

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.

Augusta, Maine
2021

waste landfill. The department may adopt rules imposing per ton fees on any municipal solid waste disposed of or received for processing at a commercial, municipal, regional association or state-owned solid waste disposal facility, solid waste processing facility, incineration facility or solid waste landfill. Fees imposed pursuant to this subsection must be consistent with the solid waste management hierarchy established under section 2101 and the food recovery hierarchy established under section 2101-B. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 38 MRSA §2204, as amended by PL 2015, c. 461, §§10 and 11, is repealed.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF**

Remediation and Waste Management 0247

Initiative: Provides allocation to allow for the expenditure of additional revenue for administrative expense and actions necessary to abate threats to public health, safety and welfare posed by the disposal of solid waste and to pay municipalities under the closure and remediation cost-sharing program for solid waste landfills.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$120,750	\$161,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$120,750	\$161,000

See title page for effective date.

**CHAPTER 231
H.P. 65 - L.D. 99**

**An Act To Require the State
To Divest Itself of Assets
Invested in the Fossil Fuel
Industry**

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

Sec. 1. 5 MRSA §135, as amended by PL 2005, c. 386, Pt. CC, §2 and PL 2013, c. 16, §10, is further amended by adding at the end a new paragraph to read:

The Treasurer of State may not invest in any prime commercial paper or corporate bonds issued by a fossil fuel company, as defined in section 1957, subsection 1, paragraph C.

Sec. 2. 5 MRSA §138, as amended by PL 2001, c. 44, §11 and affected by §14, is further amended by adding at the end a new paragraph to read:

The Treasurer of State shall review the extent to which the assets of any permanent funds held in trust by the State are invested in the stocks, securities or other obligations of any fossil fuel company or any subsidiary, affiliate or parent of any fossil fuel company, as defined in section 1957, subsection 1, paragraph C. The Treasurer of State shall, in accordance with sound investment criteria and consistent with fiduciary obligations, divest any such holdings and may not invest any assets in any such stocks, securities or other obligations. Divestment pursuant to this paragraph must be complete by January 1, 2026. Nothing in this paragraph precludes de minimis exposure of any permanent funds held in trust by the State to the stocks, securities or other obligations of any fossil fuel company or any subsidiary, affiliate or parent of any fossil fuel company.

Sec. 3. 5 MRSA §1957 is enacted to read:

§1957. Limitation on investment in fossil fuel companies; divestment

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Board" means the Board of Trustees of the Maine Public Employees Retirement System.

B. "Fossil fuel" means coal, petroleum, natural gas or any derivative of coal, petroleum or natural gas that is used for fuel.

C. "Fossil fuel company" means any company that:

- (1) Is among the 200 publicly traded companies with the largest fossil fuel reserves in the world;
- (2) Is among the 30 largest public company owners in the world of coal-fired power plants;
- (3) Has as its core business the construction or operation of fossil fuel infrastructure;
- (4) Has as its core business the exploration, extraction, refining, processing or distribution of fossil fuels; or
- (5) Receives more than 50% of its gross revenue from companies that meet the definition under subparagraph (1), (2), (3) or (4).

D. "Fossil fuel infrastructure" means oil or gas wells, oil or gas pipelines and refineries; oil, coal or gas-fired power plants; oil and gas storage tanks; fossil fuel export terminals; and any other infrastructure used exclusively for fossil fuels.

2. Limitation on investment in fossil fuel company. The board, in accordance with sound investment criteria and consistent with fiduciary obligations, may not invest the assets of any state pension or annuity fund in the stocks, securities or other obligations of any fossil fuel company or any subsidiary, affiliate or parent of any fossil fuel company. Nothing in this subsection

precludes de minimis exposure of any funds held by the board to the stocks, securities or other obligations of any fossil fuel company or any subsidiary, affiliate or parent of any fossil fuel company.

3. Review and divestment of assets. The board shall review the extent to which the assets of any state pension or annuity fund are invested in the stocks, securities or other obligations of any fossil fuel company or any subsidiary, affiliate or parent of any fossil fuel company. The board shall, in accordance with sound investment criteria and consistent with fiduciary obligations, divest any such holdings. Divestment pursuant to this subsection must be complete by January 1, 2026. Nothing in this subsection precludes de minimis exposure of any funds held by the board to the stocks, securities or other obligations of any fossil fuel company or any subsidiary, affiliate or parent of any fossil fuel company.

4. Post on website. On a quarterly basis, the board shall post on the publicly accessible website of the Maine Public Employees Retirement System information detailing all its holdings in the public market and private equity investments.

5. Annual report. Beginning January 1, 2022 and annually thereafter, the board shall issue a report reviewing its environmental, social and governance investment policy. The report must disclose commonly available environmental performance metrics on the environmental effects of the board's investments.

Sec. 4. Report to Legislature. The Treasurer of State and the Board of Trustees of the Maine Public Employees Retirement System shall report annually to the joint standing committee of the Legislature having jurisdiction over retirement matters by January 1, 2023, 2024 and 2025 regarding the progress of divestment under and the implementation of the Maine Revised Statutes, Title 5, sections 138 and 1957. The Treasurer of State and the Board of Trustees of the Maine Public Employees Retirement System shall make a final report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs by January 1, 2026 regarding completion of the divestment pursuant to this section.

See title page for effective date.

**CHAPTER 232
S.P. 65 - L.D. 130**

**An Act To Create Appropriate
Standards for the Secretary of
State To Follow When
Approving the Assignments of
Vanity Registration Plates**

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

Sec. 1. 29-A MRSA §453, sub-§3-A, as amended by PL 2019, c. 397, §4, is further amended to read:

3-A. Restrictions. The Secretary of State may refuse to issue or may recall a vanity registration plate issued under this section that:

- C. Falsely suggests an association with a public institution~~s~~ institution or a government or government agency;
- D. Is duplicative; or
- E. Consists of language that encourages violence or may result in an act of violence or other unlawful activity because of the content of the language requested by the registrant;
- F. Is profane or obscene;
- G. Makes a derogatory reference to age, race, ethnicity, sex, sexual orientation, gender identity, ancestry or national origin, religion or physical or mental disability;
- H. Connotes genitalia or relates to sexual acts; or
- I. Forms a slang term, abbreviation, phonetic spelling or mirror image of a word or term otherwise described in this subsection.

Sec. 2. 29-A MRSA §453, sub-§3-B is enacted to read:

3-B. Appeals. An individual may appeal the Secretary of State's decision to refuse to issue or decision to recall a vanity registration plate pursuant to subsection 3-A. The individual must file the appeal within 14 days from the date of the Secretary of State's initial decision with the vehicle services division of the bureau. In addition to following general hearing procedures as prescribed by section 2484, the appeal process must adhere to the same adjudicatory proceedings process, including notice, evidentiary standard and public participation provisions, as outlined in Title 5, chapter 375, subchapter 4.

Sec. 3. 29-A MRSA §453, sub-§3-C is enacted to read:

3-C. Rules. The Secretary of State may adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A to implement the provisions of this section.

See title page for effective date.
