

# 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**

B. An offense that consisted of conduct that would have been permitted under this chapter; or

C. An offense that consisted of conduct that would be authorized under Title 28-B or that, if the person convicted of the offense had been acting under the authority of a license pursuant to Title 28-B, would have been authorized under Title 28-B.

**Sec. 4. 28-B MRSA §102, sub-§15**, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

**15. Disqualifying drug offense.** "Disqualifying drug offense" means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more, except that "disqualifying drug offense" does not include:

A. An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed ~~40~~ 5 or more years prior to the submission of an application for a license under this chapter; or

B. An offense that consisted of conduct that ~~is~~ would be authorized under chapter 3 this Title or that, if the person convicted of the offense had been acting under the authority of a license pursuant to this Title, would have been authorized under this Title.

**Sec. 5. Maine Revised Statutes amended; revision clause.** Wherever in the Maine Revised Statutes the word "marijuana" appears, it is amended to read "cannabis" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes, except that the word "marijuana" is not amended to read "cannabis" in Title 17-A.

**Sec. 6. Rules, forms, policies and publications.** On or after the effective date of this section, when adopting or amending rules and developing or publishing forms, policies and publications, the Department of Administrative and Financial Services' office of marijuana policy and the Department of Health and Human Services shall replace references to "marijuana" with references to "cannabis."

See title page for effective date.

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**CHAPTER 670**

**H.P. 1414 - L.D. 1908**

**An Act To Limit Eligibility for Commercial Menhaden Fishing Licenses**

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

**Sec. 1. 12 MRSA §6502-C, sub-§1-A** is enacted to read:

**1-A. Commercial menhaden fishing license eligibility in 2023.** The commissioner may not issue a 2023 resident commercial menhaden fishing license or a 2023 nonresident commercial menhaden fishing license to an individual unless that individual:

A. Possessed a license to fish commercially for menhaden in at least 2 of the following 3 years, 2019, 2020 or 2021; and

B. According to department records, reported legal landings of menhaden of 25,000 pounds or more in at least one of the following 4 years, 2019, 2020, 2021 or 2022.

Documentation, acceptable to the department, showing that the landing requirement in this paragraph has been met must be submitted to the department by January 1, 2023.

**Sec. 2. 12 MRSA §6502-C, sub-§1-B** is enacted to read:

**1-B. Commercial menhaden fishing license eligibility after 2023.** The commissioner may not issue a resident commercial menhaden fishing license or a non-resident commercial menhaden fishing license to an individual in any year subsequent to 2023 unless that individual possessed that license in the previous calendar year.

**Sec. 3. Report.** By January 15, 2023, the Commissioner of Marine Resources shall submit a report to the joint standing committee of the Legislature having jurisdiction over marine resources matters with details on the implementation of the Maine Revised Statutes, Title 12, section 6502-C, subsections 1-A and 1-B. The committee has the authority to report out a bill to the 131st Legislature in 2023 based on the report.

See title page for effective date.

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**CHAPTER 671**

**S.P. 90 - L.D. 201**

**An Act To Reduce Greenhouse Gas Emissions and Promote Weatherization in the Buildings Sector by Extending the Sunset Date for the Historic Property Rehabilitation Tax Credit**

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

**Sec. 1. 30-A MRSA §4722, sub-§1, ¶DD**, as amended by PL 2019, c. 659, Pt. J, §1, is further amended by amending subparagraph (4) to read:

(4) Annually by every August 1st until and including August 1, ~~2025~~ 2030, the Maine State

Housing Authority shall review the report issued pursuant to Title 27, section 511, subsection 5, paragraph A to determine the percentage of the total aggregate square feet of completed projects that constitutes new affordable housing, rehabilitated and developed using:

- (a) Either of the income tax credits under Title 36, section 5219-BB, subsection 2; and
- (b) The income tax credit increase under Title 36, section 5219-BB, subsection 3.

If the total aggregate square feet of new affordable housing does not equal or exceed 30% of the total aggregate square feet of rehabilitated and developed completed projects eligible for a credit under Title 36, section 5219-BB, the Maine State Housing Authority and Maine Historic Preservation Commission shall notify the State Tax Assessor of this fact;

**Sec. 2. 36 MRSA §5219-BB, sub-§1, ¶C,** as amended by PL 2019, c. 659, Pt. J, §2, is further amended to read:

C. "Certified qualified rehabilitation expenditure" means a qualified rehabilitation expenditure, as defined by the Code, Section 47(c)(2), made on or after January 1, 2008 with respect to a certified historic structure, if:

- (1) For credits claimed under subsection 2, paragraph A, the United States Department of the Interior, National Park Service issues a determination on or before December 31, ~~2025~~ 2030 that the proposed rehabilitation of that structure meets the Secretary of the Interior's standards for rehabilitation, with or without conditions; or
- (2) For credits claimed under subsection 2, paragraph B, the Maine Historic Preservation Commission issues a determination on or before December 31, ~~2025~~ 2030 that the proposed rehabilitation of that structure meets the Secretary of the Interior's standards for rehabilitation, with or without conditions.

For purposes of subsection 2, paragraph B, qualified rehabilitation expenditures incurred in the certified rehabilitation of a certified historic structure located in the State do not include a requirement that the certified historic structure be substantially rehabilitated.

**Sec. 3. Legislation.** The Joint Standing Committee on Taxation may report out a bill to the Second Regular Session of the 130th Legislature related to the tax credit for the rehabilitation of historic properties es-

tablished in the Maine Revised Statutes, Title 36, section 5219-BB.

See title page for effective date.

**CHAPTER 672**

**H.P. 1489 - L.D. 2003**

**An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions**

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

**Sec. 1. 5 MRSA §13056, sub-§7,** as amended by PL 2003, c. 159, §3, is further amended to read:

**7. Contract for services.** When contracting for services, to the maximum extent feasible, seek to use the State's private sector resources in conducting studies, providing services and preparing publications; ~~and~~

**Sec. 2. 5 MRSA §13056, sub-§8,** as enacted by PL 2003, c. 159, §4, is amended to read:

**8. Lead agency for business assistance in response to certain events.** Be the lead agency for the State to provide information and business assistance to employers and businesses as part of the State's response to an event that causes the Department of Labor to carry out rapid-response activities as described in 29 United States Code, Sections 2801 to 2872 (2002); ~~and~~

**Sec. 3. 5 MRSA §13056, sub-§9** is enacted to read:

**9. Establish statewide housing production goals.** Establish, in coordination with the Maine State Housing Authority, a statewide housing production goal that increases the availability and affordability of all types of housing in all parts of the State. The department shall establish regional housing production goals based on the statewide housing production goal. In establishing these goals, the department shall:

A. Establish measurable standards and benchmarks for success of the goals;

B. Consider information submitted to the department from municipalities about current or prospective housing developments and permits issued for the construction of housing; and

C. Consider any other information as necessary to meet the goals pursuant to this subsection.

**Sec. 4. 30-A MRSA §4364** is enacted to read:

**§4364. Affordable housing density**