

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTY-FIRST LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 3, 2024 to May 10, 2024**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 9, 2024**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2024**

- (5) Drugs that are biological products, as defined in 21 Code of Federal Regulations, Section 600.3(h), if the manufacturer provides a program to take back that drug;
- (6) Drugs for which a manufacturer provides a program to take back those drugs as part of a United States Department of Health and Human Services, Food and Drug Administration managed risk evaluation and mitigation strategy;
- (7) Emptied syringes or emptied medical devices or the component parts or accessories of those products or devices;
- (8) Drugs that are used solely in a clinical setting; and
- (9) Dialysate drugs required to perform home kidney dialysis.

**Sec. 3. 38 MRSA §1612, sub-§1, ¶K**, as enacted by PL 2021, c. 94, §2, is amended to read:

K. "Manufacturer" means:

~~(1) A person that has legal ownership of the brand of a covered drug sold in or into the State; or~~

(1-A) Except as provided in subparagraph (2), a manufacturer of a covered drug that is sold or offered for sale in or into the State; or

~~(2) If the person to which subparagraph (1) applies manufacturer of a covered drug that is sold or offered for sale in or into the State has no physical presence in the United States and is not a participant in a stewardship program, a person that imports a covered drug that is branded by the person to which subparagraph (1) applies sold or offered for sale in or into the State.~~

"Manufacturer" does not include a wholesaler that sells or offers for sale in the State at wholesale a covered drug if the covered drug is manufactured by a manufacturer that is a participant in a stewardship program.

"Manufacturer" does not include a retailer that sells or offers for sale in the State at retail a covered drug under the retailer's ~~brand or~~ store label if the covered drug is manufactured by a manufacturer that is a participant in a stewardship program.

**Sec. 4. 38 MRSA §1612, sub-§3, ¶B**, as enacted by PL 2021, c. 94, §2, is amended to read:

B. Contact information for the person submitting the plan to whom the department shall direct all related inquiries, a list of participating manufacturers and their ~~brands covered drugs~~, contact information for each participating manufacturer and a

list of the covered drugs manufactured by any participating manufacturer that are ~~branded or~~ labeled for sale in the State by a retailer under the retailer's own ~~brand or~~ store label;

See title page for effective date.

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**CHAPTER 505**

**S.P. 862 - L.D. 2034**

**An Act to Address Identified Gaps in the Laws Governing Erosion Control and the Natural Resources Protection Act**

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

**Sec. 1. 38 MRSA §420-C, 2nd ¶**, as enacted by PL 1997, c. 748, §1, is amended to read:

A person who owns property in an organized area of this State that is subject to erosion because of a human activity before July 1, 1997 involving filling, displacing or exposing soil or other earthen materials shall take measures in accordance with the dates established under this paragraph to prevent unreasonable erosion of soil or sediment into a protected natural resource as defined in section 480-B, subsection 8. Adequate and timely temporary and permanent stabilization measures must be taken and maintained on that site to prevent unreasonable erosion and sedimentation. This paragraph applies on and after July 1, 2005 to property that is located in the watershed of a body of water most at risk as identified in the department's storm water rules adopted pursuant to section 420-D and that is subject to erosion of soil or sediment into a protected natural resource as defined in section 480-B, subsection 8. This paragraph applies on and after July 1, 2010 to other property that is subject to erosion of soil or sediment into a protected natural resource as defined in section 480-B, subsection 8.

**Sec. 2. 38 MRSA §420-C, 3rd ¶**, as enacted by PL 1995, c. 704, Pt. B, §2 and affected by Pt. C, §2 and amended by PL 2011, c. 682, §38, is further amended to read:

This section applies to a project or any portion of a project located within ~~an organized area of this the~~ State. This section does not apply to agricultural fields. Forest management activities, including associated road construction or maintenance, conducted in accordance with applicable standards of the ~~Maine Land Use Planning Commission~~ Department of Agriculture, Conservation and Forestry, Bureau of Forestry, are deemed to comply with this section. This section may not be construed to limit a municipality's authority under home rule to adopt ordinances containing stricter standards than those contained in this section.

**Sec. 3. 38 MRSA §480-R, sub-§2**, as amended by PL 2003, c. 414, Pt. B, §71 and affected by c. 614, §9, is further amended to read:

**2. Enforcement.** In addition to department staff, inland fisheries and wildlife game wardens, Department of Marine Resources marine patrol officers ~~and~~, all other law enforcement officers enumerated in Title 12, section 10401 ~~and, pursuant to their delegated authority, the Maine Land Use Planning Commission and the Department of Agriculture, Conservation and Forestry, Bureau of Forestry shall enforce the terms of this article.~~

See title page for effective date.

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**CHAPTER 506  
H.P. 1319 - L.D. 2057**

**An Act to Require the State Board of Examiners of Psychologists and the Board of Examiners in Physical Therapy to Obtain Fingerprint-based Federal Bureau of Investigation Criminal Background Checks for Applicants for Licensure**

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

**Sec. 1. 25 MRSA §1542-A, sub-§1, ¶AA** is enacted to read:

AA. Who is an applicant for licensure as a psychologist with the State Board of Examiners of Psychologists as required under Title 32, section 3833-B.

**Sec. 2. 25 MRSA §1542-A, sub-§1, ¶BB** is enacted to read:

BB. Who is an applicant for licensure as a physical therapist or a physical therapist assistant with the Board of Examiners in Physical Therapy as required under Title 32, section 3114-D.

**Sec. 3. 25 MRSA §1542-A, sub-§3, ¶Z** is enacted to read:

Z. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph AA at the request of that person or the State Board of Examiners of Psychologists and upon payment of the fee by that person as required by Title 32, section 3833-B.

**Sec. 4. 25 MRSA §1542-A, sub-§3, ¶AA** is enacted to read:

AA. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph BB at the request of that person or the Board of Examiners in Physical Therapy and upon payment of the fee by that person as required by Title 32, section 3114-D.

**Sec. 5. 32 MRSA §3114-D** is enacted to read:

**§3114-D. Criminal history record information; fees**

**1. Background check.** The board shall request a background check for each person who submits an application for initial licensure or licensure by endorsement as a physical therapist or a physical therapist assistant under this chapter. The background check must include criminal history record information obtained from the Maine Criminal Justice Information System, established in Title 16, section 631, and the Federal Bureau of Investigation.

A. The criminal history record information obtained from the Maine Criminal Justice Information System must include a record of public criminal history record information as defined in Title 16, section 703, subsection 8.

B. The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information.

C. An applicant shall submit to having fingerprints taken. The Department of Public Safety, Bureau of State Police, upon payment by the applicant of a fee established by the board, shall take or cause to be taken the applicant's fingerprints and shall forward the fingerprints to the Department of Public Safety, Bureau of State Police, State Bureau of Identification so that the State Bureau of Identification can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the Bureau of State Police for purposes of this paragraph must be paid to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety. Any person who fails to transmit criminal fingerprint records to the State Bureau of Identification pursuant to this paragraph is subject to the provisions of Title 25, section 1550.

D. The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709.