

# 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**

**Sec. 12. 17 MRSA §1838, sub-§1, ¶C** is enacted to read:

C. An Internet raffle operator may not be paid more than 10% of the Internet raffle proceeds to operate an Internet raffle on behalf of an eligible organization.

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

Effective June 10, 2021.

**CHAPTER 137**

**S.P. 527 - L.D. 1642**

**An Act Regarding Local Option Elections**

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

**Whereas,** current law requires that a municipality hold a referendum to approve the sale of liquor in that municipality; and

**Whereas,** based upon the affirmative referendum, the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations is authorized to issue a liquor license to a qualified establishment in that municipality; and

**Whereas,** it recently became clear that a large number of municipalities would have to conduct new local option elections due to changes in terminology that occurred in 1976 relating to types of establishments requiring liquor licenses; and

**Whereas,** Public Law 2019, chapter 672, enacted by the Legislature and approved by the Governor on March 18, 2020, authorized the bureau to continue to issue, renew or transfer licenses to sell liquor in an authorized municipality until July 1, 2022, by which date municipalities would be required to provide evidence of the results of a local option election authorizing such sales; and

**Whereas,** conducting local option elections to affirm that the pre-1977 local option vote should be extended to all establishment types constitutes a significant financial and administrative burden for many municipalities; and

**Whereas,** it is imperative that this legislation take effect as soon as possible to avoid irreparable harm to businesses that have complied with all requirements but could lose their licenses to sell liquor for reasons beyond their control; 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. 28-A MRSA §125, sub-§1,** as enacted by PL 2019, c. 672, §4, is amended to read:

**1. Prohibition on licensing.** ~~The~~ Except as provided in subsection 4, the bureau may not issue a license for the retail sale of spirits, wine or malt liquor unless the premises to be licensed are located in a municipality or unincorporated place that has voted in favor of the issuance of the type of license sought.

**Sec. 2. 28-A MRSA §125, sub-§4,** as enacted by PL 2019, c. 672, §4, is amended to read:

**4. Final determination of authorized retail liquor establishments in each municipality.** On July 1, 2022, the bureau shall make a final determination of whether licenses for each type of licensed establishment or for agency liquor stores may be issued for the sale of liquor on Sundays and on days other than Sunday in each municipality. ~~In making this final determination, the bureau shall consider evidence submitted by the relevant municipality under subsection 3 and the results of any local option election conducted in that municipality in compliance with this chapter subsequent to the preliminary determination made by the bureau under subsection 2.~~ The bureau shall post a copy of the final determination for each municipality on its publicly accessible website.

In making its final determination under this subsection, the bureau shall consider:

A. The results of any local option election conducted in the relevant municipality in compliance with this chapter subsequent to the preliminary determination made by the bureau under subsection 2;

B. Evidence submitted by the relevant municipality under subsection 3; and

C. The bureau's records of local option elections in the municipality.

For purposes of paragraphs B and C, the results of any local option election conducted prior to January 1, 1977 in favor of a local option question pursuant to former Title 28, section 101 approving the issuance of licenses for the sale of liquor for on-premises consumption at any type of licensed establishment on Sundays or on days other than Sundays are deemed to be evidence that the municipality approved the issuance of licenses for the sale of liquor for on-premises consumption by all types of licensed establishments on those days unless the bureau's records demonstrate that the municipality

voted to prohibit the issuance of licenses for the sale of liquor for on-premises consumption on those days in a subsequent local option election conducted under this chapter or under former Title 28, section 101.

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

Effective June 10, 2021.

**CHAPTER 138  
H.P. 59 - L.D. 93**

**An Act To Improve Maine's  
Quality Rating System for  
Child Care Services**

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

**Sec. 1. 22 MRSA §3737, sub-§3,** as corrected by RR 2015, c. 1, §21, is amended to read:

**3. Quality differential.** To the extent permitted by federal law, the department shall pay a differential rate for child care services that meet or that make substantial progress toward meeting nationally recognized quality standards, such as those standards required by the Head Start program or required for accreditation by the National Association for the Education of Young Children, and shall do so from the Child Care Development Fund 25% Quality Set-aside funds or by other acceptable federal practices. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. The rules must establish a ~~4-step~~ child care quality rating system with a minimum of 3 steps and must provide for graduated quality differential rates for ~~step 2, step 3 and step 4~~ child care services steps that demonstrate that a child care provider meets or makes substantial progress toward meeting nationally recognized quality standards.

