

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

In the case of institutions and schools operated by the Department of Health and Human Services, income derived from the sale of meals accrues to the General Fund. With the approval of the Commissioner of Health and Human Services and the head of the institution involved, no charge may be made for the provision of meals to any state employee who eats such meals within the scope of employment and in doing so serves a function of that employment. If such approval is given, the Commissioner of Health and Human Services shall establish standards that must be applied uniformly at all institutions within the department.

See title page for effective date.

**CHAPTER 432
S.P. 117 - L.D. 803**

**An Act Regarding Violation of
a Protective Order**

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

Sec. 1. 19-A MRSA §4011, sub-§1, as amended by PL 2001, c. 420, §1, is further amended to read:

1. Crime committed. Except as provided in subsections 2 ~~and~~ 4 ~~and~~ 5, violation of the following is a Class D crime when the defendant has prior actual notice, which may be notice by means other than service in hand, of the order or agreement:

A. A temporary, emergency, interim or final protective order, an order of a tribal court of the Passamaquoddy Tribe or the Penobscot Nation or a similar order issued by a court of the United States or of another state, territory, commonwealth or tribe; or

B. A court-approved consent agreement.

Sec. 2. 19-A MRSA §4011, sub-§4, as enacted by PL 2001, c. 420, §2, is amended to read:

4. Reckless conduct; assault. A defendant who violates a protective order issued pursuant to section 4007 or an order that is similar to a protective order pursuant to section 4007 issued by a court of the United States or of another state, territory, commonwealth or tribe through conduct that is reckless and that creates a substantial risk of death or serious bodily injury to the plaintiff named in the protective order or who assaults the plaintiff named in the protective order commits a Class C crime.

See title page for effective date.

**CHAPTER 433
H.P. 696 - L.D. 940**

**An Act To Establish Appliance
Energy and Water Standards**

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

Sec. 1. 38 MRSA §1613 is enacted to read:

§1613. Appliance and product efficiency standards

1. Sale prohibition; appliances and products. The following provisions apply to the sale or offering for sale in the State of certain new appliances and products.

A. Except as provided in subsection 2, beginning January 1, 2023, a person may not sell or offer for sale in the State any of the following appliances and products manufactured on or after January 1, 2023 that are prohibited from sale in rules adopted by the department in accordance with subsection 3:

- (1) Computers and computer monitors;
- (2) General service lamps;
- (3) Commercial hot food holding cabinets;
- (4) Plumbing fittings that are showerheads, lavatory faucets, kitchen faucets, public lavatory faucets, metering faucets, kitchen replacement aerators and lavatory replacement aerators;
- (5) Plumbing fixtures that are water closets and urinals;
- (6) Portable electric spas;
- (7) Spray sprinkler bodies; and
- (8) Water dispensers.

For the purposes of this paragraph, the appliances and products listed in subparagraphs (1) to (8) have the same meanings as in rules adopted by the department under subsection 3, except that "general service lamps" means medium-base incandescent light bulbs that are: reflector lamps that are ER30, BR30, BR40 or ER40 lamps rated at 50 watts or less; reflector lamps that are BR30, BR40 or ER40 lamps rated at 65 watts; reflector lamps that are R20 lamps rated at 45 watts or less; B, BA, CA, F and G shape lamps as defined in American National Standards Institute standard C79.1-2002 with a lumen output greater than or equal to 200 and rated at 40 watts or less; A and C shape lamps as defined in American National Standards Institute standard C79.1-2002 with a lumen output greater than or equal to 200 and less than 310; shatter-resistant lamps; and 3-way lamps.

B. In determining a person's compliance with paragraph A, the department shall, to the greatest extent practicable and where consistent with the requirements of this subsection, use information available from other states that regulate the same appliances and products.

C. A person who violates paragraph A commits a civil violation for which a fine of not more than \$100 may be adjudged.

2. Exclusions; federal preemption. This section does not apply to any appliances and products listed in subsection 1, paragraph A, subparagraphs (1) to (8) that are manufactured before January 1, 2023 or that are sold or offered for sale in the State in used condition. An appliance or product listed in subsection 1, paragraph A is exempt from the prohibitions in this section and the rules adopted pursuant to this section if state regulation of the appliance or product is preempted by federal statute or regulation, for as long as that federal preemption remains in effect.

3. Rules. The department may adopt rules to prohibit the sale or offering for sale in the State of appliances or products described in subsection 1, paragraph A. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Memorandum of understanding regarding technical assistance to consumers and businesses. The Department of Environmental Protection may enter into a memorandum of understanding or other formalized agreement with the Efficiency Maine Trust, established in the Maine Revised Statutes, Title 35-A, chapter 97, for the provision of technical assistance by the trust to consumers and businesses in the scope and application of the State's efficiency standards under Title 38, section 1613.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF**

Maine Environmental Protection Fund 0421

Initiative: Provides appropriations for one Environmental Specialist III position and associated costs.

GENERAL FUND	2021-22	2022-23
POSITIONS - LEGISLATIVE	0.000	1.000
COUNT		
Personal Services	\$0	\$85,182
All Other	\$0	\$18,000
GENERAL FUND TOTAL	\$0	\$103,182

See title page for effective date.

**CHAPTER 434
H.P. 732 - L.D. 994**

An Act To Promote Public Health by Eliminating Criminal Penalties for Possession of Hypodermic Apparatuses

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

Sec. 1. 17-A MRSA §1106, sub-§6, as amended by PL 2019, c. 12, Pt. B, §7, is further amended to read:

6. It is an affirmative defense to prosecution under this section that the substance furnished is:

A. Hemp; or,

~~B. A residual amount of any scheduled drug that is contained in one or more hypodermic apparatuses if the person is enrolled in a hypodermic apparatus exchange program that is certified by the Department of Health and Human Services, Maine Center for Disease Control and Prevention and is furnishing the hypodermic apparatuses to an employee of such a program.~~

Sec. 2. 17-A MRSA §1107-A, sub-§5, as amended by PL 2019, c. 12, Pt. B, §9, is further amended to read:

5. It is an affirmative defense to prosecution under this section that the substance furnished is:

A. Hemp; or,

~~B. A residual amount of any scheduled drug that is contained in one or more hypodermic apparatuses if the person is enrolled in a hypodermic apparatus exchange program that is certified by the Department of Health and Human Services, Maine Center for Disease Control and Prevention and is transporting the hypodermic apparatuses to the program.~~

Sec. 3. 17-A MRSA §1107-A, sub-§6 is enacted to read:

6. Unlawful possession of a scheduled drug does not include possession of a residual amount of any scheduled drug that is contained in one or more hypodermic apparatuses.

Sec. 4. 17-A MRSA §1110, as amended by PL 2007, c. 695, Pt. A, §20, is repealed.

Sec. 5. 17-A MRSA §1111, as amended by PL 2007, c. 346, Pt. B, §4, is repealed.

Sec. 6. 17-A MRSA §1111-A, sub-§1, as amended by PL 2017, c. 409, Pt. B, §6, is further amended to read: