

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

1-A. Scalloping permitted by rule. The commissioner may adopt and amend rules that amend the definition of the Frenchboro area if the commissioner determines, after evaluation, that the area should be modified to better achieve the purposes of this section. The commissioner may also adopt and amend rules permitting the taking of scallops in the Frenchboro area, as defined in subsection 1, except that the rules may not permit the use of drags more than 30 inches wide and may not permit the use of drag ropes more than 3/8 inch in diameter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. Evaluation of the Frenchboro area; report. Within 90 days of the effective date of this Act, the Commissioner of Marine Resources shall evaluate the size and boundaries of the Frenchboro area, where, pursuant to the Maine Revised Statutes, Title 12, section 6954-A, dragging and scalloping are prohibited, to determine whether the area should be modified. The commissioner shall report the results of the evaluation to the Joint Standing Committee on Marine Resources by February 1, 2022.

See title page for effective date.

CHAPTER 250

H.P. 243 - L.D. 345

**An Act Updating Certain
Probate Filing and
Certification Fees To Reflect
Current Costs**

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

Sec. 1. 18-C MRSA §1-602, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

§1-602. Filing and certification fees

The person making the request shall pay the register the following fees for filing or certifying documents.

1. Certification. For making and certifying to the register of deeds copies of devises of real estate, abstracts of petitions for appointment of a personal representative or for an elective share and any other document for which certification is required, the fee is ~~\$15~~ \$20 plus the fee for recording as provided by Title 33, section 751, except as otherwise expressly provided by law. The fee must be paid by the personal representative, petitioner or other person filing the document to be certified when the copy of the devise, abstract, petition for elective share or other document for which certification is required is requested. The register of probate shall deliver the certified document to the register of

deeds together with the fee for recording as provided by Title 33, section 751.

2. Filing. For receiving and entering each petition or application for all estates, testate and intestate, including foreign estates, and the filing of a notice by a domiciliary foreign personal representative, except for the filing of a successor personal representative, when the value of the estate is:

- A. \$10,000 and under, the fee is ~~\$20~~ \$40;
- B. \$10,001 to \$20,000, the fee is ~~\$40~~ \$60;
- C. \$20,001 to \$30,000, the fee is ~~\$60~~ \$75;
- D. \$30,001 to \$40,000, the fee is ~~\$75~~ \$95;
- E. \$40,001 to \$50,000, the fee is ~~\$95~~ \$125;
- F. \$50,001 to \$75,000, the fee is ~~\$125~~ \$190;
- G. \$75,001 to \$100,000, the fee is ~~\$190~~ \$250;
- H. \$100,001 to \$150,000, the fee is ~~\$250~~ \$325;
- I. \$150,001 to \$200,000, the fee is ~~\$325~~ \$375;
- J. \$200,001 to \$250,000, the fee is ~~\$375~~ \$450;
- K. \$250,001 to \$300,000, the fee is ~~\$450~~ \$500;
- L. \$300,001 to \$400,000, the fee is ~~\$500~~ \$575;
- M. \$400,001 to \$500,000, the fee is ~~\$575~~ \$625;
- N. \$500,001 to \$750,000, the fee is ~~\$625~~ \$700;
- O. \$750,001 to \$1,000,000, the fee is ~~\$700~~ \$750;
- P. \$1,000,001 to \$1,500,000, the fee is ~~\$750~~ \$875;
- Q. \$1,500,001 to \$2,000,000, the fee is ~~\$875~~ \$950; or
- R. More than \$2,000,000, the fee is ~~\$950~~ \$1,200, and continuing in steps of ~~\$400~~ \$250 for every increase in value of \$500,000 or part thereof above \$2,500,000.

For filing a will for no probate, ~~there the fee is no charge~~ \$15.

For filing a will to be probated and without an appointment, the fee is ~~\$15~~ \$20.

3. Copies of court records. For making copies from the records of the court, the fee is \$1 for each page.

4. Certificate of appointment. For each certificate, under seal of the court, of the appointment and qualification of a personal representative, guardian, conservator or trustee, the fee is ~~\$5~~ \$10, and for each double certificate, the fee is ~~\$40~~ \$20.

5. Petition for appointment as guardian. For filing a petition for appointment as guardian, the fee is ~~\$50~~ \$90.

6. Application for involuntary hospitalization. For filing an application for involuntary hospitalization, the fee is \$10.

7. Petition for guardian and conservator. For filing a joined petition for guardian and conservator, the fee is ~~\$75~~ \$115.

8. Petition for appointment of conservator. For filing a petition for appointment of conservator, the fee is ~~\$50~~ \$90.

9. Petition for elective share. For filing a petition for elective share, the fee is \$120.

10. Subsequent informal appointments. For all other subsequent informal appointments, the fee is ~~\$25~~ \$50.

11. Other formal proceeding. For filing any other formal proceeding, the fee is ~~\$25~~ \$50.

12. Registration of guardianship order from another state or acceptance of transfer. For registering a guardianship order from another state or acceptance of transfer, the fee is ~~\$25~~ \$50.

Sec. 2. 18-C MRSA §1-701, sub-§4, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

4. Filing fee. The fee for filing a name change petition is ~~\$40~~ \$75.

See title page for effective date.

**CHAPTER 251
S.P. 295 - L.D. 881**

**An Act To Make Technical
Changes to the Maine Medical
Use of Marijuana Act**

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

Whereas, this legislation makes important technical changes to the marijuana for medical use laws and ensures consistency with the definitions in the adult use laws and these changes must be implemented as soon as possible; 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. 22 MRSA §2422, sub-§4-K, as amended by PL 2019, c. 528, §15, is further amended to read:

4-K. Marijuana plant. "Marijuana plant" means a plant of the genus Cannabis, including, but not limited to, Cannabis sativa, Cannabis indica and Cannabis ruderalis ~~or their hybrids and the seeds of those plants.~~ "Marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

Sec. 2. 22 MRSA §2422, sub-§4-N, as enacted by PL 2019, c. 331, §2 and c. 528, §16, is repealed and the following enacted in its place:

4-N. Immature marijuana plant. "Immature marijuana plant" means a marijuana plant that is not a mature marijuana plant or seedling. "Immature marijuana plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

Sec. 3. 22 MRSA §2422, sub-§14-B, as enacted by PL 2017, c. 452, §3, is amended to read:

14-B. Seedling. "Seedling" means a ~~nonflowering~~ marijuana plant or rooted cutting that ~~measures 24 inches or less from the base of the main plant stalk to the most distant point of the plant's leaf stems or branches.~~ is:

- A. Not flowering;
- B. Less than 24 inches in height; and
- C. Less than 24 inches in width.

Sec. 4. 22 MRSA §2425-A, sub-§10, ¶B, as enacted by PL 2017, c. 452, §12, is repealed and the following enacted in its place:

B. There is an annual registration fee for a caregiver who cultivates marijuana plants on behalf of a qualifying patient pursuant to section 2423-A, subsection 2, paragraph B.

(1) For a caregiver registering based upon plant count, the fee may not be less than \$50 or more than \$240 for each group of up to 6 mature marijuana plants cultivated by the caregiver. The caregiver shall notify the department of the number of marijuana plants the caregiver cultivates.

(2) For a caregiver registering based upon plant canopy, the fee may not be less than \$50 or more than \$1,500 for a total plant canopy of 500 square feet or less.

Sec. 5. 28-B MRSA §102, sub-§51, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

51. Seedling. "Seedling" means a marijuana plant or rooted cutting that is:

- A. Not flowering;
- B. Less than 6 24 inches in height; and