

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

CHAPTER 643
S.P. 237 - L.D. 598

**An Act To Prohibit
Discrimination in Employment
and School Based on Hair
Texture or Hairstyle**

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

Sec. 1. 5 MRSA §4553, sub-§8-G is enacted to read:

8-G. Protective hairstyle. "Protective hairstyle" includes braids, twists and locks.

Sec. 2. 5 MRSA §4553, sub-§8-H is enacted to read:

8-H. Race, for purposes of subchapters 3 and 5-B. "Race," for the purposes of subchapters 3 and 5-B, includes traits associated with race, including hair texture, Afro hairstyles and protective hairstyles.

See title page for effective date.

CHAPTER 644
H.P. 669 - L.D. 913

**An Act To Make Certain Civil
Court Records Accessible by
the Public Only at the
Courthouse**

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

Sec. 1. 4 MRSA §9-C is enacted to read:

§9-C. Court records accessible by the public only at the courthouse

For civil cases brought pursuant to Title 14, section 6001 or 7481, the following court records are accessible by the public only at a courthouse:

1. Resolution by agreement of the parties. Court records that are part of a court case in which the parties agree that the records should be accessible by the public only at the courthouse;

2. Dismissed or resolved in favor of the defendant. Court records that are part of a court case that is dismissed or resolved in favor of a defendant; and

3. Older than 3 years. Court records that are part of a court case more than 3 years after a judgment has been entered.

See title page for effective date.

CHAPTER 645
H.P. 873 - L.D. 1195

**An Act To Assist Qualifying
Municipalities To Defray the
Costs of Opting In To Permit
Adult Use Marijuana
Establishments**

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

Sec. 1. 28-B MRSA §108, as amended by PL 2021, c. 226, §3, is further amended to read:

§108. Public health and safety programs

The department shall develop and implement or facilitate the development and implementation by a public or private entity of: programs, initiatives and campaigns focused on increasing the awareness and education of the public on health and safety matters and focused on addressing public and behavioral health needs relating to the use of marijuana and marijuana products, including, but not limited to, programs, initiatives and campaigns focused on preventing and deterring the use of marijuana and marijuana products by persons under 21 years of age; and public and behavioral health programs and services related to the use of marijuana and marijuana products, including, but not limited to, evidence-based substance use disorder prevention and treatment programs, early intervention services and grants for schools or community-based organizations that provide programs for youth substance use disorder education and prevention as described under Title 5, chapter 521. Programs, initiatives and campaigns developed and implemented pursuant to this section may be funded with revenue from the Adult Use Marijuana Public Health and Safety and Municipal Opt-in Fund established in section 1101. The department may adopt rules to implement this section.

Sec. 2. 28-B MRSA §109, as amended by PL 2021, c. 226, §4, is further amended to read:

§109. Enhanced training for criminal justice agencies and municipalities

The department shall develop and implement or facilitate the development and implementation by a public or private entity of programs or initiatives providing enhanced training for criminal justice agencies and municipal officers and employees in the requirements and enforcement of this chapter and the rules adopted pursuant to this chapter, including, but not limited to, programs providing grants to regional or local criminal justice agencies or municipalities to train law enforcement officers and, if applicable, municipal officers and employees in inspections, investigations, searches, seizures, forfeitures and personal use and home cultivation allowances under this chapter and chapter 3 and the

rules adopted pursuant to this chapter; in drug recognition procedures and the general enforcement of the State's motor vehicle laws relating to the use of marijuana; and in restorative justice, jail diversion, marijuana industry-specific technical assistance and mentoring for economically disadvantaged persons in communities disproportionately affected by high rates of arrest and incarceration for marijuana-related offenses. Training programs or initiatives developed and implemented pursuant to this section may be funded with revenue from the Adult Use Marijuana Public Health and Safety and Municipal Opt-in Fund established in section 1101. The department may adopt rules to implement this section.

Sec. 3. 28-B MRSA c. 1, sub-c. 11, as amended, is amended by amending the subchapter headnote to read:

SUBCHAPTER 11

ADULT USE MARIJUANA PUBLIC HEALTH AND SAFETY AND MUNICIPAL OPT-IN FUND; ADULT USE MARIJUANA REGULATORY COORDINATION FUND

Sec. 4. 28-B MRSA §1101, as amended by PL 2019, c. 231, Pt. B, §6, is further amended to read:

§1101. Adult Use Marijuana Public Health and Safety and Municipal Opt-in Fund

The Adult Use Marijuana Public Health and Safety and Municipal Opt-in Fund, referred to in this section as "the fund," is established as a dedicated, nonlapsing fund within the department for the purposes specified in this section.

1. Sources of fund. The State Controller shall credit to the fund:

- A. Money received from the excise tax imposed on the sale of adult use marijuana pursuant to Title 36, chapter 723 in the amount required under Title 36, section 4925;
- B. Money received from the sales tax imposed on the sale of adult use marijuana and adult use marijuana products by a marijuana store licensee to a consumer pursuant to Title 36, section 1811 in the amount required under Title 36, section 1818;
- C. All money from any other source, whether public or private, designated for deposit into or credited to the fund; and
- D. Interest earned or other investment income on balances in the fund.

2. Uses of fund. Money credited to the fund pursuant to subsection 1 may be used by the department as provided in this subsection.

