

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

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This paragraph is repealed on November 1, 2025.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 2 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.

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

OTHER SPECIAL REVENUE	\$0	\$796,000
FUNDS TOTAL		

See title page for effective date.

CHAPTER 654

S.P. 343 - L.D. 1075

An Act To Protect Public Lands

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

Sec. 1. 12 MRSA §598-C is enacted to read:

§598-C. Process for determination of reduction or substantially altered use of designated land

The Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands shall adopt rules to establish an objective evaluation process for determining if a proposed activity on land designated under this chapter and under the jurisdiction of the bureau would cause the land to be reduced or the uses of the land to be substantially altered. In adopting the rules, the bureau shall observe the requirements relating to designated lands in the Constitution of Maine, Article IX, Section 23 and ensure proper exercise of the bureau's public trust responsibility. These rules must also include provisions for public notice and comment before authorizing any such activity and for determining the appropriate instrument to be used to authorize that activity, including but not limited to whether an easement, lease, license or other instrument should be used. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 655

S.P. 428 - L.D. 1331

An Act To Make Individual and Small Group Health Insurance More Affordable in Certain High-premium Counties

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

Sec. 1. 24-A MRSA §2736-C, sub-§2, ¶C-1, as enacted by PL 2011, c. 90, Pt. A, §2, is amended to read:

C-1. A carrier may vary the premium rate due to geographic area in accordance with the limitation set out in this paragraph. For all policies, contracts

or certificates that are executed, delivered, issued for delivery, continued or renewed in this State ~~on or after~~ between July 1, 2012 and December 31, 2023, the rating factor used by a carrier for geographic area may not exceed 1.5. For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2024, the rating factor used by a carrier for geographic area may not exceed 1.25.

Sec. 2. 24-A MRSA §2808-B, sub-§2, ¶C-1, as enacted by PL 2011, c. 90, Pt. A, §7, is amended to read:

C-1. A carrier may vary the premium rate due to geographic area in accordance with the limitation set out in this paragraph. For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State ~~on or after~~ between October 1, 2011 and December 31, 2023, the rating factor used by a carrier for geographic area may not exceed 1.5. For all policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2024, the rating factor used by a carrier for geographic area may not exceed 1.25.

Sec. 3. Report on effect on health insurance premiums. No later than December 1, 2023, the Superintendent of Insurance shall report on the difference in premium rates in each geographic rating area used by a carrier in this State between plan year 2023 and the approved premium rates for plan year 2024. The superintendent shall submit the report to the joint standing committee of the Legislature having jurisdiction over health coverage, insurance and financial services matters. The joint standing committee of the Legislature having jurisdiction over health coverage, insurance and financial services matters may report out legislation based on the report to the Second Regular Session of the 131st Legislature in 2024.

See title page for effective date.

CHAPTER 656

H.P. 1234 - L.D. 1663

An Act To Improve Boating Safety on Maine Waters

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

Sec. 1. 12 MRSA §13001, sub-§6-A is enacted to read:

6-A. Boater safety and education course. "Boater safety and education course" means an online or in-person education course that: