

# 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. 20. 12 MRSA §13157-A, sub-§19, ¶A,** as enacted by PL 2003, c. 655, Pt. B, §414 and affected by §422, is amended by amending subparagraph (1) to read:

(1) Public ways in accordance with subsections ~~3, 6, 7, 8~~ and 9 or on controlled access highways in accordance with subsection 3, paragraph A;

See title page for effective date.

**CHAPTER 185**

**H.P. 1141 - L.D. 1536**

**An Act Regarding Municipal Public Hearings on Citizen-initiated Municipal Referenda**

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

**Sec. 1. 30-A MRSA §2528, sub-§5,** as amended by PL 2003, c. 569, §2, is further amended by amending the first blocked paragraph to read:

The municipal officers shall hold a public hearing on the subject of the article at least 10 days before the day for voting on the article. The public hearing must be held in a manner that solicits and allows for a discussion on the merits of the article. At least 7 days before the date set for the hearing, the municipal officers shall give notice of the public hearing by having a copy of the proposed article, together with the time and place of hearing, posted in the same manner required for posting a warrant for a town meeting under section 2523. The municipal officers shall make a return on the original notice stating the manner of notice and the time it was given.

See title page for effective date.

**CHAPTER 186**

**H.P. 1219 - L.D. 1635**

**An Act To Make Minor Changes and Corrections to Statutes Administered by the Department of Environmental Protection**

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

**Sec. 1. 29-A MRSA §2054, sub-§1, ¶G,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

G. "Hazardous material response vehicle" means a vehicle equipped for and used in response to re-

ports of emergencies resulting from actual or potential releases, spills or leaks of, or other exposure to, hazardous substances that is authorized by a mutual aid agreement pursuant to Title 37-B, section 795, subsection 3 and approved by the local emergency planning committee or committees whose jurisdiction includes the area in which the vehicle operates. "Hazardous material response vehicle" includes vehicles used by employees of the division of response services within the Department of Environmental Protection to respond to oil and hazardous materials incidents within the State.

**Sec. 2. 32 MRSA §10008,** as amended by PL 2001, c. 231, §9, is further amended to read:

**§10008. Reciprocity**

A person who ~~is a resident of the State and~~ has been certified in another state as an underground oil storage tank installer or underground oil storage tank inspector may, upon payment of a fee as established under section 10012, obtain a certification as an underground oil storage tank installer or underground oil storage tank inspector, if that person submits satisfactory evidence of certification as an underground oil storage tank installer or underground oil storage tank inspector in another state under qualifications equivalent to those specified in this chapter.

**Sec. 3. 38 MRSA §352, sub-§5-A,** as amended by PL 2019, c. 374, §1 and c. 526, §2, is further amended by amending Table II to read:

TABLE II

WASTE MANAGEMENT FEES - ANNUAL LICENSE

MAXIMUM FEES IN DOLLARS

TITLE 38 SECTION	PROCESSING FEE	ANNUAL LICENSE FEE
1278, Asbestos abatement		
A. Asbestos abatement contractor	\$0	\$650
B. Asbestos abatement worker	0	50
C. Asbestos consultant	0	650
D. Asbestos analytical laboratory	0	400
E. Training provider	0	500
F. Other categories of asbestos professionals except asbestos abatement workers	0	100
G. Notification		

1. Project size greater than 100 square feet or 100 linear feet and less than 500 square feet or 2,500 linear feet	100	0	1. New or expanded for the acceptance of municipal or special wastes, or both	3,500	5,000
2. Project size 500 square feet or 2,500 linear feet, or greater, and less than 1,000 square feet or 5,000 linear feet	150	0	2. Municipally owned and operated solid waste incinerators with licensed capacity of 10 tons per day or less	3,500	1,000
3. Project size 1,000 square feet or 5,000 linear feet, or greater	300	0	C. Transfer station and storage facility	750	175
1304, Waste management			D. Tire storage facility	400	450
A. Septage disposal			F. Processing facility other than municipal solid waste composting	700	700
1. Landspreading	\$550	\$250	G. Beneficial use activities other than agronomic utilization		
2. Storage	50	75	3. Fuel substitution	700	500
B. Residuals compost facility			4. Beneficial use without risk assessment	700	200
1. Type I	150	150	5. Beneficial use with risk assessment	1,400	500
3. Type II and Type III less than 3,500 cubic yards	700	500	H. Permit by rule for ongoing activities	100	100
5. Type II and Type III 3,500 cubic yards or greater	1,400	850	3109, Redemption centers	0	400
C. Land application of sludges and residuals					
1. Sites with program approval					
a. Industrial sludge	150	250			
b. Municipal sludge	75	200			
c. Bioash	75	200			
d. Wood ash	50	125			
e. Food waste	50	125			
f. Other residuals	50	125			
2. Sites without program approval					
a. Industrial sludge	300	550			
b. Municipal sludge	150	250			
c. Bioash	150	250			
d. Wood ash	75	200			
e. Food waste	75	200			
f. Other	75	200			
1310-N, Solid waste facility siting					
A. Landfill					
1. Existing, nonsecure municipal solid waste landfills accepting waste from fewer than 15,000 people	3,500	1,000			
2. Existing, nonsecure municipal solid waste landfills accepting waste from more than 15,000 people	3,500	3,500			
3. New or expanded for secure landfill	5,000	8,500			
5. Nonsecure wood waste or demolition debris landfills, or both, if less than or equal to 6 acres	700	750			
B. Incineration facilities					

