

# 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**

- (ii) Is able to communicate with the notary and the signatory simultaneously by sight and sound through 2-way audio-visual communication technology at the time of the notarization, if the witness has personal knowledge of the signatory and has been reasonably identified by the notary under division (a) or (b);
- (3) The signatory attests to being physically located in the State and affirmatively states the name of the county in which the signatory is located at the time of execution during the 2-way audio-visual communication;
- (4) The notary and any witness attest to being physically located in the State during the 2-way audio-visual communication;
- (5) For wills and powers of attorney, the notary or at least one witness is an attorney licensed to practice law in the State;
- (6) Before any documents are signed, the notary is able to view by 2-way audio-visual communication technology the entire space in which the signatory and any witness is located, and any person who is present in those spaces states the person's name while in clear view of the notary;
- (7) The signatory affirmatively states on the 2-way audio-visual communication which document the signatory is signing, and the notary is provided with a copy of the document prior to the signing;
- (8) Each page of the document being witnessed is shown to the notary and any witness on the 2-way audio-visual communication in a means clearly legible to the notary and initialed by the signatory in the presence of the notary and any witness;
- (9) The act of signing and of initialing pursuant to subparagraph (8) is captured sufficiently close to the 2-way audio-visual communication technology for the notary to observe;
- (10) The signatory transmits by fax or other electronic means, which may include transmitting a photograph of every page by cellular telephone, a legible copy of the entire signed document directly to the notary and any witness immediately after signing the document or, if that is not possible, no later than 24 hours after the signatory's signing of the document;
- (11) The signatory sends the original signed document directly to the witness within 96 hours after the signatory's execution of the document or to the notary if no witness is involved;

(12) Within 96 hours after receiving the original signed document from the signatory, the witness signs it and sends it to the 2nd witness, if any, or to the notary if no other witness is involved. Within 96 hours after receiving the original signed document signed by the first witness, the 2nd witness signs it and sends it to the notary. The official date and time of each witness's signature is the date and time when the witness witnesses the signatory's signature using the 2-way audio-visual communication technology; and

(13) Upon review of the original signed document and satisfactory comparison with the faxed or other electronic document provided on the date of signing, the notary notarizes the original document within 96 hours after receiving the original signed document; the official date and time of the notarization is the date and time when the notary witnessed the signature using the 2-way audio-visual communication technology. The notary shall add the following language below the notary and witness signature lines on the original signed document: "Notarized (and/or witnessed) remotely, in accordance with the Maine Revised Statutes, Title 4, section 961."

Any witness required or permitted to properly execute any original document according to law may similarly witness the signing of the document by the signatory using 2-way audio-visual communication technology and may sign as a witness to the document upon receipt of the original document; and

C. A recording of the 2-way audio-visual communication is made and preserved by the notary for a period of at least 5 years from the date of the notarial act. The notary shall provide a copy of the recording to the signatory and the Secretary of State upon request.

See title page for effective date, unless otherwise indicated.

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**CHAPTER 652**  
**S.P. 622 - L.D. 1784**

**An Act To Ensure Legislative  
Review of Rules for Maine's  
Medical Use of Marijuana Act**

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

**Whereas**, Public Law 2021, chapter 387 requires the Department of Administrative and Financial Services' office of marijuana policy to adopt major substantive rules relating to the Maine Medical Use of Marijuana Act; and

**Whereas**, any rules adopted by the department will have significant effects on Maine's medical marijuana patients and thousands of registered medical marijuana caregivers and associated businesses across the State; and

**Whereas**, this warrants meaningful legislative oversight and approval; and

**Whereas**, the department has authority to adopt rules prior to the expiration of the 90-day period; 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. 22 MRSA §2422-A, sub-§2, ¶A** is enacted to read:

A. Notwithstanding Title 5, section 8072, subsection 11 or any other provision of law to the contrary, rules provisionally adopted by the department in accordance with this subsection and submitted for legislative review may not be finally adopted by the department unless legislation authorizing final adoption of those rules is enacted into law.

This paragraph is repealed on November 1, 2025.

**Sec. 2. 22 MRSA §2424, sub-§1-A**, as amended by PL 2021, c. 387, §6, is further amended to read:

**1-A. Rulemaking.** The department may adopt rules to carry out the purposes of this chapter in accordance with section 2422-A, subsection 2. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that, beginning July 1, 2021, rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

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

Effective April 23, 2022.

**CHAPTER 653  
H.P. 180 - L.D. 259**

**An Act To Increase the Waste Handling Fee Imposed on the Landfilling of Municipal Solid Waste**

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

**Sec. 1. 38 MRSA §2203-A, sub-§1**, as amended by PL 2021, c. 230, §1, is further amended to read:

**1. Fees.** Unless otherwise provided by rule adopted in accordance with subsection 3, fees are imposed in the following amounts to be levied for solid waste that is disposed of at commercial, municipal, state-owned and regional association landfills.

Asbestos	\$5 per cubic yard
Oil-contaminated soil, gravel, brick, concrete and other aggregate	\$25 per ton
Waste water facility sludge	\$5 per ton
Ash, coal and oil	\$5 per ton
Paper mill sludge	\$5 per ton
Industrial waste	\$5 per ton
Sandblast grit	\$5 per ton
All other special waste	\$5 per ton
Municipal solid waste or municipal solid waste ash	\$4 <del>\$2</del> per ton
Front end process residue (FEPR)	\$1 per ton
Construction and demolition debris and residue from the processing of construction and demolition debris	\$2 per ton

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION,  
DEPARTMENT OF**

**Remediation and Waste Management 0247**

Initiative: Provides allocation to allow for the expenditure of additional revenue for administrative expenses and actions necessary to abate threats to public health, safety and welfare posed by the disposal of solid waste and to pay municipalities under the closure and remediation cost-sharing program for solid waste landfills.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2021-22</b>	<b>2022-23</b>
All Other	\$0	\$796,000