

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

SECOND SPECIAL SESSION
September 29, 2021

SECOND REGULAR SESSION
January 5, 2022 to May 9, 2022

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 29, 2021

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 8, 2022

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2022

Notice and meeting are not required under this subsection if investors or mutual voters unanimously approve the plan of merger or consolidation.

Sec. 6. 9-B MRSA §351, sub-§5, ¶A, as enacted by PL 1997, c. 398, Pt. G, §1, is amended to read:

A. Upon approval by the investors or mutual voters of the participating institutions, the chief executive officer, president or vice-president ~~and the clerk or secretary~~ of each institution shall submit the executed plan of merger or consolidation to the superintendent, together with ~~the resolutions of evidence of approval by the investors or mutual voters~~ approving it, each certified by these officers.

Sec. 7. 9-B MRSA §352, sub-§3, as amended by PL 1997, c. 683, Pt. A, §1, is further amended by enacting at the end a new blocked paragraph to read:

Notice and meeting are not required under this subsection if investors unanimously approve the plan.

Sec. 8. 9-B MRSA §353, sub-§3, as amended by PL 1997, c. 398, Pt. G, §3, is further amended by enacting at the end a new blocked paragraph to read:

Notice and meeting are not required under this subsection if mutual voters unanimously approve the plan.

Sec. 9. 9-B MRSA §373, sub-§3, as enacted by PL 1995, c. 628, §20, is amended by amending the first blocked paragraph to read:

The superintendent shall provide written response within 30 days of receipt of the notice. If the superintendent finds that the interstate combination, acquisition or establishment does not comply with applicable state law, including, but not limited to, the conditions and requirements of this chapter, the superintendent may file an objection with the appropriate state or federal regulatory agency that has primary responsibility for the applicant. In addition, if the superintendent finds that an interstate combination, branch acquisition or de novo establishment would be adverse to the public interest, the superintendent may bring an action in the name of the State pursuant to chapter 24. The Maine charter of the participating financial institution terminates automatically upon completion of an interstate combination done in conformity with this subsection that results in an out-of-state financial institution, federal association or national bank.

Sec. 10. 9-B MRSA §429, sub-§2, as amended by PL 2003, c. 263, §2, is further amended to read:

2. Payment of interest or dividends. Each mortgagee holding funds of a mortgagor in a required escrow account on behalf of itself or another mortgagee for the payment of taxes or insurance premiums with respect to mortgaged property located in this State shall pay the mortgagor, at least quarterly, dividends or interest on the account at a rate of not less than 50% of the 1-year Treasury ~~Note rate~~ Bill secondary market rate or

rate of a comparable instrument if the 1-year Treasury ~~Note Bill~~ is not offered, as published electronically by the Federal Reserve System or in a financial newspaper of national circulation, as of the first business day of the year in which the quarterly interest or dividend is paid. The dividends or interest paid under this subsection may not be reduced by any charge for service or maintenance of the account.

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

Effective March 16, 2022.

CHAPTER 509

S.P. 610 - L.D. 1855

An Act Regarding Point-of-dispensing Sites for Immunizations against COVID-19

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

Whereas, Public Law 2021, chapter 28 permitted delegation of COVID-19 vaccine administration at point-of-dispensing sites during the public health emergency declared by the Governor; and

Whereas, although the public health emergency declared by the Governor has expired, public health measures to address COVID-19, such as point-of-dispensing sites, are still needed in this State; and

Whereas, point-of-dispensing sites provide expanded access to vaccines; and

Whereas, this legislation extends protections for permitted delegation of COVID-19 vaccine administration at point-of-dispensing sites beyond a declared emergency; and

Whereas, this legislation maintains requirements that point-of-dispensing sites must operate in accordance with a written memorandum of understanding with the Department of Health and Human Services, Maine Center for Disease Control and Prevention and meet certain requirements for oversight and training; and

Whereas, having this legislation take effect as soon as possible will ensure point-of-dispensing sites can continue to be established when necessary; 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. PL 2021, c. 28, Pt. D, §1, sub-§1 is amended to read:

1. Applicability. This section applies only to point-of-dispensing vaccine sites that have a written memorandum of understanding with the Department of Health and Human Services, Maine Center for Disease Control and Prevention to administer vaccines against COVID-19. ~~This section is effective only during the state of emergency declared by the Governor due to COVID-19 as of March 15, 2020 and any renewals of that declaration in accordance with the Maine Revised Statutes, Title 37-B, section 742 and Title 22, section 801, subsection 4-A and section 802, subsection 2-A.~~

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

Effective March 16, 2022.

