

# 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.**

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**Augusta, Maine**  
**2022**

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.

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**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.

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**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:**

**Sec. 1. 35-A MRSA §102, sub-§12-B** is enacted to read:

**12-B. Public safety facility.** "Public safety facility" has the same meaning as in Title 30-A, section 5222, subsection 14-A.

**Sec. 2. 35-A MRSA §719** is enacted to read:

**§719. Termination of utility services for public safety facilities for nonpayment of rates, fees or charges for utility service**

**1. Termination.** A public utility may not terminate or disconnect a public safety facility's utility service for nonpayment of rates, fees or charges for utility service unless the public utility has:

A. Provided written notice to the municipal or plantation government using the public safety facility of the public utility's intention to terminate or disconnect the public safety facility's utility service at least 60 days before the termination or disconnection date;

B. Obtained from the commission written authorization to terminate or disconnect the public safety facility's utility service; and

C. Obtained from the Department of Public Safety written authorization to terminate or disconnect the public safety facility's utility service.

**2. Penalties.** Notwithstanding section 1508-A, subsection 1, the commission shall impose an administrative penalty on a public utility that violates this section in accordance with this subsection.

A. For violations of this section by a public utility, the commission shall impose an administrative penalty for each violation in an amount between 0.1% and 0.25% of the annual gross revenue that the public utility received from sales in the State. Each day a violation continues constitutes a separate offense. The maximum administrative penalty for any related series of violations under this paragraph may not exceed 5% of the annual gross revenue that the public utility received from sales in the State.

B. For a violation in which a public utility was explicitly notified by the commission that it was not in compliance with the requirements of this section and that failure to comply could result in the imposition of administrative penalties, the commission shall impose an additional administrative penalty of an amount between 0.1% and 0.25% of the annual gross revenue for each violation.

C. In determining the amount of an administrative penalty under this subsection, the commission shall take into account the considerations in section 1508-A, subsection 2.

**3. Rules.** The commission shall adopt or amend rules to implement this section. The commission shall ensure that any process or system changes made by a public utility to comply with this section are cost effective, result in operation and maintenance costs that are prudent and reasonable and do not involve capital investment. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. In adopting rules pursuant to this subsection, the commission shall consult with the Department of Public Safety and a statewide organization representing municipal interests in the State.

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

Effective April 12, 2022.

**CHAPTER 587**

**S.P. 633 - L.D. 1858**

**An Act Regarding Delegating Authority for Services Performed by Emergency Medical Services Personnel in Health Care Facilities**

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

**Whereas,** current law authorizes licensed emergency medical services persons to provide medical services in hospital settings under delegated authority if certain criteria are met; and

**Whereas,** the authority of licensed emergency medical services persons who work in other health care facility settings to provide medical services in those settings under delegated authority is unclear; and

**Whereas,** the authority of licensed emergency medical services persons to work in health care settings, including approved pilot projects, must be clarified as soon as possible; 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. 32 MRSA §85, sub-§7,** as enacted by PL 2019, c. 609, §1, is amended to read:

**7. Delegation.** This chapter may not be construed to prohibit a person licensed as an emergency medical services person from rendering medical services in a