. 2. 22 MRSA §802, sub-§1, ¶C, as amended by PL 2005, c. 383, §6, is further amended to read:

C. Investigate cases, epidemics and occurrences of communicable, environmental and occupational diseases; ~~and~~

Sec. 3. 22 MRSA §802, sub-§1, ¶D, as amended by PL 2005, c. 383, §6, is further amended to read:

D. Establish procedures for the control, detection, prevention and treatment of communicable, environmental and occupational diseases, including public immunization ~~and~~ contact notification programs; and closure of a business or entity when that business or entity directly and repeatedly violates public health control measures during an extreme public health emergency under section 820; and

Sec. 4. 22 MRSA §802, sub-§1, ¶E is enacted to read:

E. Impose administrative fines in accordance with section 804 and Title 5, chapter 375.

Sec. 5. 22 MRSA §802, sub-§2, ¶B, as enacted by PL 1989, c. 487, §11, is amended to read:

B. Procedures for the disinfection, seizure or destruction of contaminated property; ~~and~~

Sec. 6. 22 MRSA §802, sub-§2, ¶C, as amended by PL 2005, c. 383, §7, is further amended to read:

C. The establishment of temporary facilities for the care and treatment of infected or exposed persons, which are subject to the supervision and regulations of the department and to the limitations set forth in section 807; ~~and~~

Sec. 7. 22 MRSA §802, sub-§2, ¶D is enacted to read:

D. Procedures for the imposition of sanctions, including license suspensions and administrative fines, to enforce orders issued to reduce potential exposure and risk to public health. Notwithstanding Title 5, section 10004, subsection 3, the department may directly and temporarily suspend a department-issued license for more than 30 days when further operation of the licensee's business would result in a serious and imminent risk to public health or safety.

Sec. 8. 22 MRSA §804, sub-§2, as enacted by PL 1989, c. 487, §11, is amended to read:

2. Refusal to obey rules. Any person who neglects, violates or refuses to obey the rules or who willfully obstructs or hinders the execution of the rules, may be ordered by the department, in writing, to cease and desist. This order ~~shall~~ may not be considered an adjudicatory proceeding within the meaning of the Maine Administrative Procedure Act, ~~Title 5, chapter 375.~~ In the case of any person who refuses to obey a cease and desist order issued to enforce the rules adopted pursuant to section 802, the department may impose a fine, which may not be less than \$250 or greater than \$1,000 for each violation. Each day that the violation remains uncorrected may be counted as a separate offense. A fine may be imposed for each violation of the rules. If the imposition of a fine under this subsection does not result in compliance, the department may bring an action in District Court to obtain an injunction enforcing the cease and desist order or to request a civil fine not to exceed \$500 \$1,500, or both. Alternatively, the department may seek relief pursuant to section 810 or 812. The District Court ~~shall~~ have ~~has~~ jurisdiction to determine the validity of the cease and desist order whenever an action for injunctive relief or civil penalty is brought before it under this subsection.

Sec. 9. 22 MRSA §804, sub-§3 is enacted to read:

3. License suspension. A licensing agency under the department may immediately suspend a license pursuant to Title 5, section 10004, subsection 3 for a violation under this section. Notwithstanding Title 5, section 10004, subsection 3, a suspension under this subsection remains in effect until:

A. The licensing agency determines that the licensee's conduct no longer poses an imminent risk to public health or safety; or

B. The District Court, after conducting a hearing at the licensee's request, finds that the licensee's conduct does not pose an imminent risk to public health or safety. The suspension remains in effect pending the District Court's review under this paragraph.

See title page for effective date.

CHAPTER 350

H.P. 1014 - L.D. 1380

An Act To Increase Protections for Option Contracts for the Purchase of Real Property or Rent-to-own Real Property

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