

# 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.**

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**Augusta, Maine**  
**2021**

**10. Roundwood processing operation.** "Roundwood processing operation" means sawmills; bolter mills; shingle mills; veneer mills; fence pole and piling making operations; pulp and paper mills; wafer board, particle board and plywood mills; whole tree chippers; commercial fuel wood processors; ~~and bark processors;~~ custom processing mills of these products; and log yards established to accumulate logs awaiting shipment to these operations.

**Sec. 4. 17 MRSA §2511, sub-§1, ¶E,** as enacted by PL 2003, c. 550, §1, is amended to read:

E. "Timber harvesting" ~~means the cutting or removal of timber for the primary purpose of selling or processing forest products~~ has the same meaning as in Title 12, section 8868, subsection 4.

**Sec. 5. 23 MRSA §3360-A, sub-§1, ¶A-2,** as enacted by PL 1999, c. 718, §1, is amended to read:

A-2. "Commercial timber harvesting activity" ~~means the cutting or removal of timber for the primary purpose of selling or processing forest products and includes the attendant operation of mobile or portable chipping mills and of cutting and skidding machinery and the creation, use and maintenance of skid trails, skid roads, winter haul roads and other roads to facilitate timber harvesting~~ has the same meaning as "timber harvesting activities" as defined in Title 12, section 8868, subsection 5.

**Sec. 6. 38 MRSA §436-A, sub-§13,** as amended by PL 2013, c. 320, §6, is further amended to read:

**13. Timber harvesting.** "Timber harvesting" ~~means the cutting and removal of timber for the primary purpose of selling or processing forest products~~ has the same meaning as in Title 12, section 8868, subsection 4. "Timber harvesting" does not include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities.

**Sec. 7. 38 MRSA §438-B, sub-§1, ¶C,** as enacted by PL 2003, c. 335, §5, is amended to read:

C. "Timber harvesting" ~~means cutting or removal of timber for the primary purpose of selling or processing forest products~~ has the same meaning as in Title 12, section 8868, subsection 4.

**Sec. 8. 38 MRSA §480-B, sub-§2-B,** as amended by PL 2011, c. 599, §11, is further amended to read:

**2-B. Forest management activities.** "Forest management activities" means timber stand improvement, timber harvesting activities, forest products harvesting and regeneration of forest stands. For the purposes of this definition, "timber harvesting activities" means timber harvesting, the construction and maintenance of roads used primarily for timber harvesting, the mining of gravel used for the construction and maintenance of

roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting. For the purposes of this definition, "timber harvesting" ~~means the cutting or removal of timber for the primary purpose of selling or processing forest products~~ has the same meaning as in Title 12, section 8868, subsection 4.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 7, 2021.

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**CHAPTER 31  
S.P. 93 - L.D. 204**

**An Act To Amend the Law  
Regarding the Interest Rate for  
State Loans under the Potato  
Marketing Improvement Fund**

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

**Whereas,** this legislation changes the interest rate for loans under the Potato Marketing Improvement Fund; and

**Whereas,** this legislation needs to take effect before the expiration of the 90-day period in order to offer loans at the revised interest rate as soon as possible; 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:**

**Sec. 1. 7 MRSA §974-A, sub-§1, ¶C,** as enacted by PL 1987, c. 319, §4, is amended to read:

C. State loans ~~shall~~ must be at the interest rate established pursuant to subsection ~~2~~ 2-A.

**Sec. 2. 7 MRSA §974-A, sub-§2,** as amended by PL 2013, c. 403, §7, is repealed.

**Sec. 3. 7 MRSA §974-A, sub-§2-A** is enacted to read:

**2-A. State loan interest rate.** The interest rate for state loans is the federal prime rate on the date of loan commitment but may not be greater than 5%. Loans current on the effective date of this subsection may be refinanced at the borrower's request to an interest rate of the federal prime rate but not greater than 5%.

A fee for administrative costs, which must be at a rate set by rule by the board but may not exceed 1% of the loan, must be charged on a loan made for a project the total cost of which exceeds \$50,000. This fee must be deposited in the fund.

**Sec. 4. 10 MRSA §1023-N, first ¶**, as amended by PL 2013, c. 403, §11, is further amended to read:

There is created a fund known as the Potato Marketing Improvement Fund, referred to in this section as "the fund." The fund must be deposited with and maintained by the authority to be used solely for investment in the Maine potato industry. The fund must be administered by the Maine Potato Board, established in Title 36, section 4603 and referred to in this section as "the board," and the Potato Marketing Improvement Fund Committee, established in Title 5, section 12004-H, subsection 10-A. All money received by the authority from any source for the development and implementation of improved storage, packing and marketing and programs and activities that improve the economic viability of the potato industry must be credited to the fund. Any money credited to the fund from the issuance of bonds on behalf of the State for agricultural development may be used only for the purposes of state loans as prescribed by Title 7, section 974-A to provide assistance to potato farmers for the design, construction, improvement, support and operation of storage, packing and marketing facilities; for programs and activities that improve the economic viability of the potato industry; and to pay the administrative costs of processing loan applications and servicing and administering the fund and loans and grants made therein, to the extent that the costs exceed the fee for administrative costs established by Title 7, section 974-A, subsection 2-A. At the discretion of the Commissioner of Agriculture, Conservation and Forestry, the authority shall make payments directly to the board, which shall use those payments to implement the requirements of this section. During any period that the commissioner has authorized direct payments from the authority to the board, the authority shall make written annual reports to the commissioner and the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters detailing the amounts of payments to the board and the dates payments were made and detailing the expenditure of those payments. Repayment of the loans and interest on the loans must be credited to the fund to be available for making additional state loans for the same purposes, except that any interest earned on the cash balance of the fund may be used for the grants authorized by Title 7, section 975-A. In order to provide additional amounts for loans, the commissioner, upon consultation with the board, may take such actions and enter into such agreements as may be necessary to sell or assign up to \$2,000,000 in the aggregate principal amount of loans and undivided interests in a pool of loans and assign or pledge any mortgage or other security to the authority, under the terms and conditions the

commissioner considers advisable upon consultation with the board. The assignment and related transactions may not result in indebtedness of the State. The proceeds of the sale or assignment must be credited to the fund and used for the purposes authorized in this section.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 7, 2021.

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**CHAPTER 32**

**H.P. 10 - L.D. 44**

**An Act To Require the Department of Education To Report Annually on Summer Educational Programs**

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

**Sec. 1. 20-A MRSA §8803** is enacted to read:

**§8803. Report**

The department shall report by November 15, 2021 and annually thereafter to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs on school administrative unit summer educational programs, including but not limited to summer school and extended school year programs. The report must include the number of school administrative units administering such programs, the nature of the programs, the number of participants in the programs, any partnerships with community-based organizations to provide the programs and the sources of funding for the programs. The report must also include recommendations, and any suggested legislation, on improving summer educational programs and identification of any additional funding needed to ensure the success of summer educational programs.

See title page for effective date.

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**CHAPTER 33**

**H.P. 31 - L.D. 65**

**An Act To Invest in the Stewardship and Management of Properties Acquired with the Proceeds from the Land for Maine's Future Fund or the Public Access to Maine Waters Fund**

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