

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

3. **Media.** "Media" means print, radio, Internet-based communication systems or other methods of communicating information to the public.

3-A. Missing endangered person. "Missing endangered person" means a person who is believed to be in danger because of the person's age, mental or physical health or intellectual or developmental disability, because of environmental or weather conditions or because the person is missing in dangerous, unexplained, involuntary or suspicious circumstances as determined by a local law enforcement agency.

4. **Silver Alert.** "Silver Alert" means a notice provided under this chapter to the public through law enforcement agencies and the media.

5. **Silver Alert Program.** "Silver Alert Program" means the statewide alert program for missing ~~senior citizens~~ endangered persons developed and implemented under this chapter.

Sec. 2. 25 MRSA §2202, as enacted by PL 2009, c. 583, §1, is amended to read:

§2202. Silver Alert Program

In accordance with this chapter and with the cooperation of the Department of Transportation, the Maine Turnpike Authority, a statewide organization representing broadcast groups in the State, the Office of the Governor and appropriate law enforcement agencies, the department shall develop and implement the Silver Alert Program to be activated on behalf of missing ~~senior citizens~~ endangered persons. The program must include standards of procedure for local law enforcement agencies to determine that a missing person is a missing ~~senior citizen~~ endangered person, to determine information to be released regarding the missing endangered person or the circumstances of the person's disappearance and to appropriately activate a Silver Alert to local or statewide law enforcement agencies and to the media, a plan for providing relevant information to the public through an existing system of dynamic message signs located across the State when necessary and training for all law enforcement officers. The Silver Alert Program must be developed and implemented using existing resources.

See title page for effective date.

**CHAPTER 63
S.P. 42 - L.D. 34**

**An Act To Create the Maine
Forestry Operations Cleanup
and Response Fund**

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

Sec. 1. 12 MRSA §8869-B is enacted to read:

§8869-B. Maine Forestry Operations Cleanup and Response Fund

The Maine Forestry Operations Cleanup and Response Fund, referred to in this section as "the fund," is established to be used by the bureau as a nonlapsing, revolving fund for carrying out the purposes of this subchapter. The balance in the fund is limited to \$20,000. To this fund are credited permit fees, civil penalties and other fees and charges related to this subchapter. To this fund are charged expenses of the bureau incurred to mitigate and remediate damages or potential damages to waters of the State created by violations of this subchapter, including but not limited to costs of cleanup of discharges of pollutants to waters of the State and the restoration of water supplies.

1. Disbursements from and use of fund. Money in the fund may be used by the department and disbursed only to pay the costs, including without limitation payments to contractors undertaking physical mitigation and remediation activities and equipment expenses, involved in the control of sediment and water flow, the abatement of pollution and the implementation of remediation activities, including restoration of water supplies, related to the discharge of sediment and other pollutants discharged or at risk of discharging to waters of the State by timber harvesting activities.

Prior to undertaking mitigation or remediation activities that will result in the use of the fund, the director shall use all reasonable efforts to notify the responsible party of the mitigation and remediation activities needed and to provide a reasonable time frame for the responsible party to implement those activities. The director shall notify the responsible party that a lien may be imposed on real estate owned by the responsible party in accordance with subsection 3 if the department undertakes mitigation and remediation activities that will result in the use of the fund.

2. Reimbursements to the fund. The following provisions govern reimbursements to the fund.

A. The director shall seek recovery of all costs paid from the fund from the responsible party, unless the bureau finds the amount involved too small, the likelihood of success too uncertain or that recovery of costs is unlikely due to the inability of the responsible party to pay those costs.

B. Requests by the department for reimbursement of costs paid from the fund, if not paid by the responsible party within 30 days of the request, may be turned over to the Attorney General for collection or may be submitted to a collection agency or agent or an attorney retained by the department with the approval of the Attorney General in conformance with Title 5, section 191, or the bureau may file an appropriate action in District Court for recovery of the costs paid from the fund.

3. Lien. All costs incurred by the State to mitigate and remediate damages or potential damages to waters of the State created by violations of this subchapter under subsection 1 and interest on those costs are a lien against the real estate of the responsible party. A certificate of lien signed by the director must be sent by certified mail to the responsible party prior to being recorded and may be filed in the office of the clerk of the municipality in which the real estate is located. The lien is effective when the certificate is recorded with the registry of deeds for the county in which the real estate is located. The certificate of lien must include a description of the real estate, the amount of the lien and the name of the owner as grantor.

When the amount for which a lien has been recorded under this subsection has been paid or reduced, the director, upon request by any person of record holding interest in the real estate that is the subject of the lien, shall issue a certificate discharging or partially discharging the lien. The certificate must be recorded in the registry in which the lien was recorded. Any action of foreclosure of the lien must be brought by the Attorney General in the name of the State in the Superior Court for the judicial district in which the real estate subject to the lien is located.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

Maine Forestry Operations Cleanup and Response Fund N357

Initiative: Provides an ongoing allocation to allow for the expenditure of funds for the cost of undertaking physical mitigation and remediation activities and equipment expenses involved in the control of sediment and water flow, the abatement of pollution and the implementation of remedial measures, including restoration of water supplies, related to the discharge of sediment and other pollutants discharged or at risk of discharging into state waters by timber harvesting activities.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$20,000	\$20,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$20,000	\$20,000

See title page for effective date.

**CHAPTER 64
H.P. 32 - L.D. 66**

An Act To Improve Livestock and Poultry Preparation

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

Sec. 1. 7 MRSA §285, as enacted by PL 2017, c. 314, §1, is amended to read:

§285. Departmental authority; livestock and poultry

Notwithstanding any provision in this chapter to the contrary, the department shall implement and enforce all provisions of Title 22, chapter 562-A and the rules adopted thereunder that are necessary to ensure that the requirements of the State's meat and poultry products inspection, registration and licensing program are at least equal to the applicable requirements specified under applicable federal acts, as defined by the United States Department of Agriculture or other federal agencies, without exception.

Sec. 2. 22 MRSA §2163, as amended by PL 1979, c. 731, §19 and PL 2011, c. 657, Pt. W, §6, is further amended to read:

§2163. Sale of horsemeat prohibited

~~No~~ A person, firm, corporation or officer, agent or employee thereof within the State ~~shall~~ may not transport, receive for transportation, sell or offer for sale or distribution any equine meat or food products thereof ~~unless said equine meat is plainly and conspicuously labeled, marked, branded and tagged "horsemeat" or "horsemeat products"; or shall serve, expose or offer for sale or distribution, either in any public place or elsewhere, any equine meat or products containing equine meat unless such equine meat is conspicuously branded and labeled and a notice containing the words "horsemeat and horsemeat products sold here" is conspicuously displayed in said place of business to the end that the purchaser may have knowledge of the facts of the article purchased.~~

~~Whenever any person, firm or corporation within the State sells, ships or delivers to a purchaser within the State any equine meat or food products thereof, such person, firm or corporation shall deliver to the purchaser an invoice or bill showing thereon the character of such meat. This paragraph shall not apply to sales made at retail.~~

The Commissioner of Agriculture, Conservation and Forestry shall by adequate inspection see that the requirements of this section are carried out.

~~Any~~ A person, firm or corporation ~~who shall violate that violates~~ any of the provisions of this section ~~shall be punished by~~ commits a civil violation for which a fine of not more than \$100 for the first offense and ~~by~~