

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

A. An employer has the burden of proof, except that, if the overcompensation amounts to less than 15% of the correct net amount of the employee's compensation, the employer must prove by clear and convincing evidence that the employee knowingly accepted the overcompensation.

B. If an employee knowingly accepts the overcompensation, this section does not apply.

C. This section, except for the forfeiture provisions in subsection 3, does not limit or affect an employer's general civil remedies against an employee or an employee's general civil remedies against an employer.

See title page for effective date.

**CHAPTER 426
S.P. 250 - L.D. 636**

**An Act To Encourage the
Purchase of Local Foods for
Public Schools**

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

Whereas, school administrative units have an immediate need to provide high-quality, locally grown foods to Maine students, many of whom experience food insecurity; and

Whereas, school administrative units require the ability to access the State's enhanced program providing local foods to public schools in the current fiscal year; 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. 20-A MRSA §6602, sub-§12, as amended by PL 2019, c. 511, §1 and affected by §2, is further amended to read:

12. Local Produce Foods Fund. The Local Produce Foods Fund is established within the department. The fund is authorized to receive revenue from public and private sources. The fund must be held separate and apart from all other money, funds and accounts. Any balance remaining in the fund at the end of the fiscal year must be carried forward to the next fiscal year. The fund must be used to match \$1 for every \$3 a school administrative unit pays for produce, value-added dairy,

protein or minimally processed foods purchased directly from a farmer, farmers' cooperative or local food hub, local food processor or food service distributor in the State, to a maximum state contribution of ~~\$1,000 per school administrative unit in fiscal year 2019-20 and \$1,500~~ \$5,000 per school administrative unit in fiscal year ~~2020-21~~ 2021-22 and subsequent years or ~~\$2,000~~ \$5,500 per school administrative unit if funding is received and the school administrative unit sends a food service employee to local foods training administered by the department under subsection 13. All foods purchased using the fund must be grown or produced in the State. At the end of the fiscal year, the school administrative unit may provide the department with receipts documenting purchases pursuant to this subsection during that year. For purposes of this subsection, "minimally processed" means only the washing, cleaning, trimming, peeling, slicing, drying, sorting, refrigerating, freezing and packaging of food items or a combination of those activities. Reimbursement or partial reimbursement to school administrative units may only be made up to the amount available in the fund. Failure to reimburse does not constitute an obligation on behalf of the State to a school administrative unit. The department shall apply for federal grant funding to provide state contributions in excess of ~~\$1,000 per school administrative unit in fiscal year 2019-20 and \$1,500~~ \$5,000 per school administrative unit in fiscal year ~~2020-21~~ 2021-22 and subsequent years pursuant to this subsection if applicable grant funding is available. The department may accept grant funding from hospitals and other sources to provide state contributions in excess of ~~\$1,000 per school administrative unit in fiscal year 2019-20 and \$1,500~~ \$5,000 per school administrative unit in fiscal year ~~2020-21~~ 2021-22 and subsequent years pursuant to this subsection.

Sec. 2. 20-A MRSA §6602, sub-§12-A is enacted to read:

12-A. Local Foods Fund reimbursement. Reimbursement or partial reimbursement to school administrative units may be made only up to the amount appropriated to support the provisions of the Local Foods Fund as established in subsection 12. Funds appropriated for this purpose do not lapse but must be carried forward to the next fiscal year to be used for the same purpose.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF
Local Foods N371**

Initiative: Transfers funding to support the use of local produce in schools to a newly created Local Foods Fund.

GENERAL FUND	2020-21	2021-22	2022-23
All Other	\$300,813	\$322,500	\$322,500

GENERAL FUND \$300,813 \$322,500 \$322,500
TOTAL

School Finance and Operations Z078

Initiative: Transfers funding to support the use of local produce in schools to a newly created Local Foods Fund.

GENERAL FUND	2020-21	2021-22	2022-23
All Other	(\$300,813)	(\$322,500)	(\$322,500)
GENERAL FUND	(\$300,813)	(\$322,500)	(\$322,500)
TOTAL			

EDUCATION, DEPARTMENT OF DEPARTMENT TOTALS	2020-21	2021-22	2022-23
GENERAL FUND	\$0	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0	\$0

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

Effective July 8, 2021.

**CHAPTER 427
H.P. 475 - L.D. 644**

**An Act Regarding Motor
Vehicle Registration Violations**

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

Sec. 1. 29-A MRSA §351, sub-§1, as amended by PL 2013, c. 112, §6, is further amended to read:

1. Failure to register. A person who operates a vehicle that is not registered in accordance with this Title, fails to register a vehicle or permits a vehicle that is not registered to remain on a public way commits:

A. A traffic infraction for which a fine of not more than \$50 may be adjudged for a first offense if the vehicle was registered and the registration has been expired for more than 30 days but less than 150 days; ~~or~~

~~B. A Class E crime if the vehicle was not registered or the registration has been expired for 150 days or more.~~

C. A traffic infraction for which a fine of not more than \$100 may be adjudged for a first offense if the vehicle was registered and the registration has been expired for 150 days or more;

D. A traffic infraction for which a fine of not more than \$500 may be adjudged for each subsequent offense; or

E. A Class E crime if the vehicle has never been registered by the current owner of the vehicle.

A person served with a Violation Summons and Complaint charging a violation of this subsection may have the complaint dismissed if that person shows satisfactory evidence of registration that was in effect at the time of the alleged violation or that the person subsequently registered the vehicle prior to the date required for filing an answer to the complaint. The clerk of the District Court Violations Bureau must dismiss the complaint if, prior to the date required for filing an answer to the complaint, the person charged files a copy of the Violation Summons and Complaint with the bureau, together with satisfactory evidence of registration. If a person files a timely answer to a Violation Summons and Complaint alleging a violation of this subsection and that person presents to the court at the time of trial satisfactory evidence of registration, the court must dismiss the complaint.

Sec. 2. 29-A MRSA §351, sub-§1-A, as amended by PL 2005, c. 433, §5 and affected by §28, is further amended to read:

1-A. Residents required to register. An owner of a vehicle who becomes a resident of this State shall register that vehicle in this State within 30 days of establishing residency. A person who operates or allows a vehicle that is not registered in accordance with this subsection to remain on a public way commits:

A. A traffic infraction for which a fine of not more than \$50 may be adjudged for a first offense if more than 30 days but less than 150 days has elapsed since establishing residency; ~~or~~

A-1. A traffic infraction for which a fine of not more than \$500 may be adjudged for a 2nd and each subsequent offense; or

B. A Class E crime if more than 150 days have elapsed since establishing residency.

Sec. 3. 29-A MRSA §351, sub-§2, ¶A, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. Within 2 10 business days, the owner or operator must register the vehicle;

Sec. 4. Effective date. This Act takes effect July 1, 2022.

Effective July 1, 2022.