

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2021

**CHAPTER 3
H.P. 94 - L.D. 138**

Resolve, Regarding Reading Proficiency Data Analysis

Sec. 1. Reading data analysis. Resolved: That the Department of Education shall conduct an analysis of reading assessment measures, locally established benchmarks for reading proficiency, reading achievement data available between spring of 2021 and fall of 2022 and reading instructional programs and resources being used by school administrative units. The analysis must focus on which measures, programs, resources, evidence-based practices and educator supports are yielding student growth.

Sec. 2. Reports. Resolved: That the Department of Education shall submit 2 reports to the Joint Standing Committee on Education and Cultural Affairs. The reports must include the Department of Education's analysis and findings in section 1 and a set of recommendations for improving student outcomes in reading. The Department of Education shall submit the first report no later than January 1, 2022, and the committee is authorized to submit legislation related to the report to the Second Regular Session of the 130th Legislature. The Department of Education shall submit the 2nd report no later than December 1, 2022.

See title page for effective date.

**CHAPTER 4
H.P. 110 - L.D. 154**

Resolve, To Name Bridge 2267 in the Town of Embden and the Town of Solon the Jotham and Emma Stevens Bridge

Sec. 1. Bridge in Embden and Solon named. Resolved: That the Department of Transportation shall designate Bridge 2267, which crosses the Kennebec River between the Town of Embden and the Town of Solon, the Jotham and Emma Stevens Bridge.

See title page for effective date.

**CHAPTER 5
H.P. 416 - L.D. 571**

Resolve, To Name a Bridge in the Town of Veazie the Hayward Carl Spencer Memorial Bridge

Sec. 1. Main Street bridge in Veazie re-named. Resolved: That the Department of Transportation shall designate Bridge 3684 on Main Street in the Town of Veazie, currently known as the County Road Crossing Bridge, the Hayward Carl Spencer Memorial Bridge.

See title page for effective date.

**CHAPTER 6
S.P. 38 - L.D. 30**

Resolve, Authorizing the Director of the Bureau of Parks and Lands To Convey a Parcel of Land in Augusta to the Maine Veterans' Homes

Preamble. The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

Whereas, certain real estate authorized for conveyance by this resolve is within the designations described in the Maine Revised Statutes, Title 12, section 598-A; and

Whereas, title to the parcel of land underlying the veterans' home in Augusta was conveyed by the former Department of Conservation, Bureau of Public Lands to the Maine Veterans' Homes in order to provide security for the issuance of bonds to finance the construction of a veterans' home in Aroostook County and in southern Maine and the legislation and deed related to that conveyance requires that the parcel revert back to the State when all bonds described in subsection 1 of the deed conveying the property to the Maine Veterans' Homes mature and all outstanding principal, interest and premium, if any, on the bonds has been paid to the bondholders and any indenture mortgage securing the bonds has been defeased; and

Whereas, once the parcel reverts, the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry is required to enter into a lease with the Maine Veterans' Homes under the same terms as the previous lease as long as the property is used for the purposes associated with the maintenance of a veterans' home in Augusta; and

Whereas, the Maine Veterans' Homes are constructing a new facility in Augusta and will not require the use of the existing veterans' home or require a lease for the existing veterans' home and operation of the existing veterans' home will cease and the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry would then be authorized to sell the land to the Maine Veterans' Homes, upon legislative authorization, to allow the Maine Veterans' Homes to sell the structure and the land it is on to a future buyer; and

Whereas, the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may sell, lease or exchange lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, sections 1814, 1837 and 1851; now, therefore, be it

Sec. 1. Director of the Bureau of Parks and Lands is authorized, but not directed, to convey certain land occupied by the Maine Veterans' Home located at the corner of Cony Road and Piggery Road in Augusta, Maine. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may, subject to the requirements of subsection 2, convey, by quitclaim deed without covenant for an appraised fair market value that is the higher of 2 appraisals or the highest of more than 2 appraisals, one appraisal paid for the Bureau of Parks and Lands and the second paid for by the Maine Veterans' Homes, and on such other terms and conditions as the director may direct, a certain parcel of land with a total of approximately 8.9 acres, being the property that the veterans' home was constructed on, referred to in this resolve as "the property," situated at the corner of Cony Road and Piggery Road in Augusta, County of Kennebec, together with all appurtenant rights and easements located on that property, to the Maine Veterans' Homes. In addition, the Director of the Bureau of Parks and Lands may grant approval, as required by Resolve 1989, chapter 29 and the deed conveying the property to the Maine Veterans' Homes, dated October 3, 1989 and recorded in the Kennebec County Registry of Deeds in Book 3626, page 281, to the Maine Veterans' Homes to sell its structure with the land it is located on at the corner of Cony Road and Piggery Road in Augusta, County of Kennebec.

Sec. 2. Conditions precedent. The authorization provided in section 1 may be exercised only if the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry first gives notice of the proposed conveyance under section 1 and, if a public hearing is requested by any party, the director holds a public hearing on the proposed conveyance as required in the Maine Revised Statutes, Title 12, section 1837, subsection 2.

See title page for effective date.

CHAPTER 7 H.P. 95 - L.D. 139

Resolve, Regarding Legislative Review of Chapters 33 to 43, Concerning the Regulation of Fantasy Contests, Major Substantive Rules of the Department of Public Safety, Gambling Control Unit

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, major substantive rules have been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rules; 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

Sec. 1. Adoption. Resolved: That final adoption of Chapter 33: Introduction; Chapter 34: Definitions; Chapter 35: License Application; Chapter 36: License Fee and Renewal; Chapter 37: Fantasy Contest Monitoring; Chapter 38: Fantasy Contest Account Activity; Chapter 39: Registration of Fantasy Contestants; Chapter 40: Fantasy Contestant Funds and Required Reserves; Chapter 41: Licensee Records, Annual Reporting and Audits; Chapter 42: Collection of Payments; and Chapter 43: Complaints and Disciplinary Actions, provisionally adopted major substantive rules of the Department of Public Safety, Gambling Control Unit that have been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:

1. The rules must be amended in Chapter 37, Section 3(3) and Section 3(4) to clarify that fantasy contest operators must include in all advertising and promotions a statement explaining that individuals under 18 years of age may not participate in fantasy contests and that fantasy contest operators may not state or imply an endorsement by a minor in any advertising or promotions;