- A. ~~No more than 50% of all money~~ Money credited to the fund may be expended by the department

to fund public health and safety awareness and education programs, initiatives, campaigns and activities relating to the sale and use of adult use marijuana and adult use marijuana products conducted in accordance with section 108 by the department, another state agency or department or any other public or private entity.

B. ~~No more than 50% of all money~~ Money credited to the fund may be expended by the department to fund enhanced law enforcement training programs relating to the sale and use of adult use marijuana and adult use marijuana products for local, county and state law enforcement officers conducted in accordance with section 109 by the department, the Maine Criminal Justice Academy, another state agency or department or any other public or private entity.

C. Money credited to the fund may be expended by the department to provide reimbursement to a municipality for qualifying expenses incurred as a result of the municipality's opting to permit the operation of some or all adult use marijuana establishments within the municipality. For the purposes of this paragraph, "qualifying expenses" means legal fees and costs associated with the drafting and adoption of a warrant article or the adoption or amendment of an ordinance, including the conduct of a town meeting or election, by a municipality that opted to permit the operation of some or all marijuana establishments within the municipality. Each municipality may receive funds, not to exceed \$20,000, only once for the reimbursement of qualifying expenses in accordance with this paragraph. Nothing in this paragraph may be construed to require the department to reimburse qualifying expenses incurred by a municipality if the department determines there are insufficient funds available to provide reimbursement. Under no circumstances may a municipality submit an initial application for the reimbursement of qualifying expenses more than 3 years after the municipality adopts a warrant article or adopts or amends an ordinance to allow for the operation of some or all adult use marijuana establishments within the municipality. The department may adopt rules to implement and administer the reimbursement of qualifying expenses to municipalities. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The department may not reimburse qualifying expenses under this paragraph accrued after July 1, 2027.

3. Application of fund to departmental expenses prohibited. Money in the fund may not be applied to any expenses incurred by the department in implementing, administering or enforcing this chapter.

Sec. 5. 36 MRSA §1818, as enacted by PL 2017, c. 409, Pt. D, §4, is amended to read:

§1818. Tax on adult use marijuana and adult use marijuana products

All sales tax revenue collected pursuant to section 1811 on the sale of adult use marijuana and adult use marijuana products must be deposited into the General Fund, except that, on or before the last day of each month, the State Controller shall transfer 12% of the sales tax revenue received by the assessor during the preceding month pursuant to section 1811 to the Adult Use Marijuana Public Health and Safety and Municipal Opt-in Fund established under Title 28-B, section 1101.

Sec. 6. 36 MRSA §4925, as enacted by PL 2019, c. 231, Pt. B, §7, is amended to read:

§4925. Application of excise tax revenue

All excise tax revenue collected by the assessor pursuant to this chapter on the sale of adult use marijuana must be deposited into the General Fund, except that, on or before the last day of each month, the assessor shall transfer 12% of the excise tax revenue received during the preceding month pursuant to this chapter to the Adult Use Marijuana Public Health and Safety and Municipal Opt-in Fund established in Title 28-B, section 1101.

See title page for effective date.

CHAPTER 646

H.P. 1216 - L.D. 1632

**An Act To Update the Laws
Regarding the Maine
Educational Center for the
Deaf and Hard of Hearing and
the Governor Baxter School for
the Deaf**

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

Sec. 1. 20-A MRSA §7401, as amended by PL 2005, c. 279, §6, is further amended to read:

§7401. School established Deaf and hard-of-hearing service provider established

The Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf is established as a public school deaf and hard-of-hearing service provider pursuant to this chapter for the purpose of educating deaf and hard-of-hearing students. The school center is a body politic and corporate and is an instrumentality and agency of the State. The exercise by the school center of the powers conferred by this chapter is the performance of an essential public function by and on behalf of the State.

The center includes the Mackworth Island preschool, located at Mackworth Island, as an integrated preschool program for children who are deaf or hard of hearing and typically developing children, and includes early intervention services that include deaf and hard-of-hearing related services delivered to children from birth to under 3 years of age who are deaf and hard of hearing and statewide education and family services that are provided to schools by staff employed through the center, including, but not limited to, site-based programs, consultation, evaluation and specially designed instruction.

Sec. 2. 20-A MRSA §7402, as amended by PL 2011, c. 683, §1, is further amended to read:

§7402. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. School Center. "School" "Center" means the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf established under ~~this chapter, including the center school located at Mackworth Island known as the Governor Baxter School for the Deaf, the center preschool and any satellite school within the State that may be operated under a contracted services agreement~~ section 7401 that is responsible for operating the Mackworth Island preschool, early intervention services and statewide education and family services.

2. School Center board or board. "School Center board" or "board" means the ~~School~~ Board of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf.

2-A. Early intervention and family services program. "Early intervention and family services program" means a program that assists in providing early intervention services to children from birth to under 3 years of age who are deaf or hard of hearing within the State in accordance with a memorandum of understanding with the department and in collaboration with the State's intermediate educational unit.

3. Sending school. "Sending school" means any school administrative unit that has a student in attendance at the ~~center school or at a satellite school~~ Mackworth Island preschool or a site-based program.

4. Executive director. "Executive director" means the Executive Director of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf.

5. Center school. "Center school" means the ~~kindergarten to grade 12 programs established and operated by the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf at the Governor Baxter School for the Deaf located at Mackworth Island or at a location determined~~