

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

vious calendar year. The report must include, at a minimum:

- A. The amount of product collected ~~per county~~ at each collection location;
- B. A description of the methods used to collect, transport and process the product;
- C. An evaluation of ~~the program performance,~~ including, if possible, diversion and recycling rates together with certificates of recycling or similar confirmations and an evaluation of the convenience of the collection system implemented under the program;
- D. A description of the methods used for education and outreach efforts ~~and an evaluation of the convenience of collection and an evaluation of the effectiveness of outreach and education those efforts.~~ Every 2 years, the The report must include the results of an assessment of the methods used for and effectiveness of education and outreach efforts. The assessment must be completed by a 3rd party;
- E. If applicable, the report of the 3rd-party audit conducted to ensure that revenue collected from the assessment does not exceed implementation costs pursuant to subsection 5, paragraph K; ~~and~~
- F. Any recommendations for changes to the product stewardship program and to the approved goals for the program to improve convenience of collection, consumer education and program evaluation; ~~and~~
- G. A financial report on the program, including the total cost of implementing the program as determined by an independent financial audit that includes identification of specific administrative, collection, transportation, disposition and communication costs for the program, and an anticipated budget for the program for the next program year.

8. Department review and approval. Within ~~20~~ business 120 days after receipt of a proposed product stewardship plan, the department shall determine whether the plan complies with ~~subsection 5~~ this section. If the plan is approved, the department shall notify the submitter in writing. If the department rejects the plan, the department shall notify the submitter in writing stating the reason for rejecting the plan. ~~A submitter whose plan is rejected must submit a revised plan to the department within 60 days of receiving a notice of rejection.~~

10. Proprietary information. Proprietary information submitted to the department in a product stewardship plan, in an amendment to a product stewardship plan or pursuant to reporting requirements of this section that is identified by the submitter as proprietary information is confidential and must be han-

dled by the department in the same manner as confidential information is handled under section 1310-B.

~~As used in this subsection, "proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.~~

See title page for effective date.

CHAPTER 228

H.P. 1206 - L.D. 1682

An Act To Amend the Laws Governing the Removal of Unlawful Signs

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

Sec. 1. 23 MRSA §1903, sub-§16-A is enacted to read:

16-A. Urban compact municipality. "Urban compact municipality" has the same meaning as described in section 754, subsection 2, paragraph B.

Sec. 2. 23 MRSA §1913-A, sub-§5, as enacted by PL 1981, c. 318, §3, is repealed and the following enacted in its place:

5. Prohibited practices. None of the signs referred to in this section may be painted or drawn upon a rock or other natural feature or erected or maintained on:

- A. A traffic control sign or device;
- B. A public utility pole or fixture;
- C. A rotary traffic island;
- D. A tree in a public right-of-way;
- E. A control-of-access area; or
- F. A median less than 6 feet wide.

Sec. 3. 23 MRSA §1917, sub-§§1, 2, and 5, as repealed and replaced by PL 1981, c. 318, §4, are amended to read:

1. Notice to remove. The owner of a sign ~~which~~ that was or is unlawfully erected or maintained either prior to or after the effective date of this chapter shall be October 24, 1977 is in violation of this chapter until the sign is removed. The owner of the sign shall remove the sign within ~~30~~ 14 days of receipt of a notice to remove, ~~sent by certified mail, return receipt requested, by the commissioner~~ a notice from the agency that has responsibility for the maintenance of that public way. If the identity of such owner is not known or reasonably ascertainable ~~by the commissioner,~~ such

notice may instead be sent to the owner of the land on which the sign is placed.

2. **Authority to remove sign.** If the owner fails to remove the sign as required, the ~~commissioner~~ department shall remove the sign if it is on a state or state aid highway that is not in an urban compact municipality and the governing municipality may remove the sign if it is located on a town way or state or state aid highway in an urban compact municipality at the expense of the owner without any further notice or proceeding and may recover the expense of this removal from the owner.

5. **Summary removal of illegal signs within the public right-of-way.** ~~Signs which are~~ A sign that is erected in nonconformance with this chapter and which are that is within the limits of any public right-of-way shall be is subject to immediate removal by the commissioner department if the public right-of-way is a state or state aid highway not in an urban compact municipality. The department may remove any sign on any public right-of-way for the purposes of public safety. A sign that is erected in nonconformance with this chapter and that is within the limits of a town way or a state or state aid highway in an urban compact municipality may be removed by the municipality having jurisdiction over that way or highway.

See title page for effective date.

CHAPTER 229

H.P. 1214 - L.D. 1699

An Act To Make a Technical Correction to the Law Governing Certification of Seed Potatoes

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

Sec. 1. 7 MRSA §2103-A, sub-§2, as enacted by PL 1987, c. 336, is amended to read:

2. **Post-harvest tested.** ~~No A seed potato may be certified which that~~ has not been winter post-harvest tested may not be certified. Seed shipped before winter post-harvest test results are available shall must be certified based on field certification.

See title page for effective date.

CHAPTER 230

H.P. 1234 - L.D. 1732

An Act To Eliminate the Scallop Drag Size Limitation in Blue Hill Bay

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

Sec. 1. 12 MRSA §6723, as amended by PL 2015, c. 494, Pt. A, §5, is repealed.

See title page for effective date.

CHAPTER 231

H.P. 1188 - L.D. 1652

An Act To Make Technical Changes to the Taxation of Marijuana

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, state tax law needs to be updated before the 90-day period expires to avoid delay in the development of adult use marijuana rules, to allow the Legislature time to act on that rulemaking before it adjourns and to avoid delay in the processing of adult use marijuana establishment licenses; and

Whereas, legislative action is immediately necessary to ensure continued and efficient administration of state taxation of marijuana and state administration of adult use marijuana; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

PART A

Sec. A-1. 28-B MRSA §511, sub-§1, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

1. **Record keeping; inspection of records.** A licensee shall maintain a complete set of all records of the licensee's business transactions, which must be open to inspection and examination by the department upon demand and without notice during all business hours. Records must be maintained by a licensee at a minimum for a period comprising the current tax year