

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

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

actions, except that if at least 3 good faith efforts on 3 different days have been made to serve the defendant, service may be accomplished by both mailing the summons and complaint by first-class mail to the defendant's last known address and leaving the summons and complaint at the defendant's last and usual place of abode. If service has been made by mailing and posting the summons and complaint, the plaintiff shall file with the court an affidavit demonstrating that compliance with the requirement of service has occurred. When the plaintiff lives out of the State and a recognizance is required of the plaintiff, any person may recognize in the plaintiff's behalf and is personally liable.

2. Form notice. If the defendant is a residential tenant, the plaintiff shall attach to the summons and complaint that is served on the defendant as provided in subsection 1 a one-page to 2-page form notice provided by the judicial branch in consultation with other resources and posted on the publicly accessible website of the judicial branch, written in language that is plain and readily understandable by the general public, that contains at a minimum the following:

- A. A description of the court procedure to be followed in the case, including a clear explanation of the process that must be followed before a tenant is required to vacate a rental unit;
- B. A statement that failure to appear at any scheduled status conference or hearing may result in the entry of judgment in favor of the landlord, which would require the tenant to leave the rental unit;
- C. A list of rental assistance programs available to residential tenants;
- D. A list of resources that provide legal information and representation available to residential tenants;
- E. A list of resources that provide housing counseling available to residential tenants;
- F. A statement that either party may request, or the court may at any time refer the parties to, mediation on any issue; and
- G. A court-approved form to request mediation.

See title page for effective date.

CHAPTER 317

H.P. 1195 - L.D. 1606

An Act To Expand Tenant Representation on Boards of Directors of Nonprofit Housing Corporations

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

Sec. 1. 13-B MRSA §701-A is enacted to read:

§701-A. Board of directors of a nonprofit housing corporation

A corporation organized under this Title that has an ownership interest in any multifamily rental housing shall include on its board of directors, at a minimum, one current tenant of such housing. If the corporation is unable to find a tenant to serve as a director, it shall advertise the position to current tenants on an annual basis. The name and contact information of the tenant director must be posted in a public location in each building in which the corporation has an interest. This section does not apply to a corporation that only provides emergency shelter or short-term transitional housing.

See title page for effective date.

CHAPTER 318

H.P. 172 - L.D. 251

An Act Regarding Public Utility Assessments, Fees and Penalties

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

Sec. 1. 35-A MRSA §116, sub-§1, as amended by PL 2013, c. 600, §1, is further amended to read:

1. Entities subject to assessments. Every transmission and distribution, gas, telephone and water utility and ferry subject to regulation by the commission and every qualified telecommunications provider is subject to an assessment on its intrastate gross operating revenues to produce sufficient revenue for expenditures allocated by the Legislature for the Public Utilities Commission Regulatory Fund established pursuant to this section. The budget for the Public Utilities Commission Regulatory Fund is subject to legislative review and approval in accordance with subsection 2. The portion of the total assessment applicable to each category of public utility or qualified telecommunications provider is based on an accounting by the commission of the portion of the commission's resources devoted to matters related to each category. The commission shall develop a reasonable and practicable method of accounting for resources devoted by the commission to matters related to each category of public utility or qualified telecommunications provider. Assessments on each public utility or qualified telecommunications provider within each category must be based on the utility's or qualified telecommunications provider's gross intrastate operating revenues. Within each category of public utility, the assessment must be apportioned and applied separately to investor-owned utilities and consumer-owned utilities. The portion of the assessment applicable to investor-owned utilities and