CHAPTER 510

H.P. 963 - L.D. 1307

An Act Regarding the Sale and Use of Consumer Fireworks

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

Sec. 1. 8 MRSA §223-A, sub-§10, as amended by PL 2019, c. 646, §1, is further amended to read:

10. Disclosures to customers. A person authorized to sell consumer fireworks shall provide to the purchaser at the point of sale written guidelines, which must be published or approved by the commissioner before distribution, describing the safe and proper use of consumer fireworks, ~~which must include, but are including, but~~ not limited to, guidelines regarding the safe and proper use of consumer fireworks around bodies of water; guidelines regarding the prevention of littering in the use of consumer fireworks; and guidelines regarding the effects from the use of consumer fireworks on wildlife, livestock and domesticated animals. The guidelines must also include the following statements in a conspicuous location: ~~"MAINE LAW EXPRESSLY PROHIBITS PERSONS UNDER 21 YEARS OF AGE FROM PURCHASING, POSSESSING OR USING CONSUMER FIREWORKS" and "FURNISHING CONSUMER FIREWORKS TO PERSONS UNDER 21 YEARS OF AGE IS A CRIMINAL OFFENSE IN MAINE."~~ Such guidelines must be published or approved by the commissioner prior to distribution.

A. "MAINE LAW EXPRESSLY PROHIBITS PERSONS UNDER 21 YEARS OF AGE FROM

PURCHASING, POSSESSING OR USING CONSUMER FIREWORKS";

B. "FURNISHING CONSUMER FIREWORKS TO PERSONS UNDER 21 YEARS OF AGE IS A CRIMINAL OFFENSE IN MAINE"; and

C. "LOCAL ORDINANCES MAY PROHIBIT OR RESTRICT THE USE OF CONSUMER FIREWORKS WITHIN A MUNICIPALITY. INFORMATION REGARDING LOCAL PROHIBITIONS OR RESTRICTIONS IS AVAILABLE THROUGH THE OFFICE OF THE MAINE STATE FIRE MARSHAL."

Sec. 2. 17 MRSA §2263, sub-§2, as amended by PL 2021, c. 374, §1, is further amended to read:

2. Litter. "Litter" means all waste materials including, but not limited to, bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, rubbish, offal, except waste parts or remains resulting from the normal field dressing of lawfully harvested wild game or the lawful use of waste parts or remains of wild game as bait, feathers, except feathers from live birds while being transported, abandoned ice-fishing shacks, old automobiles or parts of automobiles or similar refuse, or disposable packages or containers thrown or deposited as prohibited in this chapter, but not including the wastes of the primary processes of mining, logging, sawmilling, farming or manufacturing. "Litter" includes waste materials resulting from or associated with the use of tobacco products, including, but not limited to, cigarette butts, ~~and~~ all waste materials resulting from the outdoor release or abandonment of a balloon ~~and all~~ waste materials resulting from the use of consumer fireworks.

For the purposes of this subsection, "tobacco product" has the same meaning as in Title 22, section 1551, subsection 3 ~~and "consumer fireworks" has the same meaning as in Title 8, section 221-A, subsection 1-A.~~

Sec. 3. 17-A MRSA §501-A, sub-§1, ¶A, as enacted by PL 2007, c. 144, §3, is amended by amending subparagraph (1) to read:

(1) Making loud and unreasonable ~~noises~~ noise, including, but not limited to, loud and unreasonable noise resulting from the use of consumer fireworks;

Sec. 4. 17-A MRSA §501-A, sub-§1, ¶C, as enacted by PL 2007, c. 144, §3, is amended to read:

C. In a private place, the person makes loud and unreasonable noise, including, but not limited to, loud and unreasonable noise resulting from the use of consumer fireworks, that can be heard by another person, who may be a law enforcement officer, as unreasonable noise in a public place or in another private place, after having been ordered by a law enforcement officer to cease the noise; or