

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

~~technologies and services; transportation and handling logistics; and overall costs that may be associated with various waste handling methods.~~

Sec. 3. 38 MRSA §1310-AA, sub-§3, ¶C, as amended by PL 2007, c. 338, §3 and affected by §5, is further amended to read:

C. Is not inconsistent with local, regional or state waste collection, storage, transportation, processing or disposal; ~~and~~

Sec. 4. 38 MRSA §1310-AA, sub-§3, ¶D, as amended by PL 2007, c. 655, §10, is further amended to read:

D. For a determination of public benefit under subsection 1-A only, facilitates the operation of a solid waste disposal facility and the operation of that solid waste disposal facility would be precluded or significantly impaired if the waste is not accepted; ~~and~~

Sec. 5. 38 MRSA §1310-AA, sub-§3, ¶E is enacted to read:

E. For a proposed facility or the expansion of a facility, is not inconsistent with ensuring environmental justice for the community in which the facility or expansion is proposed.

As used in this paragraph, "environmental justice" means the right to be protected from environmental pollution and to live in and enjoy a clean and healthful environment regardless of ancestry, class, disability, ethnicity, income, national origin or religion. "Environmental justice" includes the equal protection and meaningful involvement of all people with respect to the development, implementation and enforcement of waste management laws, rules, regulations and licensing decisions.

Sec. 6. Department of Administrative and Financial Services, Bureau of General Services to evaluate options for renegotiation of operating services agreement governing operation of state-owned landfill. The Department of Administrative and Financial Services, Bureau of General Services shall evaluate options for the renegotiation of the operating services agreement of February 5, 2004, as amended, governing the operation of the state-owned solid waste landfill in Old Town for the purpose of ensuring that existing capacity at that landfill is prioritized for management of waste initially generated within the State within the meaning of the Maine Revised Statutes, Title 38, section 1303-C, subsection 40-A, paragraph A.

By January 15, 2023, the Department of Administrative and Financial Services, Bureau of General Services shall report to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters the results of its evaluation

under this section and shall provide any recommendations for legislative action necessary to ensure that existing capacity at the state-owned solid waste landfill in Old Town is prioritized for management of waste initially generated within the State. After receiving the report, the joint standing committee may report out legislation to implement any such recommendations to the 131st Legislature in 2023.

Sec. 7. Appropriations and allocations. The following appropriations and allocations are made.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Remediation and Waste Management 0247

Initiative: Deallocates funding for grants to municipalities for the costs of landfill closure and remediation.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$0	(\$156,250)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$156,250)

See title page for effective date.

CHAPTER 627

H.P. 1321 - L.D. 1770

An Act To Create a Commercial Halibut Fishing License

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

Sec. 1. 12 MRSA §6039, sub-§1, as enacted by PL 2007, c. 615, §6, is amended to read:

1. Sources. The fund is capitalized by fees assessed under section 6506, subsections 4 and 5 and received through the sale of commercial halibut fishing licenses and tags. In addition to those revenues, the commissioner may accept and deposit into the fund money from any other source, public or private. All money in the fund must be used for the purposes set forth in this section.

Sec. 2. 12 MRSA §6302-A, sub-§1, as amended by PL 2019, c. 640, §2, is further amended to read:

1. Tribal exemption; commercial harvesting licenses. A member of the Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band of Maliseet Indians who is a resident of the State is not required to hold a state license or permit issued under section 6421, 6501, 6502-A, 6502-C, 6505-A, 6505-C, 6506, 6535, 6601, 6602, 6701, 6702, 6703, 6731, 6745, 6746, 6748, 6748-A, 6748-D, 6751,

6803, 6804 or 6808 to conduct activities authorized under the state license or permit if that member holds a valid license issued by the tribe, nation or band or the agent of the band to conduct the activities authorized under the state license or permit. A member of the Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band of Maliseet Indians issued a tribal license pursuant to this subsection to conduct activities is subject to all laws and rules applicable to a person who holds a state license or permit to conduct those activities and to all the provisions of chapter 625, except that the member of the tribe, nation or band:

A. May utilize lobster traps tagged with trap tags issued by the tribe, nation or band or the agent of the band in a manner consistent with trap tags issued pursuant to section 6431-B. A member of the tribe, nation or band is not required to pay trap tag fees under section 6431-B if the tribe, nation or band or the agent of the band issues that member trap tags;

B. May utilize elver fishing gear tagged with elver gear tags issued by the tribe, nation or band or the agent of the band in a manner consistent with tags issued pursuant to section 6505-B. A member of the tribe, nation or band is not required to pay elver fishing gear fees under section 6505-B if the tribe, nation or band or the agent of the band issues that member elver fishing gear tags; and

C. Is not required to hold a state shellfish license issued under section 6601 to obtain a municipal shellfish license pursuant to section 6671.

Sec. 3. 12 MRSA §6501, sub-§3, ¶B, as amended by PL 2011, c. 266, Pt. A, §14, is further amended to read:

B. A person may fish for, take, possess or transport halibut if they have been taken by tub trawl or by hook and line and are only for personal use.

This paragraph is repealed January 1, 2023.

Sec. 4. 12 MRSA §6501, sub-§6, as amended by PL 2011, c. 598, §21, is further amended to read:

6. Definition. For the purposes of this chapter, "fish" means all marine finfish except Atlantic herring, Atlantic menhaden, whiting, spiny dogfish, river herring, Atlantic mackerel, blueback herring, squid, butterfish, scup, black sea bass, smelt ~~and~~, shad ~~and~~ Atlantic halibut. For the purposes of this chapter, "fish" also means all other marine organisms, except lobsters, crabs, sea urchins, shellfish, scallops, marine worms, elvers, sea cucumbers, eels, shrimp or seaweed.

Sec. 5. 12 MRSA §6506 is enacted to read:

§6506. Commercial halibut fishing license

1. License required. Beginning January 1, 2023, a person may not engage in the activities authorized under this section without a current:

A. Commercial halibut fishing license for a resident operator;

B. Commercial halibut fishing license for a resident operator and all crew members;

C. Commercial halibut fishing license for a nonresident operator and all crew members; or

D. Commercial halibut fishing license for an operator with a federal northeast multispecies groundfish permit authorizing halibut fishing for the operator and all crew members.

2. Licensed activity; commercial license. The holder of a commercial halibut fishing license issued under subsection 1 may fish for, take, possess, ship, transport or sell halibut that the holder has taken. Crew members aboard a license holder's vessel may fish for, take, possess, ship or transport halibut only if the license provides for crew members.

3. Eligibility. A commercial halibut fishing license issued under subsection 1 may be issued only to an individual.

4. Fees. Fees for commercial halibut fishing licenses issued under subsection 1 are as follows:

A. For a commercial halibut fishing license for a resident operator, \$48;

B. For a commercial halibut fishing license for a resident operator and all crew members, \$128;

C. For a commercial halibut fishing license for a nonresident operator and all crew members, \$481; and

D. For a commercial halibut fishing license for an operator with a federal northeast multispecies groundfish permit authorizing halibut fishing for the operator and all crew members, \$2.

The commissioner shall deposit fees collected pursuant to this subsection in the Halibut Fund established under section 6039.

5. Halibut tags. The holder of a commercial halibut fishing license issued under subsection 1 must annually purchase halibut tags to fish for or take halibut. A license holder may purchase an allotment of halibut tags only once per year. A vessel may have only one license holder's tags assigned to that vessel. The commissioner shall establish by rule the maximum number of halibut tags that may be issued to a license holder per year, and may establish up to 2 options for the number of tags a license holder may purchase. The commissioner may establish a fee, not to exceed \$4 per tag, for each purchase option. Unless otherwise specified in routine technical rules adopted by the commissioner pursuant to Title 5, chapter 375, subchapter 2-A, the following fees apply to halibut tags:

A. For 10 halibut tags, \$10; and

B. For 25 halibut tags, \$100.

The commissioner shall deposit fees collected pursuant to this subsection in the Halibut Fund established under section 6039.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

**MARINE RESOURCES, DEPARTMENT OF
Bureau of Marine Science 0027**

Initiative: Provides allocations for expenditures related to halibut research and for the implementation of management measures needed for the halibut fishery.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$0	\$48,500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$48,500

Sec. 7. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 12, section 6501, subsection 6 takes effect January 1, 2023.

See title page for effective date, unless otherwise indicated.

CHAPTER 628

H.P. 1350 - L.D. 1817

**An Act To Allow the State's
Adult Use Marijuana Tracking
System To Track Plants and
Products by Group**

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

Sec. 1. 28-B MRSA §105, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

§105. Tracking system

The department shall implement and administer a system, referred to in this section as "the tracking system," for the tracking of marijuana plants, adult use marijuana and adult use marijuana products from immature marijuana plant to the point of retail sale, disposal or destruction. The tracking system must allow for marijuana plants at the stage of cultivation and upon transfer from the stage of cultivation to another licensee to be tracked by group. The department may implement a tracking system that allows adult use marijuana or adult use marijuana products to be tracked by group.

The department shall ensure that the system implemented and administered under this section, whether tracking individually or by group, maintains a detailed record at every stage from immature marijuana plant to the point of retail sale, disposal or destruction.

1. Data submission requirements. The tracking system must allow licensees to submit tracking data for adult use marijuana or adult use marijuana products to the department through manual data entry or through the use of tracking system software commonly used within the marijuana industry as determined by the department.

1-A. Group tracking. Marijuana plants at the same stage of growth that are of the same varietal or cultivar of the plant genus cannabis may be tracked by group if they:

A. Are planted in the same specific area at the same time;

B. Are transplanted to the same specific area at the same time; or

C. Include marijuana plants that were planted in a specific area and marijuana plants that were transplanted to the same specific area.

For marijuana plants that are tracked as a group, a licensee shall designate the square footage of the specific area in which the plants are planted or transplanted. Marijuana plants may not be tracked as a group unless they are intended for harvest as a group.

1-B. Tagging. A licensee shall affix a tag containing the identifying information required by the department by rule to each group of marijuana plants tracked under this section. The department may not require marijuana plants that are being tracked as a group to be individually affixed with a tag during cultivation or transfer to another licensee.

1-C. Group transfers. When a group of marijuana plants tracked under this section is transferred to another licensee, the licensee transferring the group of marijuana plants must provide a manifest that lists every marijuana plant within the group and any other relevant information required by the department by rule.

2. Rules. The department shall adopt rules regarding the implementation and administration of the tracking system and tracking requirements for licensees. Rules adopted under this section must include, but are not limited to, the following:

A. Record-keeping requirements for the tracking of marijuana plants when tracked individually and when tracked by group; and

B. Record-keeping requirements necessary to ensure the department's ability to implement a recall for reasons related to health and safety when tracking marijuana plants individually or by group.

Sec. 2. Report. The Department of Administrative and Financial Services, office of marijuana policy shall conduct a review of the adult use marijuana tracking requirements under the Maine Revised Statutes, Title 28-B, section 105 and evaluate whether the current