

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

Franklin	\$1,308,216
Hancock	\$204,512
Kennebec	\$9,125
Lincoln	\$31,798
Oxford	\$1,645,000
Penobscot	\$1,521,141
Piscataquis	\$1,609,793
Somerset	\$2,246,513
Washington	\$1,464,444
TOTAL COUNTY SERVICES	\$11,915,556
COUNTY TAX INCREMENT FINANCING DISTRUBUTIONS FROM FUND	
Tax Increment Financing Payments	\$3,218,057
TOTAL REQUIREMENTS	\$30,420,081
COMPUTATION OF ASSESSMENT	
Requirements	\$30,420,081
Less Revenue Deductions:	
General Revenue	
Municipal Revenue Sharing	\$220,000
Miscellaneous Revenue	\$210,000
Use of Unassigned Fund Balance	\$1,951,872
TOTAL GENERAL REVENUE DEDUCTIONS	\$2,381,872
Education Revenue	
Land Reserved Trust Interest	\$90,000
Tuition and School Transportation Charges	\$130,000
Special - Teacher Retirement Funding from State	\$240,000
TOTAL EDUCATION REVENUE DEDUCTIONS	\$460,000
TOTAL REVENUE DEDUCTIONS	\$2,841,872
TAX ASSESSMENT BEFORE COUNTY TAXES AND OVERLAY (Title 36, §1602)	\$27,578,209

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

Effective April 18, 2022.

**CHAPTER 625
H.P. 419 - L.D. 574**

An Act To Amend the Maine Food Sovereignty Act and To Recognize the Maine Food Sovereignty Act in Plantations and Unorganized Territories

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

Sec. 1. 7 MRSA §282, sub-§2, as enacted by PL 2017, c. 314, §1, is amended to read:

2. Food or food products. "Food or food products" means food or food products ~~intended that are~~ grown, produced, processed or prepared for human consumption, including, but not limited to, vegetables, fruit, milk or milk products, meat or meat products, poultry or poultry products, fish or fish products, seafood or seafood products, cider or juice, acidified foods or canned fruits or vegetables.

Sec. 2. 7 MRSA §282, sub-§3, as enacted by PL 2017, c. 314, §1, is repealed.

Sec. 3. 7 MRSA §284, as enacted by PL 2017, c. 314, §1, is amended to read:

§284. Home rule authority Authority

Pursuant to the home rule authority granted to municipalities by Title 30-A, section 3001 and by the Constitution of Maine, Article VIII, Part Second, pursuant to the authority granted to plantations by Title 30-A, section 7051, and notwithstanding any provision of ~~state food law~~ regulating food in this Title or Title 22 to the contrary, except as contained in section 285, a municipality or plantation may adopt ordinances regarding direct producer-to-consumer transactions and the State shall recognize such ordinances by not enforcing those ~~state food laws or implementing rules~~ with respect to those direct producer-to-consumer transactions that are governed by the ordinance.

Pursuant to the authority granted to county commissioners by Title 30-A, section 7505 and notwithstanding any provision of law regulating food in this Title or Title 22 to the contrary, except as contained in section 285, a county may adopt ordinances regarding direct producer-to-consumer transactions within one or more unorganized territories within that county and the State shall recognize such an ordinance by not enforcing those laws or implementing rules with respect to those direct producer-to-consumer transactions that are governed by the ordinance.

Sec. 4. 7 MRSA §286, as enacted by PL 2017, c. 314, §1, is amended to read:

§286. Compliance with food safety regulations

An individual who grows, produces, processes or prepares food or food products for purposes other than direct producer-to-consumer transactions in a municipality ~~that adopts or amends, plantation or unorganized territory governed by an ordinance authorized~~ pursuant to section 284 shall grow, produce, process or prepare the food or food products in compliance with all applicable state and federal food safety laws, rules and regulations.