**Sec. 4. 38 MRSA §353, sub-§4-A**, as enacted by PL 1993, c. 332, §1, is repealed.

**Sec. 5. 38 MRSA §480-E, sub-§14** is enacted to read:

**14. Minor expansion of structures in a coastal sand dune system.** The department may authorize a one-time expansion of an existing residential or commercial structure in a coastal sand dune system through permit by rule if:

A. The footprint of the expansion is contained within an impervious area that existed on January 1, 2021;

B. The footprint of the expansion is no further seaward than the existing structure;

C. The height of the expansion is within the height restriction of any applicable law or ordinance; and

D. The expansion conforms to the standards for expansion of a structure contained in the municipal shoreland zoning ordinance adopted pursuant to article 2-B.

For the purposes of this subsection, "structure" does not include a seawall, retaining wall, closed fence or other structure used to stabilize the shoreline or to prevent the movement of sand or water. For the purposes of this subsection, expansion of an existing structure does not include a change from one type of structure to another.

**Sec. 6. 38 MRSA §480-Q, sub-§31**, as amended by PL 2011, c. 538, §9, is repealed.

**Sec. 7. 38 MRSA §1303-C, sub-§38**, as enacted by PL 1989, c. 585, Pt. E, §4, is amended to read:

**38. Transport.** "Transport" means the movement of hazardous or solid waste, waste oil, sludge or septage from the point of generation to any intermediate points and finally to the point of ultimate disposition. Movement of hazardous waste on the site where it is generated or on the site of a licensed waste facility for hazardous waste is not "transport." Movement of waste oil on the site where it is generated or on the site of a licensed waste oil dealer's facility is not "transport."

**Sec. 8. 38 MRSA §1303-C, sub-§43,** as enacted by PL 1989, c. 585, Pt. E, §4, is repealed.

**Sec. 9. 38 MRSA §1319-H, sub-§1, ¶A,** as amended by PL 1989, c. 878, Pt. H, §9, is further amended to read:

A. Any person who applies for a license for a hazardous waste or waste oil facility shall pay the appropriate fee. An application for a license will not be considered complete and will not be processed until this fee is received. Application fees are as follows.

- (1) Disposal facility.....\$10,000
- (2) Commercial treatment facility.....7,000
- (3) On-site treatment facility.....4,000
- (4) Other waste facility for hazardous waste, including storage facilities ....2,500
- (5) Waste oil ~~storage~~ facility.....2,500
- (6) Treatment facility under license by rule provisions where the hazardous waste treated is 1,000 kilograms or less per calendar month.....75
- (7) All other facilities for hazardous waste under license by rule provisions.....400
- (8) Facility post-closure license.....2,000

**Sec. 10. 38 MRSA §1319-H, sub-§2,** as amended by PL 1989, c. 878, Pt. H, §10, is further amended to read:

**2. Annual fees.** Licensed hazardous waste and waste oil facilities are subject to the following annual fees.

- A. Disposal facility ..... \$1,500
- B. Commercial treatment facility and on-site treatment facility .....1,000
- C. Other waste facilities for hazardous waste, including storage facilities .....500
- D. Waste oil ~~storage~~ facility .....500
- E. Treatment facility under license by rule provisions where the hazardous waste treated is 1,000 kilograms or less per calendar month.....100

F. All other facilities for hazardous waste under license by rule provisions.....200

G. Facility post-closure license.....500

**Sec. 11. 38 MRSA §1319-I, sub-§3,** as amended by PL 2005, c. 549, §4, is further amended to read:

**3. Fee for transportation into Maine from out of state.** If hazardous waste or waste oil is transported into Maine from out of state, the person who first transports the hazardous waste or waste oil into Maine shall pay the fee indicated by the schedules outlined in subsection 2 for hazardous waste or subsection 4-A for waste oil, ~~as if that person were the waste oil dealer.~~

**Sec. 12. 38 MRSA §1319-I, sub-§4-A,** as amended by PL 2005, c. 549, §5, is further amended to read:

**4-A. Fee on waste oil sale or disposal.** A fee of 2¢ a gallon on each gallon of waste oil transported, collected or stored must be paid by the waste oil ~~dealer handler or transporter~~ that first transports, collects or stores that waste oil. ~~Waste A waste oil dealers handler and transporter~~ shall maintain records sufficient to determine whether the ~~dealer handler or transporter~~ is liable for any and all fees imposed pursuant to this subsection and shall submit such records to the commissioner as required by rule of the board.

