

# 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.**

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**Augusta, Maine**  
**2021**

F. Strive toward having a sufficient number of personnel who are qualified and experienced to provide treatment that is beneficial to persons with intellectual disabilities or autism; ~~and~~

**Sec. 4. 34-B MRSA §5003-A, sub-§2, ¶G,** as amended by PL 2011, c. 542, Pt. A, §83, is further amended by amending subparagraph (3) to read:

(3) The commissioner shall inform the joint standing committee of the Legislature having jurisdiction over human resources matters about areas where increased cooperation by other departments is necessary in order to improve the delivery of services to persons with intellectual disabilities or autism; ~~and~~

**Sec. 5. 34-B MRSA §5003-A, sub-§2, ¶H** is enacted to read:

H. Post quarterly reports on the department's publicly accessible website, for each home and community-based services waiver from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services in which the State participates, data on how many persons were served and how many were on the waiting list for services. The department shall post this information by prioritization category when applicable and shall include one or more indicators of the length of time that persons are on the waiting list.

**Sec. 6. 34-B MRSA §5003-A, sub-§3, ¶H,** as amended by PL 2011, c. 542, Pt. A, §83, is further amended to read:

H. The commissioner ~~must~~ shall ensure that the development of the plan includes the participation of persons with intellectual disabilities, autism, brain injury and other related conditions; community intellectual disability and autism service providers; consumer and family groups; and other interested persons or groups in annual statewide hearings, as well as informal meetings and work sessions. The commissioner shall ensure the participation of persons reflecting a diversity of ethnicity, race and gender.

**Sec. 7. 34-B MRSA §5003-A, sub-§6, ¶A,** as enacted by PL 2007, c. 356, §16 and affected by §31, is amended by amending subparagraph (4) to read:

(4) The system of ~~care~~ services and support under this section is efficient and effective.

**Sec. 8. 34-B MRSA §5003-A, sub-§7** is enacted to read:

**7. Committee authorized to introduce legislation.** The joint standing committee of the Legislature having jurisdiction over health and human services matters is authorized to introduce a bill in each first regular

session of the Legislature and a bill in each second regular session of the Legislature to address the system of services and support for persons with intellectual disabilities or autism.

See title page for effective date.

**CHAPTER 322**

**H.P. 1151 - L.D. 1546**

**An Act Directing the Maine State Housing Authority To Report on Emergency Rental Assistance Programs**

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

**Sec. 1. 30-A MRSA §4722, sub-§1, ¶FF,** as amended by PL 2019, c. 555, §2, is further amended to read:

FF. Provide grants to eligible homeowners who are served by private well water that shows evidence of high levels of arsenic contamination. For purposes of this paragraph, "homeowner" includes an individual who occupies a single-family dwelling that is located on land that is owned by a member of that individual's immediate family and "immediate family" means a spouse, parent, child, sibling, stepchild, stepparent and grandparent; ~~and~~

**Sec. 2. 30-A MRSA §4722, sub-§1, ¶GG,** as enacted by PL 2019, c. 555, §3, is amended by amending subparagraph (3) to read:

(3) Perform other functions and duties necessary for the proper administration of the credit, including providing any necessary certifications and notices to taxpayers and to the Department of Administrative and Financial Services, Bureau of Revenue Services containing information required by the State Tax Assessor necessary for determining eligibility and the amount of the credit for each taxable year; ~~and~~

**Sec. 3. 30-A MRSA §4722, sub-§1, ¶HH** is enacted to read:

HH. Provide the joint standing committee of the Legislature having jurisdiction over housing matters copies of any reports required to be submitted to the United States Department of the Treasury or the Governor regarding the administration of the emergency rental assistance programs established by Section 501 of Division N of the federal Consolidated Appropriations Act, 2021 and Section 3201(a) of the federal American Rescue Plan Act of 2021. Copies of any reports required to be submitted to the United States Department of the Treasury or the Governor must be submitted to the

joint standing committee of the Legislature having jurisdiction over housing matters no later than 7 days after the reports are submitted to the United States Department of the Treasury or the Governor. If no such reports are required to be submitted to the United States Department of the Treasury or the Governor, the Maine State Housing Authority shall submit, beginning January 15, 2022 and annually thereafter, to the joint standing committee of the Legislature having jurisdiction over housing matters a report on any rental assistance distributed by the Maine State Housing Authority.

See title page for effective date.

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**CHAPTER 323**

**H.P. 639 - L.D. 871**

**An Act To Clarify Certain Provisions Regarding the Marijuana Excise Tax**

**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 Department of Administrative and Financial Services began in September 2020 to issue licenses to authorize the cultivation, manufacturing, testing and sale of adult use marijuana and adult use marijuana products; and

**Whereas,** licenses issued to cultivation facilities may authorize the transfer of, and payment of excise taxes on, the items included in this legislation; and

**Whereas,** the department has issued rules to clarify currently ambiguous portions of the excise tax laws clarified in this legislation; and

**Whereas,** predictability and simplicity in the enforcement of tax laws is critical to ensuring compliance with tax laws; and

**Whereas,** the changes to the adult use marijuana and tax laws proposed in this legislation are critical to sustainability and growth of a critical source of revenue in the midst of an ongoing economic crisis; 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.** 36 MRSA §4921, sub-§13 is enacted to read:

**13. Wet marijuana flower.** "Wet marijuana flower" means marijuana flower that is not dried, cured or otherwise prepared in any manner to reduce or eliminate any water weight.

**Sec. 2.** 36 MRSA §4921, sub-§14 is enacted to read:

**14. Wet marijuana trim.** "Wet marijuana trim" means marijuana trim that is not dried, cured or otherwise prepared in any manner to reduce or eliminate any water weight.

**Sec. 3.** 36 MRSA §4923, sub-§1, as enacted by PL 2019, c. 231, Pt. B, §7, is amended to read:

**1. Excise tax on marijuana flower and mature marijuana plants.** A cultivation facility licensee shall pay an excise tax of \$335 per pound or fraction thereof of marijuana flower ~~or mature marijuana plants~~ sold to other licensees in the State.

**Sec. 4.** 36 MRSA §4923, sub-§3-A is enacted to read:

**3-A. Excise tax on mature marijuana plants.** Beginning July 1, 2021, a cultivation facility licensee shall pay an excise tax of \$35 per mature marijuana plant sold to other licensees in the State.

**Sec. 5.** 36 MRSA §4923-A is enacted to read:

**§4923-A. Calculation of excise tax imposed on wet marijuana flower and wet marijuana trim**

For purposes of the excise tax imposed pursuant to section 4923 on wet marijuana flower or wet marijuana trim, a cultivation facility licensee shall calculate the taxable weight by reducing the total weight of the wet marijuana flower or wet marijuana trim by 75% before applying the excise tax.

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

Effective June 22, 2021.

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**CHAPTER 324**

**S.P. 39 - L.D. 31**

**An Act To Adopt the Occupational Therapy Licensure Compact**

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

**Sec. 1.** 32 MRSA c. 32, sub-c. 1 is enacted by adding before section 2271 the following to read:

**SUBCHAPTER 1**

**GENERAL LICENSING PROVISIONS**