

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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. 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~~

a fine of not more than \$200 for each subsequent offense must be adjudged, and the District and Superior Courts ~~shall~~ have concurrent jurisdiction of the offense.

Sec. 3. 22 MRSA §2511, sub-§1-A is enacted to read:

1-A. Amenable species. "Amenable species" means a species of exotic animal, as defined by the federal acts, the anatomy and biology of which are substantially the same as an animal that is currently inspected.

Sec. 4. 22 MRSA §2511, sub-§10, as enacted by PL 1999, c. 777, §1, is amended to read:

10. Custom processor. "Custom processor" means a person who maintains a ~~licensed~~ registered establishment under this chapter for the purpose of processing livestock, meat, meat food products, poultry or poultry products exclusively for use in the household of the owner of the commodity by the owner and members of the owner's household and the owner's nonpaying guests and employees.

Sec. 5. 22 MRSA §2511, sub-§11, as amended by PL 2013, c. 252, §1, is further amended to read:

11. Custom slaughterhouse. "Custom slaughterhouse" means a person who maintains a ~~slaughtering facility that is a licensed establishment or a~~ registered establishment under this chapter for the purposes of slaughtering livestock or poultry for another person's exclusive use by that person and members of that person's household and that person's nonpaying guests and employees, and who is not engaged in the business of buying or selling carcasses, parts of carcasses, meat or meat food products or any cattle, ~~domesticated deer, sheep, swine, goats, domestic rabbits, equines, poultry or other designated animals useable as human food.~~

Sec. 6. 22 MRSA §2511, sub-§14, as enacted by PL 1999, c. 777, §1, is amended to read:

14. Federal acts. "Federal acts" means the Federal Meat Inspection Act and the ~~Federal~~ Poultry Products Inspection Act.

Sec. 7. 22 MRSA §2511, sub-§17, as enacted by PL 1999, c. 777, §1, is amended to read:

17. Federal Poultry Products Inspection Act. "~~Federal~~ Poultry Products Inspection Act" means the federal Act so entitled, approved August 28, 1957, 71 Stat. 441, as amended by the ~~Federal~~ federal Wholesale Poultry Products Act, 82 Stat. 791.

Sec. 8. 22 MRSA §2511, sub-§19, ¶G, as enacted by PL 1999, c. 777, §1, is amended to read:

G. Any of the conditions for which livestock or poultry are required to be condemned on ante mortem inspection in accordance with the requirements of this chapter and the rules adopted pursuant to this chapter.

Sec. 9. 22 MRSA §2511, sub-§25, as enacted by PL 1999, c. 777, §1, is amended to read:

25. Livestock. "Livestock" means cattle, ~~domesticated deer, sheep, swine, goats, domestic rabbits, horses, mules, other equines or other designated animals, whether live or dead.~~

Sec. 10. 22 MRSA §2511, sub-§27, as enacted by PL 1999, c. 777, §1, is amended to read:

27. Meat. "Meat" means ~~the part of the muscle of cattle, domesticated deer, sheep, swine, goats, horses, mules, other equines or other designated animals~~ muscle of livestock, an amenable species or an exotic animal as defined by the federal acts that is skeletal or that is found in the tongue, diaphragm, heart or esophagus, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve and blood vessels that normally accompany the muscle tissue but does not include the muscle found in the lips, snout or ears.

Sec. 11. 22 MRSA §2511, sub-§28, as enacted by PL 1999, c. 777, §1, is amended to read:

28. Meat food product or meat product. "Meat food product" or "meat product" means a product useable as human food that is made wholly or in part from any meat or other portion of a carcass of ~~cattle, domesticated deer, sheep, swine, domestic rabbits or goats~~ livestock, an amenable species or an exotic animal as defined by the federal acts, excepting products that are exempted from definition as a meat food product by the commissioner under conditions that the commissioner may prescribe to ensure that the meat or other portions of carcass contained in products are unadulterated and that products are not represented as meat food products. ~~This term, as applied to food products of equines or other designated animals, has a meaning comparable to that provided in this subsection with respect to cattle, domesticated deer, sheep, swine, domestic rabbits and goats.~~

Sec. 12. 22 MRSA §2512, sub-§2, ¶B, as enacted by PL 1999, c. 777, §1, is amended to read:

B. Refuse to provide inspection service under this chapter with respect to an official establishment for reasons specified in the Federal Meat Inspection Act, Section 401 or the ~~Federal~~ Poultry Products Inspection Act, Section 18 or for any other violation of this chapter or the rules adopted under it;

Sec. 13. 22 MRSA §2512, sub-§2, ¶D, as enacted by PL 1999, c. 777, §1, is repealed.

Sec. 14. 22 MRSA §2512, sub-§2, ¶E, as amended by PL 2003, c. 451, Pt. G, §1, is further amended to read:

E. Authorize inspection to continue at an official establishment on state holidays or beyond the regular work shift or workweek for state inspectors as

long as the necessary inspectors are available and the official establishment pays all overtime salaries for inspections necessary to keep the plant open and other expenses caused by the overtime employment. ~~Funds reimbursed under this chapter must be deposited into the General Fund as undedicated revenue;~~

Sec. 15. 22 MRSA §2512, sub-§2, ¶J, as enacted by PL 1999, c. 777, §1, is amended to read:

J. Serve as the representative of the Governor for consultation with the Secretary of Agriculture under the Federal Meat Inspection Act, Section 301, Subsection (c) and the Federal Poultry Products Inspection Act, Section 5, Subsection (c) unless the Governor selects another representative;

Sec. 16. 22 MRSA §2512, sub-§2, ¶P, as amended by PL 2019, c. 633, §2, is further amended to read:

P. Establish the method for providing voluntary inspection and withdrawal of voluntary inspection of exotic animals, wild game, domesticated deer and domestic rabbits and amenable species. These rules may also provide for the inspection of meat and meat food products derived from those animals. The commissioner shall provide voluntary inspection of bison, domesticated deer and ratite exotic animals, domesticated deer, domestic rabbits and amenable species produced in the State, including the inspection of meat and meat food products derived from bison, domesticated deer and ratite exotic animals, domesticated deer, domestic rabbits and amenable species, for which the commissioner shall charge a an hourly fee of \$35 per hour. The commissioner shall charge \$35 per hour per for inspection of meat and meat food products processed in the State but derived from bison, domesticated deer and ratite produced outside the State exotic animals, domesticated deer, domestic rabbits and amenable species; and

Sec. 17. 22 MRSA §2514, sub-§1, ¶B, as enacted by PL 1999, c. 777, §1, is repealed.

Sec. 18. 22 MRSA §2514, sub-§1, ¶D, as enacted by PL 1999, c. 777, §1, is repealed.

Sec. 19. 22 MRSA §2514-A, sub-§1, as amended by PL 2019, c. 73, §§3 and 4, is further amended to read:

1. Registration permitted required. A person that is not licensed under section 2514 ~~may engage in intrastate commerce in the business of buying, selling, preparing, processing, packing, storing, transporting or otherwise handling meat, meat food products or poultry products if that person is registered under this section.~~ A person may must register under this section if the person is a:

A. Custom slaughterer, except that itinerant custom slaughterers who slaughter solely at a customer's home or farm and who do not own, operate or work at a slaughtering plant are exempt from the registration provisions of this section;

B. Custom processor;

C. Poultry producer that processes fewer than 1,000 birds annually under section 2517-C;

C-1. Rabbit producer that processes fewer than 1,000 rabbits annually under section 2517-E; or

D. Person in any other category that the commissioner may by rule establish.

Sec. 20. 22 MRSA §2517, as enacted by PL 1999, c. 777, §1, is amended to read:

§2517. Ante mortem examination of animals to be slaughtered

For the purpose of preventing the use in commerce of meat and meat food products and poultry and poultry products that are adulterated, the commissioner shall appoint inspectors to examine and inspect all livestock and poultry before they are allowed to enter into a slaughtering, packing, meat-canning, rendering or similar official establishment in which they are to be slaughtered and the meat and meat food products and poultry and poultry products of which are to be used in commerce. All livestock and poultry found on such inspection to show symptoms of disease must be set apart and slaughtered separately from all other livestock or poultry and when so slaughtered the carcasses of the livestock and poultry are subject to a careful examination and inspection, as provided by the rules established by the commissioner and adopted pursuant to this chapter.

Sec. 21. 22 MRSA §2517-A, as enacted by PL 1999, c. 777, §1, is amended to read:

§2517-A. Post mortem examination of carcasses

The commissioner shall appoint inspectors to examine the carcasses and parts of carcasses of all livestock and poultry to be prepared at a slaughtering, meat-canning, salting, packing, rendering or similar official establishment in the State as articles of commerce that are useable as human food. The carcasses and parts of carcasses of all such animals found to be not adulterated must be marked, stamped, tagged or labeled as "Inspected and Passed" and the inspectors shall label, mark, stamp or tag as "Inspected and Condemned" all carcasses and parts of carcasses of animals found to be adulterated. All carcasses and parts thus inspected and condemned must be destroyed for food purposes by the official establishment in the presence of an inspector. The commissioner may remove inspectors from any such official establishment that fails to so destroy any condemned carcass or part of a carcass. The inspectors, after the first inspection, shall, when they consider it

necessary, reinspect the carcasses or parts of carcasses to determine whether, since the first inspection, the same have become adulterated and, if any carcass or any part of the carcass, upon examination and inspection subsequent to the first examination and inspection, is found to be adulterated, the carcass must be destroyed for food purposes by the official establishment in the presence of an inspector. The commissioner may remove inspectors from an official establishment that fails to so destroy any condemned carcass or part of a carcass.

Sec. 22. 22 MRSA §2517-C, sub-§1, ¶G, as repealed and replaced by PL 2015, c. 329, Pt. A, §10, is amended to read:

G. The poultry are sold in accordance with the restrictions in subsection 2; and

Sec. 23. 22 MRSA §2517-C, sub-§1, ¶H, as repealed and replaced by PL 2015, c. 329, Pt. A, §10, is repealed.

Sec. 24. 22 MRSA §2517-D, sub-§1, as enacted by PL 2013, c. 252, §5, is amended to read:

1. Contract slaughtering. A commercial slaughterhouse or ~~custom slaughterhouse~~ licensed under section 2514 or a custom slaughterhouse registered under section 2514-A, but not engaging in the custom slaughter of poultry, may enter into a contract with a poultry producer who otherwise meets the requirements of the exemption for poultry producers that slaughter or process 20,000 or fewer poultry under the ~~federal~~ Poultry Products Inspection Act, 21 United States Code, Section 464(c)(3) to rent that slaughterhouse to the poultry producer for the slaughter and processing of the poultry producer's poultry.

Poultry slaughtered and processed under the rental contract must be slaughtered and processed by the poultry producer.

A poultry producer that otherwise meets the requirements of the 20,000 or fewer poultry exemption, and having the intent to rent a slaughterhouse that is currently used by another poultry producer that meets the requirements of the exemption, must obtain approval from the ~~administrator of the~~ commissioner in accordance with the requirements of the federal Food Safety and Inspection Service within the United States Department of Agriculture prior to rental of the slaughterhouse Administrator.

Sec. 25. 22 MRSA §2519, as enacted by PL 1999, c. 777, §1, is amended to read:

§2519. Stop sale or use order

The inspector may issue a stop sale or use order for any violation of this chapter or of the rules adopted pursuant to this chapter. A person receiving a stop sale or use order shall immediately remove the meat, meat food product or poultry or poultry product from sale or shall

immediately cease to use any equipment or area as directed by the order until the order is lifted. The inspector may lift a stop sale or use order once the inspector has determined that the violation has been corrected. A person receiving a stop sale or use order may appeal the order to the commissioner within 5 days of receiving the order.

Sec. 26. 22 MRSA §2521-B, as enacted by PL 1999, c. 777, §1, is amended to read:

§2521-B. Inspection for use of humane slaughtering methods

For the purpose of preventing the inhumane slaughtering of livestock, the commissioner shall appoint inspectors to examine and inspect the method by which livestock are slaughtered and handled in connection with slaughter in the registered, licensed or official slaughtering establishments inspected under this chapter. The commissioner may refuse to license or ~~provide inspection to a new slaughtering establishment or may cause inspection to be temporarily suspended at an official~~ register a slaughtering establishment if the commissioner finds that livestock have been slaughtered or handled in connection with slaughter at ~~such the~~ the establishment by a method not in accordance with the Humane Methods of Slaughter Act of 1978, 7 United States Code, Sections 1901 to 1906 or not as stated in this section and sections 2521, 2521-A and 2521-C until the establishment furnishes assurances satisfactory to the commissioner that all slaughtering and handling in connection with slaughter of livestock are in accordance with such a method.