**Sec. 13. 38 MRSA §1319-J, first ¶,** as enacted by PL 1981, c. 478, §7, is amended to read:

Any person who permits, causes or is responsible for a discharge or threatened discharge of hazardous waste or waste oil shall reimburse the State for all costs incurred, including personnel costs, in the removal of the discharge or threatened discharge. Funds recovered under this section ~~shall~~ must be deposited to the account from which they were expended. Requests for reimbursement, if not made within 30 days of demand, ~~shall~~ must be turned over to the Attorney General for collection.

**Sec. 14. 38 MRSA §1319-O, sub-§2, ¶A,** as amended by PL 2019, c. 315, §12, is further amended to read:

A. The department may adopt rules relating to the transportation, collection and treatment, storage and disposal of waste oil to protect public health, safety and welfare and the environment. The rules may include, without limitation, rules requiring licenses for waste oil ~~dealers and transporters~~ and waste oil facilities including waste oil management facilities, the location of waste oil treatment, storage and disposal sites ~~that are operated by waste oil dealers,~~ evidence of financial capability and manifest systems for waste oil. ~~A person licensed by the department to transport or handle hazardous waste is not required to obtain a waste oil dealer's license, but the hazardous waste license must include any~~

~~terms or conditions determined necessary by the department relating to the transportation or handling of waste oil.~~

**Sec. 15. 38 MRSA §1319-X**, as enacted by PL 1993, c. 383, §38, is amended by amending the section headnote to read:

**§1319-X. Criteria for development of waste oil storage facilities and biomedical waste facilities**

**Sec. 16. 38 MRSA §1319-X, first ¶**, as enacted by PL 1993, c. 383, §38, is amended to read:

The following criteria for facility development apply to an application for a waste oil storage facility or a new or substantially modified biomedical waste treatment or disposal facility in addition to other criteria established by law or rule for those facilities.

**Sec. 17. 38 MRSA §1319-X, last ¶**, as enacted by PL 1993, c. 383, §38, is amended to read:

The department may not issue a license for a waste oil storage facility if the proposed facility overlies a significant ground water aquifer or a primary sand and gravel recharge area.

**Sec. 18. 38 MRSA §1611, sub-§3, ¶A**, as amended by PL 2019, c. 617, Pt. J, §1, is further amended to read:

A. Beginning January 15, 2021 a retail establishment may ~~use~~ provide a recycled paper bag or a reusable bag made of plastic to bag products at the point of sale as long as the retail establishment charges a fee of at least 5¢ per bag.

(1) All amounts collected pursuant to this paragraph are retained by the retail establishment and may be used for any lawful purpose.

(2) A retail establishment may not rebate or otherwise reimburse a customer any portion of the fee charged pursuant to this paragraph.

**Sec. 19. 38 MRSA §3113, sub-§1-A** is enacted to read:

**1-A. Licensing fees.** An applicant under this section shall include the following fees with a license application and an annual license renewal application.

A. An applicant for approval of a redemption center shall submit a \$100 license fee with an initial application and subsequent annual applications.

B. An applicant for approval as an initiator of deposit:

(1) Of a small brewery as defined in Title 28-A, section 2, subsection 29 or a small winery as defined in Title 28-A, section 2, subsection 29-B that produces no more than 50,000 gallons of its product or a bottler of water that annually sells no more than 250,000 containers, each containing no more than one gallon

of its product, shall submit an annual license fee of \$50;

(2) Of a small beverage producer whose total production of all beverages from all combined manufacturing locations is less than 50,000 gallons annually shall submit an annual license fee of \$50; and

(3) Other than under subparagraphs (1) or (2) shall submit an annual license fee of \$500.

C. An applicant for approval as a contracted agent for the collection of beverage containers shall submit a \$500 annual license fee with each application.

See title page for effective date.

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**CHAPTER 187**

**S.P. 536 - L.D. 1649**

**An Act To Make the Shared Living Program Accessible for Persons with Intellectual Disabilities or Autism**

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

**Sec. 1. 34-B MRSA §5437, first ¶**, as amended by PL 2011, c. 542, Pt. A, §101, is further amended to read:

The department shall establish a contingency fund for use by ~~community-based intermediate care facilities for persons with intellectual disabilities or autism and department clients residing in licensed boarding and foster homes or intermediate care facilities or participating in appropriate day treatment programs who qualify for services under this chapter.~~ This fund must be used in accordance with the following provisions.

See title page for effective date.

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**CHAPTER 188**

**S.P. 426 - L.D. 1320**

**An Act To Allow Maine Shareholders of Banks and Members and Corporators of Credit Unions To Hold Virtual Meetings**

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

**Whereas**, under current law, banks and credit unions chartered in this State are prohibited from holding