

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

used in this paragraph, "oil terminal facility" has the same meaning as in section 542, subsection 7.

This paragraph is repealed January 1, 2025; ~~or~~

B. Such foam is manufactured, sold or distributed for use at an airport in the State, as long as the foam is required by federal law or regulation to be used at airports for firefighting or fire-suppressing purposes, including, but not limited to, as required by 14 Code of Federal Regulations, Section 139.317 as that section existed on January 1, 2021. If, on or after January 1, 2022, no federal law or regulation requires the use of such foam at airports for firefighting or fire-suppressing purposes, the exception in this paragraph to the prohibition in this subsection does not apply; ~~or~~

C. Such foam is manufactured, sold or distributed for a marine defense application and the use of the foam is required by the United States Department of Defense.

A person that manufactures for sale or distribution in the State a firefighting or fire-suppressing foam shall, upon the request of the department, provide the department with a certificate of compliance certifying that the foam does not contain intentionally added PFAS or is excepted from the prohibition in this subsection under paragraph A, B or C.

Sec. 2. 38 MRSA §424-C, sub-§5, as enacted by PL 2021, c. 449, §1, is amended to read:

5. Notice and recall. Except as provided in subsection 4, paragraph A ~~or~~, B or C, on or before January 1, 2022, a person that manufactures firefighting or fire-suppressing foam to which PFAS have been intentionally added and, prior to January 1, 2022, sold, offered for sale or distributed such foam for sale or use in the State shall:

A. Provide written notification regarding the prohibition in subsection 4 to any person in the State that, prior to January 1, 2022, received such foam from the manufacturer for sale, distribution or use in the State; and

B. Issue a recall of all such foam, which must include a process by which a person in the State that received such foam will be reimbursed by the manufacturer for the recalled foam.

See title page for effective date.

**CHAPTER 584
S.P. 167 - L.D. 379**

**An Act To Establish the Maine
State Cemetery Preservation
Commission**

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

Sec. 1. 5 MRSA §12004-I, sub-§2-H is enacted to read:

2-H.

Cemeteries Maine State Cemetery Not Authorized 13 MRSA
Preservation Commission §1374

Sec. 2. 13 MRSA §1374 is enacted to read:

§1374. Maine State Cemetery Preservation Commission

The Maine State Cemetery Preservation Commission, referred to in this section as "the cemetery preservation commission," is established by Title 5, section 12004-I, subsection 2-H to provide advice and education regarding matters related to preserving cemeteries.

1. Members. The cemetery preservation commission has the following 10 members:

A. Two members representing a statewide association dedicated to the preservation of neglected cemeteries, appointed by its board of directors;

B. Two members representing a statewide association of cemetery directors and supervisors, appointed by its board of directors;

C. One member representing a statewide association representing municipalities, appointed by its board of directors;

D. One member representing a statewide association of town clerks, appointed by its board of directors;

E. One member representing a statewide association of funeral directors, appointed by its board of directors;

F. The Director of the Maine Bureau of Veterans' Services within the Department of Defense, Veterans and Emergency Management, or the director's designee;

G. One member representing a statewide association of real estate brokers, appointed by its board of directors; and

H. One member representing a statewide historical society, appointed by its board of directors.

2. Optional member. The tribal governments of the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at

Motahkomikuk, the Passamaquoddy Tribe at Sipayik and the Penobscot Nation may jointly appoint as a member of the cemetery preservation commission an individual who is a member of a federally recognized Indian nation, tribe or band in the State.

3. Duties. The cemetery preservation commission may:

A. Advise and educate municipalities and property owners about the existence of burying grounds and cemeteries and the laws applicable to burying grounds and cemeteries;

B. Advise and educate municipalities, property owners and owners of burying grounds and cemeteries on the proper care and preservation of graves, gravestones, walls and fences in and around burying grounds and cemeteries; and

C. Review statutes applicable to burying grounds and cemeteries and provide information to the Legislature on recommended changes.

4. Bureau's duties. Notwithstanding subsection 3, the duties of the Department of Defense, Veterans and Emergency Management, Maine Bureau of Veterans' Services are limited to arranging for and attending cemetery preservation commission meetings and must be accomplished within existing resources.

5. Bylaws. The members shall adopt bylaws within one year of the effective date of this section. The bylaws must provide for the regulation and management of the affairs of the cemetery preservation commission and must establish the terms of office, including staggering the initial terms, the method for selecting a chair and the method for filling a vacancy on the cemetery preservation commission. The bylaws may be amended at any time by the affirmative vote of a majority of members.

See title page for effective date.

CHAPTER 585

H.P. 1383 - L.D. 1873

An Act Related to Airboats

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

Sec. 1. 12 MRSA §13068-A, sub-§10, ¶A-2, as enacted by PL 2021, c. 166, §1, is amended by amending the last blocked paragraph to read:

This paragraph is repealed on September 30, 2022 2023.

Sec. 2. Stakeholder group; department action; report. The Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources, referred to in this section as "the commissioners," shall reconvene the stakeholder group convened

pursuant to Public Law 2021, chapter 166 to continue its discussions regarding issues related to airboat noise levels.

1. Staffing. The commissioners shall provide necessary staffing services to the stakeholder group.

2. Department actions. The Department of Inland Fisheries and Wildlife, referred to in this section as "the department," shall seek ways to increase water access points for shellfish harvesters and shall monitor the noise decibel levels of airboats.

3. Report. The department shall provide a report that includes its findings, any findings of the stakeholder group, a list of stakeholders that participated in the stakeholder group meetings and any recommendations of the department or the stakeholder group, including any proposed statutory changes if needed, to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by January 3, 2024. The committee may report out a bill related to airboats to the Second Regular Session of the 131st Legislature.

See title page for effective date.

CHAPTER 586

H.P. 1368 - L.D. 1847

An Act To Prohibit a Public Utility from Terminating or Disconnecting Service to a Public Safety Facility without Advance Notice and Approval

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

Whereas, continuous utility services are increasingly essential to the operation of Maine's public safety facilities; and

Whereas, on at least 2 occasions public safety facilities in Maine have been disconnected or nearly disconnected due to billing errors and without advance notice; and

Whereas, the purpose of this legislation is to ensure that public safety facilities receive adequate notice of terminations or disconnections of utility services; 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: