

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

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IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2021

**CHAPTER 207
H.P. 502 - L.D. 690**

**An Act To Ensure That
Victims of Assault, Battery and
False Imprisonment, Including
Victims of Domestic Violence,
Have Parity under Tort Law**

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

Whereas, the statute of limitations for most tort causes of action is 6 years; and

Whereas, the statute of limitations for assault and battery and false imprisonment is only 2 years, effectively depriving victims of domestic violence, among others, the same opportunity that most other victims of torts have to seek redress for their damages; and

Whereas, changing the statute of limitations for assault and battery and false imprisonment as soon as possible will allow those whose claims would otherwise be foreclosed while waiting for this Act to be effective an opportunity to seek redress;

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. 14 MRSA §753, as amended by PL 1985, c. 804, §§1 and 22, is further amended to read:

§753. Two years

Actions for assault and battery, and for false imprisonment, slander and libel shall ~~shall~~ **must** be commenced within 2 years after the cause of action accrues.

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

Effective June 15, 2021.

**CHAPTER 208
H.P. 1214 - L.D. 1631**

**An Act To Amend the Laws
Banning Polystyrene Foam
Regarding Packaging for Meat,
Poultry, Fish, Seafood and
Eggs**

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

Whereas, due to the pandemic related to the novel coronavirus disease, the Department of Environmental Protection has delayed until July 1, 2021 the enforcement of the law prohibiting the processing, preparation, sale or provision of food or beverages by certain establishments in or on a polystyrene foam disposable food service container, which was set to take effect on January 1, 2021; and

Whereas, that law exempts from its prohibition the retail sale of food or beverages that certain establishments purchase prepackaged at wholesale in or on a polystyrene foam disposable food service container; and

Whereas, that exemption has been interpreted to allow meat, poultry, fish, seafood and eggs from out-of-state producers, but not Maine-based producers, to be sold at retail in Maine when purchased prepackaged at wholesale in or on a polystyrene foam disposable food service container; and

Whereas, to ensure fairness in the treatment of both out-of-state and Maine-based meat, poultry, fish, seafood and egg producers under that law prior to its anticipated enforcement beginning July 1, 2021, immediate enactment of this legislation is necessary; 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. 38 MRSA §1571, sub-§3, as enacted by PL 2019, c. 62, §1, is amended to read:

3. Disposable food service container. "Disposable food service container" means service ware designed for one-time use.

A. "Disposable food service container" includes service ware for take-out foods, ~~packaged meat, eggs,~~ bakery products and leftovers from partially consumed meals prepared by covered establishments.

B. "Disposable food service container" does not include polystyrene foam coolers or ice chests that are used for the processing or shipping of seafood or service ware used to contain, transport or otherwise package raw, uncooked or butchered meat, poultry, fish, seafood or eggs.

This subsection is repealed July 1, 2025.

Sec. 2. 38 MRSA §1571, sub-§3-A is enacted to read:

3-A. Disposable food service container. "Disposable food service container" means service ware designed for one-time use.

A. "Disposable food service container" includes service ware for take-out foods, bakery products, leftovers from partially consumed meals prepared by covered establishments and, except as provided in paragraph B, service ware used to contain, transport or otherwise package raw, uncooked or butchered meat, poultry, fish, seafood or eggs.

B. "Disposable food service container" does not include polystyrene foam coolers or ice chests that are used for the processing or shipping of seafood.

This subsection is effective July 1, 2025.

Sec. 3. 38 MRSA §1571, sub-§6, as enacted by PL 2019, c. 62, §1, is amended to read:

6. Service ware. "Service ware" means a container, bowl, plate, tray, carton, cup, lid, sleeve, stirrer or other item designed to be used to contain, transport, serve or consume prepared foods food or beverages.

Sec. 4. 38 MRSA §1572, sub-§3, ¶C, as enacted by PL 2019, c. 62, §1, is amended to read:

C. Sell at retail food or beverages in or on a disposable food service container that is composed in whole or in part of polystyrene foam that the covered establishment purchases prepackaged at wholesale.

This paragraph is repealed July 1, 2025.

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

Effective June 15, 2021.

CHAPTER 209
H.P. 269 - L.D. 385

An Act To Resolve Conflicts in and Make Other Changes to the Laws Governing the Efficiency Maine Trust

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

Sec. 1. 35-A MRSA §10104, sub-§4, ¶F, as amended by PL 2019, c. 313, §5 and c. 476, §4, is repealed and the following enacted in its place:

F. It is an objective of the triennial plan to design, coordinate and integrate sustained energy efficiency and weatherization programs that are available to all energy consumers in the State and to users of all fuel types. The plan must set forth the costs and benefits of the trust's programs that advance the following goals and funding necessary to meet those goals:

(1) Reducing energy costs, including residential heating costs;

(2) For the period beginning January 1, 2020 and ending January 1, 2030, weatherizing 35,000 homes and businesses, with at least 10,000 of such weatherization projects completed in low-income households through the combined efforts of the trust and the Maine State Housing Authority;

(3) Reducing peak-load demand for electricity by the maximum achievable cost-effective amount;

(4) Achieving the maximum achievable cost-effective electricity and natural gas program savings, as defined in and determined pursuant to the performance metrics approved by the commission under section 10120;

(5) Creating stable private sector jobs providing alternative energy and energy efficiency products and services in the State;

(6) Contributing to the effort to reduce greenhouse gas emissions in the State by amounts consistent with the greenhouse gas emission levels established in Title 38, section 576-A and in a manner consistent with the State's climate action plan adopted and updated under Title 38, section 577;

(7) Promoting the purchase of high-efficiency heat pump systems to achieve by 2030 the goal of at least 115,000 households in the State wholly heated by heat pumps and an additional 130,000 households in the State partially heated by heat pumps; and

(8) Promoting the purchase of battery electric vehicles and plug-in hybrid vehicles to achieve by 2030 the goal of at least 120,000 such vehicles registered in the State.

Sec. 2. 35-A MRSA §10104, sub-§4, ¶G, as enacted by PL 2019, c. 298, §21 and c. 313, §5, is repealed and the following enacted in its place:

G. In developing the triennial plan, or an annual update plan under subsection 6, the trust may include, as part of its budget for electric efficiency