

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

chase. The recording must be retained by the marijuana store in a manner prescribed by the department by rule.

5. Guidance. The department shall develop guidance documents to assist marijuana stores in applying for and complying with permits under this section and lawfully engaging in the off-premises sale of adult use marijuana products.

6. Rulemaking. The department shall adopt rules to administer this section, including but not limited to rules that separately apply to indoor specified events and outdoor specified events and rules regarding the process by which a marijuana store may apply for a permit under subsection 1. The department may by rule set an application fee for a permit under this section of not more than \$200. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 28-B MRSA §505, as enacted by PL 2017, c. 409, Pt. A, §6, is amended by enacting a new 2nd paragraph to read:

A marijuana store and its employees may transport adult use marijuana products between the licensed premises of the marijuana store and the location at which the marijuana store is authorized to sell adult use marijuana products under a permit issued under section 504-A.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Adult Use Marijuana Regulatory Coordination Fund Z264

Initiative: Provides ongoing funding for anticipated overtime expenses.

GENERAL FUND	2021-22	2022-23
Personal Services	\$0	\$53,748
GENERAL FUND TOTAL	\$0	\$53,748

Adult Use Marijuana Regulatory Coordination Fund Z264

Initiative: Provides one-time funding for the cost of updating the licensing system.

GENERAL FUND	2021-22	2022-23
All Other	\$0	\$13,000
GENERAL FUND TOTAL	\$0	\$13,000

Adult Use Marijuana Regulatory Coordination Fund Z264

Initiative: Provides funding for one Field Investigator position and one Office Specialist I position and associated All Other costs.

GENERAL FUND	2021-22	2022-23
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POSITIONS -	0.000	2.000
LEGISLATIVE COUNT		
Personal Services	\$0	\$158,666
All Other	\$0	\$20,331
GENERAL FUND TOTAL	\$0	\$178,997
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
DEPARTMENT TOTALS	2021-22	2022-23
GENERAL FUND	\$0	\$245,745
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$245,745

See title page for effective date.

**CHAPTER 736
H.P. 1500 - L.D. 2018**

An Act To Implement Recommendations Regarding the Incorporation of Equity Considerations in Regulatory Decision Making

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

Sec. 1. 35-A MRSA §1310, as amended by PL 1997, c. 691, §4 and affected by PL 1999, c. 127, Pt. D, §5, is repealed.

Sec. 2. 35-A MRSA §1310-A is enacted to read:

§1310-A. Intervenor funding

1. Qualification for funding. Consistent with rules adopted by the commission pursuant to subsection 3, the commission may order or provide funding in accordance with subsection 2 to an intervenor in a commission proceeding upon a finding that:

A. The position of the intervenor is not adequately represented by the Office of the Public Advocate or commission staff;

B. The intervenor is likely to substantially contribute to the proceeding and to assist in the resolution of the issues raised in the proceeding; and

C. Participation in the proceeding by the intervenor would impose a significant financial hardship on the intervenor.

2. Funding sources. If the commission finds pursuant to subsection 1 that an intervenor in a commission proceeding qualifies for funding, the commission may, consistent with rules adopted by the commission pursuant to subsection 3:

A. Order a utility involved in the commission proceeding to compensate the intervenor. Compensation provided by a utility under this paragraph may be recovered in rates; or

B. Provide compensation to the intervenor from the Public Utilities Commission Regulatory Fund established pursuant to section 116 and filing fees, subject to the commission's determination that funds are available for that purpose.

3. Rules. The commission shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

A. Rules adopted by the commission pursuant to this subsection must include, but are not limited to:

(1) The process by which the commission will determine whether an intervenor qualifies for funding;

(2) Identification of which expenses incurred by an intervenor may qualify for funding, which types of proceedings intervenor funding will be available for and the point in an eligible proceeding at which an intervenor qualifying for funding will be provided with the funding;

(3) The process by which the commission will ensure that funding provided to an intervenor is used properly and the process by which funding provided to an intervenor that is not entirely used by the intervenor may be recovered by the commission; and

(4) The methods by which the commission will ensure that the public is notified about the availability of intervenor funding under this section.

B. Rules adopted by the commission pursuant to this subsection may include, but are not limited to:

(1) Establishment of a cap on the amount of funding that a qualified intervenor may be provided in a commission proceeding;

(2) Establishment of a process by which the commission will give priority under this section to qualified intervenors representing environmental justice populations. If the commission establishes such a process by rule, the commission, in consultation with the Department of Environmental Protection, shall include in that rule a definition for "environmental justice populations" that is consistent with any definition for that term adopted by the department in a department rule; and

(3) Any other provisions the commission determines necessary for the implementation of this section.

