

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

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

Sec. 5. 17-A MRSA §501-A, sub-§2, ¶C is enacted to read:

C. "Consumer fireworks" has the same meaning as in Title 8, section 221-A, subsection 1-A.

See title page for effective date.

CHAPTER 511

S.P. 655 - L.D. 1837

An Act To Clarify the Appeals Process for Decisions Related to the Maine Health Insurance Marketplace

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

Whereas, this legislation has been submitted by the Department of Health and Human Services to clarify the appeals process for decisions of the Maine Health Insurance Marketplace; and

Whereas, enacting this legislation as soon as possible will provide clarity for consumers who want to appeal decisions of the Maine Health Insurance Marketplace that affect their eligibility for health care coverage; 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. 22 MRSA §5410, as enacted by PL 2019, c. 653, Pt. A, §1, is repealed and the following enacted in its place:

§5410. Relation to other laws

1. Authority of superintendent to regulate insurance. This chapter and any action taken by the marketplace pursuant to this chapter may not be construed to preempt or supersede the authority of the superintendent to regulate the business of insurance within this State.

2. Appeal from decision of department's administrative hearings unit. A decision of the department's administrative hearings unit in an appeal of a decision of the marketplace is not subject to judicial review under Title 5, section 11001 and the Maine Rules of Civil Procedure, Rule 80C. Such a decision may be appealed to the United States Department of Health and Human Services pursuant to 45 Code of Federal Regulations, Section 155.520(c).

Sec. 2. Application. This Act applies to any decision of the Maine Health Insurance Marketplace made prior to, on or after the effective date of this Act that may be appealed to the Department of Health and Human Services' administrative hearings unit.

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

Effective March 25, 2022.

CHAPTER 512

S.P. 597 - L.D. 1742

An Act To Ensure Compliance with the Interstate Fishery Management Plan for American Lobster

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

Sec. 1. 12 MRSA §6431, sub-§1, as amended by PL 2011, c. 266, Pt. A, §9, is further amended to read:

1. Minimum and maximum length. Except as provided in subsections 1-A and 1-B, a person may not buy, sell, give away, transport, ship or possess any lobster that is less than the minimum size established in this subsection 3 1/4 inches or more than 5 inches in length, as determined by the lobster measure certified in accordance with subsection 3. Except as provided in subsection 1-A, the minimum lobster size is 3 8/32 inches.

Sec. 2. 12 MRSA §6431, sub-§1-B is enacted to read:

1-B. Compliance with interstate fishery management plan. The commissioner may adopt rules to set minimum and maximum lobster sizes different from those specified in subsection 1 when necessary to comply with changes to the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for American Lobster. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The commissioner shall notify the joint standing committee of the Legislature having jurisdiction over marine resources matters when initiating rulemaking pursuant to this subsection.

Sec. 3. 12 MRSA §6433, sub-§1-A, as enacted by PL 1985, c. 677, §§4, 6 and 7, is amended to read:

1-A. Adjustment. Notwithstanding subsection 1, the commissioner shall specify by rule the dimensions of vents in lobster traps, which shall must be appropriate for the minimum legal lobster size in effect pursuant to section 6431. The commissioner may adopt rules to set different dimensions of vents in lobster traps when necessary to comply with changes to the Atlantic States