

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

systems, consultants and staff necessary to provide cost-effective, accessible and responsive services to eligible employees and retirees. Administration of the program must be consistent with rules adopted by the State Employee Health Commission. The executive director and the staff of the state employee health insurance program are appointed in accordance with the Civil Service Law.

Sec. 5. 5 MRSA §286, 6th ¶, as amended by PL 1991, c. 780, Pt. Y, §27, is further amended to read:

A reserve fund, administered by the Executive Director of Employee Health Insurance and Wellness and the Director of the Bureau of Human Resources with approval of the Commissioner of Administrative and Financial Services, is created to protect the program from unexpected losses and self-insured losses and related expenses incurred in the provision of health and dental benefits for the eligible participants. The fund is a continuing fund and may not lapse. The Treasurer of State shall invest the fund. All proceeds of these investments accrue to the fund.

Sec. 6. 5 MRSA §286-M, sub-§2, ¶C, as enacted by PL 2005, c. 636, Pt. A, §3, is amended to read:

C. "Division" means the Department of Administrative and Financial Services, Division Office of State Employee Health Insurance and Wellness.

Sec. 7. 20-A MRSA §13451, sub-§3, as amended by PL 2013, c. 368, Pt. H, §3, is further amended by amending the last blocked paragraph to read:

For the fiscal years ending June 30, 2012, June 30, 2013, June 30, 2014 and June 30, 2015, the State's total cost for retired teachers' health insurance premiums is budgeted at the fiscal year 2010-11 funding level adjusted for projected membership growth. The increase in the State's total cost for retired teachers' health insurance premiums for fiscal years ending after June 30, 2015 is budgeted at no more than any percentage increase in the Consumer Price Index as defined in Title 5, section 17001, subsection 9 plus 3%. A provider of a health insurance benefit plan for retired teachers must make available data related to the provider's premium costs and any related data as requested by the Executive Director of Employee Health Insurance and Wellness within the Department of Administrative and Financial Services.

See title page for effective date.

CHAPTER 313 H.P. 996 - L.D. 1345

An Act To Implement the Recommendations of the Right To Know Advisory Committee

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 1 MRSA §408-A, sub-§8, ¶A, as enacted by PL 2011, c. 662, §5, is amended to read:

A. The agency or official may charge a reasonable fee to cover the cost of copying. A reasonable fee to cover the cost of copying is no more than 10¢ per page for a standard 8 1/2 inches by 11 inches black and white copy of a record. A per-page copy fee may not be charged for records provided electronically.

Sec. 2. 1 MRSA §411, sub-§2, ¶M, as amended by PL 2015, c. 250, Pt. A, §1, is further amended to read:

M. The Attorney General or the Attorney General's designee; ~~and~~

Sec. 3. 1 MRSA §411, sub-§2, ¶N, as enacted by PL 2015, c. 250, Pt. A, §2, is amended to read:

N. One member with broad experience in and understanding of issues and costs in multiple areas of information technology, including practical applications concerning creation, storage, retrieval and accessibility of electronic records; use of communication technologies to support meetings, including teleconferencing and Internet-based conferencing; databases for records management and reporting; and information technology system development and support, appointed by the Governor; ~~and~~

Sec. 4. 1 MRSA §411, sub-§2, ¶O is enacted to read:

O. One representative having legal or professional expertise in the field of data and personal privacy, appointed by the Governor.

Sec. 5. 1 MRSA §412, sub-§1, as amended by PL 2019, c. 300, §1, is further amended to read:

1. Training required. A public access officer and an official subject to this section shall complete a course of training on the requirements of this chapter relating

to public records and proceedings. The official or public access officer shall complete the training not later than the 120th day after the date the official ~~takes the oath of office to assume~~ assumes the person's duties as an official or the person is designated as a public access officer pursuant to section 413, subsection 1.

Sec. 6. 1 MRSA §412, sub-§4, ¶F, as enacted by PL 2007, c. 576, §2, is amended to read:

F. Municipal officers; municipal clerks, treasurers, managers or administrators, assessors and code enforcement officers and deputies for those positions; and planning board members and budget committee members of municipal governments;

Sec. 7. 1 MRSA §412, sub-§4, ¶G, as amended by PL 2011, c. 662, §7, is further amended to read:

G. ~~Officials~~ Superintendents, assistant superintendents and school board members of school administrative units; and

Sec. 8. 1 MRSA §432, sub-§2, ¶G-1 is enacted to read:

G-1. Whether public access to the record ensures or would ensure that members of the public are able to make informed health and safety decisions;

Sec. 9. 1 MRSA §434, sub-§2, ¶G-1 is enacted to read:

G-1. Whether public access to the record ensures or would ensure that members of the public are able to make informed health and safety decisions;

See title page for effective date.

CHAPTER 314

H.P. 1050 - L.D. 1434

An Act Regarding Controlled Entry Areas within Retail Marijuana Stores

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

Sec. 1. 28-B MRSA §504, sub-§4-A is enacted to read:

4-A. Controlled, indoor entry area. A marijuana store may have a controlled, indoor entry area directly inside the marijuana store in which an employee of the marijuana store licensee may verify the identification and age of persons and persons may await entry into the sales area of the marijuana store. A controlled, indoor entry area under this subsection must be physically separated from the sales area of the marijuana store.

Sec. 2. 28-B MRSA §507, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

§507. Entry into marijuana establishment by persons under 21 years of age prohibited

A person under 21 years of age may not enter the licensed premises of a marijuana establishment. A licensee shall ensure that persons under 21 years of age do not enter its licensed premises, except that a marijuana store licensee may use a controlled, indoor entry area, in accordance with section 504, subsection 4-A, in a marijuana store to verify the identification and age of persons before allowing entry into the sales area of the marijuana store.

See title page for effective date.

CHAPTER 315

H.P. 1071 - L.D. 1455

An Act To Support Survivors of Sex Trafficking and Exploitation

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

Sec. 1. 17-A MRSA §853-A, sub-§4, as enacted by PL 2013, c. 537, §5, is amended to read:

4. It is an affirmative a defense to prosecution under this section that the person engaged in prostitution because the person was compelled to do so as described in section 852, subsection 2.

Sec. 2. 17-A MRSA §853-A, sub-§5 is enacted to read:

5. It is a defense to prosecution under this section that the person engaged in prostitution to prevent bodily injury, serious economic hardship or another threat to the person or another person.

See title page for effective date.

CHAPTER 316

S.P. 485 - L.D. 1508

An Act To Reduce Homelessness by Reducing Evictions

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

Sec. 1. 14 MRSA §6004, as amended by PL 2015, c. 22, §1, is repealed and the following enacted in its place:

§6004. Commencement of action

1. Summons and complaint; service. The process of forcible entry and detainer must be commenced and service made in the same manner as other civil