Sec. 5. 30-A MRSA §7051, sub-§11, as amended by PL 2019, c. 138, §1, is further amended to read:

11. Ordinances. Chapter 141, but only with respect to animal control ordinances, subject to Title 7, section 3950, the sale and use of consumer fireworks within the plantation, subject to Title 8, section 223-A, ~~and~~ the accumulation of garbage, refuse, rubbish or trash or unwanted or discarded material of any kind or source on private property and ordinances adopted in accordance with Title 7, chapter 8-F.

Sec. 6. 30-A MRSA §7505 is enacted to read:

§7505. Ordinances authorized under the Maine Food Sovereignty Act

The county commissioners of each county may adopt ordinances regarding direct producer-to-consumer transactions in accordance with Title 7, chapter 8-F. Ordinances adopted by the county commissioners govern direct producer-to-consumer transactions in any unorganized territory within the county whose residents have opted, in a manner prescribed by the county commissioners, to have the ordinance apply in that unorganized territory.

See title page for effective date.

**CHAPTER 626
S.P. 523 - L.D. 1639**

**An Act To Protect the Health
and Welfare of Maine
Communities and Reduce
Harmful Solid Waste**

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

Sec. 1. 38 MRSA §1303-C, sub-§40-A, as enacted by PL 2019, c. 619, §3, is amended by enacting at the end a new first blocked paragraph to read:

Beginning February 1, 2023, notwithstanding paragraphs B, C and E, if the total weight of the residue generated in a calendar year by an incineration facility, recycling facility or solid waste processing facility that is disposed of or otherwise placed in a solid waste landfill in that calendar year exceeds the total weight of the solid waste initially generated within the State that was incinerated or processed by that facility in that calendar year, any such excess residue generated by that facility is not considered waste generated within the State.

Sec. 2. 38 MRSA §1310-N, sub-§5-A, ¶B, as amended by PL 2019, c. 619, §4, is further amended by amending subparagraph (2) to read:

(2) A solid waste processing facility that generates residue requiring disposal shall recycle or process into fuel for combustion all waste accepted at the facility to the maximum extent practicable, but in no case at a rate less than

50%. For purposes of this subsection, "recycle" includes, but is not limited to, the reuse of waste generated within the State as defined in section 1303-C, subsection 40-A, paragraph C; the recovery of metals from waste; the use of waste or waste-derived product as material substitutes in construction; and the use of waste as boiler fuel substitutes.

At least 50% of the waste that a solid waste processing facility characterizes as recycled under this subparagraph must have been reused or recycled by the facility through methods other than placement of the waste in a solid waste landfill, except that a solid waste processing facility that was in operation during calendar year 2018, that accepts exclusively construction and demolition debris and that accepted more than 200,000 tons of such debris in calendar year 2018 shall:

- (a) Reuse or recycle at least 15% of such debris through methods other than placement in a solid waste landfill by January 1, 2022; and
- (b) Reuse or recycle at least 20% of such debris through methods other than placement in a solid waste landfill by January 1, 2023;
- (c) Reuse or recycle at least 30% of such debris through methods other than placement in a solid waste landfill by January 1, 2024;
- (d) Reuse or recycle at least 40% of such debris through methods other than placement in a solid waste landfill by January 1, 2025; and
- (e) Reuse or recycle at least 50% of such debris through methods other than placement in a solid waste landfill by January 1, 2026.

~~A solid waste processing facility that was in operation during calendar year 2018, that accepts exclusively construction and demolition debris and that accepted more than 200,000 tons of such debris in calendar year 2018 may request and the department may grant a waiver of the applicable provisions of this subparagraph for a specified period of time if the facility is able to demonstrate that compliance with the applicable provisions of this subparagraph would result in an unreasonable adverse impact on the facility. The demonstration may include results of a 3rd party audit of the facility. In determining whether to grant such a waiver request, the department may consider trends in local, regional, national and international markets; the availability and cost of~~