Sec. 3. 38 MRSA §349-C is enacted to read:

§349-C. Environmental justice

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Environmental justice" means the fair treatment and meaningful involvement of all people regardless of race, color, national origin or income with respect to the development, implementation and enforcement of environmental laws, rules, regulations and policies.

B. "Fair treatment" means that no group of people bears a disproportionate share of the negative environmental consequences resulting from industrial, governmental or commercial operations or policies.

C. "Frontline communities" means those people and communities that experience the consequences of climate change first and to a greater degree than other people and communities.

D. "Meaningful involvement" means, with respect to the department's decision-making process, that:

(1) People and communities have an opportunity to participate in the decision-making process regarding activities that have the potential to affect the environment or public health;

(2) The department seeks out and facilitates the involvement in the decision-making process of potentially affected people and communities;

(3) The contributions of people and communities to the decision-making process can influence the department's decision making; and

(4) The department considers in its decision making the concerns and contributions of people and communities provided as part of the decision-making process.

2. Consideration of environmental justice populations and frontline communities. The department shall ensure that persons in environmental justice populations and frontline communities are provided with fair and equitable access to the department's decision-making processes under sections 341-D and 341-H. The department shall adopt rules establishing procedures to implement this subsection.

A. Rules adopted by the department pursuant to this subsection must define "environmental justice populations," taking into consideration, at a minimum, median household income, race, ethnicity and English language proficiency.

B. Rules adopted by the department pursuant to this subsection are routine technical rules as defined in

Title 5, chapter 375, subchapter 2-A, except that the board shall hold a hearing in accordance with Title 5, section 8052 prior to the adoption of any rule proposed pursuant to this subsection.

See title page for effective date.

**CHAPTER 737
H.P. 561 - L.D. 756**

An Act Regarding Criminal Services for Juveniles

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

Sec. 1. Transfer from Liquor Operation Revenue Fund. Notwithstanding the Maine Revised Statutes, Title 30-A, section 6054, subsection 4, or any other provision of law to the contrary, and in addition to any amount authorized by law to be transferred in fiscal year 2022-23, the Maine Municipal Bond Bank shall transfer \$700,000 by June 30, 2023 from the Liquor Operation Revenue Fund, established in Title 30-A, section 6054, subsection 1, to the unappropriated surplus of the General Fund.

Sec. 2. Transfer of settlement money; fiscal year 2021-22. Notwithstanding any provision of law to the contrary, no later than June 30, 2023, the State Controller shall make a one-time transfer of \$300,000 from the money received pursuant to the Maine Revised Statutes, Title 5, section 203-A for antitrust enforcement or enforcement of the Maine Unfair Trade Practices Act to the Department of Education. The department shall use money received under this section to establish or expand:

1. School-based restorative justice programs;
2. Mentoring services for juveniles involved in the juvenile legal system; and
3. In collaboration with the Department of Labor, workforce development and educational or vocational programs for juveniles involved in the juvenile legal system.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF
School and Student Supports Z270**

Initiative: Provides funding to establish or expand school-based restorative justice programs, mentoring services for juveniles involved in the juvenile legal system and, in collaboration with the Department of Labor, workforce development and educational and vocational programs for juveniles involved in the juvenile legal system.

GENERAL FUND	2021-22	2022-23
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All Other	\$0	\$700,000
GENERAL FUND TOTAL	\$0	\$700,000

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$0	\$300,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$300,000

See title page for effective date.

**CHAPTER 738
S.P. 156 - L.D. 811**

An Act To Protect the Reproductive Rights and Freedoms of Maine People

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

Sec. 1. 22 MRSA §3174-III is enacted to read:

§3174-III. Reimbursement for comprehensive sexual and reproductive health care services

Notwithstanding any provision of law to the contrary, the department shall provide reimbursement for sexual and reproductive health care providers for activities and services to address the health of MaineCare members in accordance with this section.

1. Definition. For purposes of this section, "sexual and reproductive health care provider" means an enrolled MaineCare provider engaged primarily in the delivery of services described in 42 United States Code, Section 1396d(a)(4)(C).

2. Comprehensive sexual and reproductive health care services payment. The department shall determine and pay each sexual and reproductive health care provider an amount based on the total number of MaineCare-covered patient encounters per month, to include patient encounters taking place on or after July 1, 2022. The payment must include compensation for the difference between the payment for services described in subsection 1 and 100% of the reasonable costs of operation, including without limitation the costs of all services. In determining the payment, the department may exclude only those incremental operating costs directly attributable to specific items and services that federal law explicitly prohibits Medicaid programs from reimbursing. The payment required by this subsection must be made for all encounters with a sexual and reproductive health care provider by any MaineCare member, regardless of the category or other basis for the member's eligibility for MaineCare coverage.