Sec. 27. 22 MRSA §2523, sub-§1, ¶A, as enacted by PL 1999, c. 777, §1, is amended to read:

A. Slaughter any livestock or poultry or prepare products that are useable as human food at a registered, licensed or official establishment preparing the products solely for intrastate commerce, except in compliance with the requirements of this chapter and the rules adopted pursuant to this chapter;

Sec. 28. 22 MRSA §2523, sub-§3, as enacted by PL 1999, c. 777, §1, is amended to read:

3. Plainly identified Carcasses of horses, mules or other equines or parts of these carcasses. In intrastate commerce, a person may not sell, transport, offer for sale or transportation or receive for transportation any ~~carcass~~ carcasses of horses, mules or other equines or parts of these carcasses, or the meat or meat food products of these carcasses, ~~unless they are plainly and conspicuously marked or labeled or otherwise identified as required by rules established by the commissioner to show the kinds of animals from which they were derived.~~

Sec. 29. 22 MRSA §2524-A, as enacted by PL 1999, c. 777, §1, is amended to read:

§2524-A. Action upon violation

After discovery of a violation of this chapter or the rules adopted under this chapter, the commissioner may take any additional action against the registered, licensed or official establishment that the commissioner determines appropriate, including instituting a proceeding under section 2514, subsection 6 and causing a civil or criminal proceeding to be brought against the registered, licensed or official establishment.

See title page for effective date.

CHAPTER 65
H.P. 54 - L.D. 88

**An Act To Amend Maine's
Wildlife Laws Regarding
Species of Special Concern**

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

Sec. 1. 12 MRSA §10001, sub-§58-A is enacted to read:

58-A. Species of special concern. "Species of special concern" means a species of fish or wildlife that is not an endangered species or a threatened species but meets criteria for being of special concern as established by the commissioner by rule under section 10105, subsection 19.

Sec. 2. 12 MRSA §10105, sub-§19 is enacted to read:

19. Species of special concern. The commissioner by rule shall establish criteria for determining when a species of fish or wildlife that is not an endangered species or a threatened species is of special concern. The rules may include different criteria for categories of species of special concern, including a category for species that are rare. The rules must list the species that meet the criteria established in rule. The commissioner shall use the list in administering section 12152 and may also use the list in administering any other laws or programs or when providing advisory recommendations to other entities or agencies on fish and wildlife matters in accordance with applicable laws or rules.

Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 12 MRSA §12152, sub-§1-B, as enacted by PL 2017, c. 205, §15, is amended to read:

1-B. Exemption. Notwithstanding subsection 1-A, a reptile, amphibian or invertebrate that is native to the State and not listed by the department as threatened, or endangered or as a species of special concern

may be captured from the wild in the State and possessed without a permit. Possession limits for each species are as follows:

- A. Amphibians, up to 5 specimens of each species;
- B. Reptiles, up to 2 specimens of each species; and
- C. Invertebrates, no specimen limits.

Animals captured under this subsection must be kept in a manner that does not permit contact between those animals and any other animal that is not naturally present in the wild in this State. If an animal captured under this subsection is released back into the wild, the animal must be released in or near the same location where the animal was captured. Importation into the State of a reptile, amphibian or invertebrate exempted under this subsection is prohibited without a permit. Exhibition, propagation or export or sale for commercial purposes is prohibited without a permit. A person may not export, sell or otherwise use for commercial purposes any animal captured under this subsection unless the person holds an applicable permit for that use.

Sec. 4. 12 MRSA §12152, sub-§3-D, ¶G, as enacted by PL 2017, c. 205, §18, is amended to read:

G. An educational and scientific collection permit, which allows the holder to hunt, trap, possess, band and transport wildlife from within the State for educational or scientific purposes. An educational and scientific permit is not required to hunt, trap, possess, band or transport an invertebrate that is not listed by the department as endangered, or threatened or as a species of special concern. An educational and scientific collection permit is available at no cost and expires one year from the date of issuance.

Sec. 5. 12 MRSA §12803, sub-§4, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

4. Process for recommendation; notice and hearings. Prior to recommending an addition, deletion or other change to the endangered and threatened species listed in subsection 3, the commissioner shall provide for public notice and at least one public hearings hearing on that proposed recommendation in accordance with the provisions of Title 5, chapter 375, subchapter 2.

See title page for effective date.
