

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

By the 20th day of each month beginning January 1, 2022, the assessor shall notify the State Controller and the Treasurer of State of the amount of revenue attributable to the tax collected under this Part on the rental of all-terrain vehicles as defined in Title 12, section 13001, subsection 3. When notified by the assessor, the State Controller shall transfer 90% of that amount to the ATV Recreational Management Fund established in Title 12, section 1893, subsection 2 and 10% to the Multimodal Transportation Fund established in Title 23, section 4210-B.

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

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

Off-Road Recreational Vehicles Program Z224

Initiative: Provides allocation for additional revenue from an all-terrain vehicle short-term rental tax.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$3,600	\$45,000
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$3,600</u>	<u>\$45,000</u>

See title page for effective date.

**CHAPTER 447
H.P. 1100 - L.D. 1486**

An Act To Improve Investigations of Child Sexual Abuse

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

Sec. 1. 17-A MRSA §18 is enacted to read:

§18. Crimes involving minors

A person who poses as a minor is deemed a minor for the purposes of a crime under chapter 11, 12 or 35 that has as an element or aggravating factor that the victim or person other than the actor is a minor.

Sec. 2. 17-A MRSA §855, sub-§1, ¶A, as enacted by PL 2005, c. 444, §1, is amended to read:

A. The person, in return for another's prostitution, gives or agrees to give a pecuniary benefit either to the person whose prostitution is sought or to a 3rd person and the person whose prostitution is sought has not in fact attained 18 years of age or the person knows or believes that the person whose prostitution is sought has not attained 18 years of age. Violation of this paragraph is a Class ~~D~~ C crime; or

Sec. 3. 17-A MRSA §855, sub-§1, ¶B, as enacted by PL 2005, c. 444, §1, is repealed.

Sec. 4. 17-A MRSA §1802, sub-§1, ¶B, as enacted by PL 2019, c. 113, Pt. A, §2, is amended by amending subparagraph (7) to read:

(7) A Class D or Class E crime under section 556, section 853, or section 854, excluding subsection 1, paragraph A, subparagraph (1); ~~or section 855;~~

Sec. 5. 34-A MRSA §11273, sub-§15, ¶C, as enacted by PL 2011, c. 663, §3, is amended to read:

C. Title 17-A, section 855, subsection 1, paragraph ~~B~~ A; and

See title page for effective date.

**CHAPTER 448
S.P. 478 - L.D. 1491**

An Act To Ensure Access to and Availability of Violence Intervention Services To Reduce Domestic Violence in Maine

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

Sec. 1. Appropriations and allocations. The following appropriations and allocations are made.

CORRECTIONS, DEPARTMENT OF

Office of Victim Services 0046

Initiative: Provides funding for partial reimbursement of certified batterers' intervention programs for indigent participant fees.

GENERAL FUND	2021-22	2022-23
All Other	\$200,000	\$200,000
GENERAL FUND TOTAL	<u>\$200,000</u>	<u>\$200,000</u>

Office of Victim Services 0046

Initiative: Provides funding for increased administrative expenses associated with additional funding for certified batterers' intervention program expenses.

GENERAL FUND	2021-22	2022-23
All Other	\$62,500	\$62,500
GENERAL FUND TOTAL	<u>\$62,500</u>	<u>\$62,500</u>

Office of Victim Services 0046

Initiative: Provides funding for training programs to sustain and expand the accessibility of certified batterers' intervention programs.

GENERAL FUND	2021-22	2022-23
All Other	\$25,000	\$25,000
GENERAL FUND TOTAL	<u>\$25,000</u>	<u>\$25,000</u>

CORRECTIONS, DEPARTMENT OF		
DEPARTMENT TOTALS	2021-22	2022-23
GENERAL FUND	\$287,500	\$287,500
DEPARTMENT TOTAL - ALL FUNDS	\$287,500	\$287,500

See title page for effective date.

**CHAPTER 449
H.P. 1115 - L.D. 1505**

An Act To Restrict the Use of Perfluoroalkyl and Polyfluoroalkyl Substances in Firefighting Foam

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

Sec. 1. 38 MRSA §424-C is enacted to read:

§424-C. Perfluoroalkyl and polyfluoroalkyl substances in firefighting or fire-suppressing foam

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Discharge" means a release by any means, including, but not limited to, spilling, leaking, pumping, pouring, spraying, emitting, disposing, escaping, emptying or dumping, whether intentional or unintentional.

B. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" has the same meaning as in Title 32, section 1732, subsection 5-A.

C. "Person" means a natural person, firm, association, partnership, corporation or trust; the State or any agency of the State; a governmental entity or quasi-governmental entity; the United States or any agency of the United States; or any other legal entity.

2. Discharge prohibited. Beginning January 1, 2022, a person may not discharge or cause to be discharged for testing or training purposes a firefighting or fire-suppressing foam to which PFAS have been intentionally added unless the foam is entirely collected by the person for proper disposal.

Nothing in this subsection prohibits a person from discharging or causing to be discharged in an emergency situation to protect life or property a firefighting or fire-suppressing foam to which PFAS have been intentionally added.

3. Discharge reporting. A person that discharges or causes to be discharged firefighting or fire-

suppressing foam to which PFAS have been intentionally added into or upon any coastal waters, estuary, tidal flat, beach or land adjoining the seacoast of the State or into or upon any lake, pond, river, stream, sewer, surface water drainage, groundwater or other waters of the State or any public or private water supply or onto land adjacent to, on or over such waters of the State shall report the discharge to the department as soon as practicable, but no later than 24 hours after the discharge occurs.

4. Manufacture, sale and distribution prohibited. Beginning January 1, 2022, a person may not manufacture, sell, offer for sale, distribute for sale or distribute for use in the State a firefighting or fire-suppressing foam to which PFAS have been intentionally added, except when:

A. Such foam is manufactured, sold or distributed for use at an oil terminal facility in the State. As used in this paragraph, "oil terminal facility" has the same meaning as in section 542, subsection 7.

This paragraph is repealed January 1, 2025; or

B. Such foam is manufactured, sold or distributed for use at an airport in the State, as long as the foam is required by federal law or regulation to be used at airports for firefighting or fire-suppressing purposes, including, but not limited to, as required by 14 Code of Federal Regulations, Section 139.317 as that section existed on January 1, 2021. If, on or after January 1, 2022, no federal law or regulation requires the use of such foam at airports for firefighting or fire-suppressing purposes, the exception in this paragraph to the prohibition in this subsection does not apply.

5. Notice and recall. Except as provided in subsection 4, paragraph A or B, on or before January 1, 2022, a person that manufactures firefighting or fire-suppressing foam to which PFAS have been intentionally added and, prior to January 1, 2022, sold, offered for sale or distributed such foam for sale or use in the State shall:

A. Provide written notification regarding the prohibition in subsection 4 to any person in the State that, prior to January 1, 2022, received such foam from the manufacturer for sale, distribution or use in the State; and

B. Issue a recall of all such foam, which must include a process by which a person in the State that received such foam will be reimbursed by the manufacturer for the recalled foam.

6. Administration and enforcement; rules. The department shall administer and enforce this section and may adopt rules as necessary to implement and administer this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.