

# 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**

~~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.~~ 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

annual and special meetings remotely and from authorizing participation in a meeting by means of remote communication; and

**Whereas**, complying with this requirement during the COVID-19 pandemic has been difficult; and

**Whereas**, this legislation makes clear that all banks and credit unions chartered in this State may hold meetings remotely and authorize shareholders, members or corporators of those banks and credit unions to participate in annual and special meetings by means of remote communication; and

**Whereas**, it is important this legislation take effect as soon as possible so that banks and credit unions may hold meetings remotely and authorize shareholders, members or corporators of those banks and credit unions to participate in annual and special meetings by means of remote communication as the COVID-19 pandemic continues; 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. 9-B MRSA §325, sub-§3, ¶E**, as enacted by PL 1975, c. 500, §1, is amended to read:

E. Meetings of the corporators or members ~~shall~~ must be held at the institution's principal office, ~~or~~ at such other place in the area of this State served by the institution as the notice ~~shall designate~~ designates or by means of remote communication under paragraph F.

**Sec. 2. 9-B MRSA §325, sub-§3, ¶F** is enacted to read:

F. The board of directors may authorize, subject to guidelines and procedures as the board may adopt, a meeting of corporators or members to be conducted by means of remote communication with no fixed place or may authorize a corporator or member who is not physically present at a meeting of corporators or members to join the meeting by means of remote communication. A corporator or member or holder of a proxy of a corporator or member in a meeting of corporators or members held remotely or who joins a meeting of corporators or members by means of remote communication may:

- (1) Participate in the meeting;
- (2) Be deemed present in person at the meeting; and
- (3) Vote at the meeting if the institution has implemented reasonable measures:

(a) To verify that a person who has joined by means of remote communication a meeting of corporators or members is a corporator, member or holder of a proxy of a corporator or member;

(b) To provide a corporator, member or holder of a proxy of a corporator or member who has joined by means of remote communication a meeting of corporators or members a reasonable opportunity to participate in the meeting and to vote on matters submitted to the corporators and members, including an opportunity to communicate with, read and hear the proceedings, substantially concurrently with the proceedings; and

(c) To maintain a record of the presence of and a vote or any other action taken by a corporator, member or holder of a proxy of a corporator or a member who has joined by means of remote communication a meeting of corporators and members.

**Sec. 3. 9-B MRSA §846, sub-§1**, as amended by PL 2003, c. 322, §35, is further amended to read:

**1. Time and notice.** The annual meeting of the members of a credit union must be held at such time and place as the board of directors may determine, but not later than 180 days after the close of the fiscal year. Special meetings may be called at any time by a majority of the directors, and must be called by the clerk upon written request of 25 members or 5% of the total members entitled to vote as of the date of request, whichever number is greater. Notwithstanding this section, the maximum number of members required to call a special meeting may not exceed 500. Notice of all meetings of the members must be given in the manner prescribed in the bylaws. A credit union may adopt bylaws that allow annual and special meetings to be conducted by means of remote communication or authorize members to participate in a meeting by means of remote communication as described in section 325, subsection 3, paragraph F or Title 13-C, section 709.

**Sec. 4. 9-B MRSA §872, sub-§2**, as enacted by PL 1975, c. 500, §1, is amended to read:

**2. Plan and adoption.** The merger ~~shall~~ must be pursuant to a plan agreed upon by a majority of the board of directors of each credit union joining in the merger; and approved by the affirmative vote of a majority of the members voting ~~in person at meetings~~, or by proxy at meetings of each credit union called for that purpose or by written consent of the majority of the members of each credit union. If permitted in the credit union's bylaws, members may vote for the merger by

means of remote communication, or by mail ballot received by the credit union no later than the date and time announced for the meeting.

**Sec. 5. 13-C MRSA §701, sub-§2**, as enacted by PL 2001, c. 640, Pt. A, §2 and affected by Pt. B, §7, is amended to read:

**2. Place.** Annual shareholders' meetings may be held in or out of the State at the place stated in or fixed in accordance with a corporation's bylaws. If no place is stated in or fixed in accordance with the bylaws, annual meetings must be held at the corporation's principal office or, if authorized by the board of directors, by means of remote communication pursuant to section 709.

**Sec. 6. 13-C MRSA §709**, as enacted by PL 2011, c. 274, §26, is amended to read:

**§709. Remote participation in annual and special meetings**

**1. Participation by means of remote communication.** ~~Shareholders~~ A meeting of shareholders may be held by means of remote communication and shareholders of any class or series may participate in any meeting of shareholders by means of remote communication to the extent the board of directors authorizes participation for the class or series. Participation by means of remote communication is subject to guidelines and procedures adopted by the board of directors and must be in conformity with subsection 2.

**2. Shareholder presence and voting.** Shareholders participating in a shareholders' meeting by means of remote communication are deemed present and may vote at the meeting if the corporation has implemented reasonable measures:

A. To verify that each person participating remotely is a shareholder or holder of a proxy of a shareholder; ~~and~~

B. To provide the shareholders or holders of a proxy of a shareholder a reasonable opportunity to participate in the meeting and to vote on matters submitted to the shareholders or holders of a proxy of a shareholder, including an opportunity to communicate and to read or hear the proceedings of the meeting, substantially concurrently with the proceedings; ~~and~~

C. To maintain a record of the presence of and a vote or any other action taken by a shareholder or holder of a proxy of a shareholder who has joined by means of remote communication a meeting of shareholders.

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

Effective June 14, 2021.

**CHAPTER 189  
H.P. 27 - L.D. 61**

**An Act To Include  
Grandparents under Maine's  
Family Medical Leave Laws**

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

**Sec. 1. 26 MRSA §843, sub-§4, ¶D**, as repealed and replaced by PL 2007, c. 519, §1, is amended to read:

D. A child, domestic partner's child, grandchild, domestic partner's grandchild, parent, domestic partner, sibling or spouse with a serious health condition;

See title page for effective date.

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**CHAPTER 190  
H.P. 34 - L.D. 68**

**An Act To Support Life and  
Career Readiness Education in  
Maine**

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

**Sec. 1. 20-A MRSA §4711**, as amended by PL 2019, c. 106, §1, is further amended to read:

**§4711. Elementary course of study**

The basic course of study for the elementary schools must provide for the instruction of all students in life and career and education development readiness, English language arts, world languages, health education and physical education, mathematics, science and technology, social studies and visual and performing arts, as described in the parameters for essential instruction and graduation requirements subject to the schedule specified in section 6209. Health education must include instruction that addresses the relationship between physical and mental health in order to enhance student understanding of attitudes toward and behavior relating to mental illness and to eliminate the stigma associated with mental illness.

**Sec. 2. 20-A MRSA §4712**, as amended by PL 2019, c. 106, §2, is further amended to read:

**§4712. Junior high school or middle school course of study**

The basic course of study for the junior high schools or middle schools must provide for the instruction of all students in life and career and education development readiness, English language arts, health education and physical education, mathematics, science and technology, social studies, visual and performing