Nothing in this subsection requires the department to pay a quality differential rate for child care services provided through the Temporary Assistance for Needy Families block grant.

See title page for effective date.

**CHAPTER 139  
H.P. 115 - L.D. 159**

**An Act To Eliminate Time  
Limits for Placing Land in  
Trust Status under the Maine  
Indian Claims Settlement**

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

**Sec. 1. 30 MRSA §6205, sub-§1,** as amended by PL 2013, c. 91, §§1 and 2 and affected by §3, is further amended to read:

**1. Passamaquoddy Indian territory.** Subject to subsections 3, 4 and 5, the following lands within the State are known as the "Passamaquoddy Indian territory:"

- A. The Passamaquoddy Indian Reservation;
- B. The first 150,000 acres of land acquired by the secretary for the benefit of the Passamaquoddy Tribe from the following areas or lands to the extent that those lands ~~are acquired by the secretary prior to January 31, 1991,~~ are not held in common with any other person or entity and are certified by the secretary ~~by January 31, 1991,~~ as held for the benefit of the Passamaquoddy Tribe:

The lands of Great Northern Nekoosa Corporation located in T.1, R.8, W.B.K.P. (Lowelltown), T.6, R.1, N.B.K.P. (Holeb), T.2, R.10, W.E.L.S. and T.2, R.9, W.E.L.S.; the land of Raymidga Company located in T.1, R.5, W.B.K.P. (Jim Pond), T.4, R.5, B.K.P.W.K.R. (King and Bartlett), T.5, R.6, B.K.P.W.K.R. and T.3, R.5, B.K.P.W.K.R.; the land of the heirs of David Pingree located in T.6, R.8, W.E.L.S.; any portion of Sugar Island in Moosehead Lake; the lands of Prentiss and Carlisle Company located in T.9, S.D.; any portion of T.24, M.D.B.P.P.; the lands of Bertram C. Tackeff or Northeastern Blueberry Company, Inc. in T.19, M.D.B.P.P.; any portion of T.2, R.8, N.W.P.; any portion of T.2, R.5, W.B.K.P. (Alder Stream); the lands of Dead River Company in T.3, R.9, N.W.P., T.2, R.9, N.W.P., T.5, R.1, N.B.P.P. and T.5, N.D.B.P.P.; any portion of T.3, R.1, N.B.P.P.; any portion of T.3, N.D.; any portion of T.4, N.D.; any portion of T.39, M.D.; any portion of T.40, M.D.; any portion of T.41, M.D.; any portion of T.42, M.D.B.P.P.; the lands of Diamond International Corporation, International Paper Company and Lincoln Pulp and Paper Company located in Argyle; and the lands of the Dyer Interests in T.A.R.7 W.E.L.S., T.3 R.9 N.W.P., T.3 R.3. N.B.K.P. (Alder Brook Township), T.3 R.4 N.B.K.P. (Hammond Township), T.2 R.4 N.B.K.P. (Pittston Academy Grant), T.2 R.3 N.B.K.P. (Soldiertown Township), and T.4 R.4 N.B.K.P. (Prentiss Township), and any lands in Albany Township acquired by the Passamaquoddy Tribe ~~before January 1, 1991;~~

C. Any land not exceeding 100 acres in the City of Calais acquired by the secretary for the benefit of the Passamaquoddy Tribe as long as the land ~~is acquired by the secretary prior to January 1, 2001,~~ is not held in common with any other person or entity and is certified by the secretary ~~by January 31, 2001,~~ as held for the benefit of the Passamaquoddy Tribe, if: