

# 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**

- D. A representative of a statewide organization representing the interests of farmers;
  - E. A representative of a statewide equine protection organization;
  - F. A representative of a statewide animal welfare organization;
  - G. A veterinarian;
  - H. An owner of a business that sells consumer fireworks in the State; and
  - I. A representative of a statewide organization representing municipal interests.
2. The stakeholder group shall review and conduct research on matters relating to the impacts of consumer fireworks use in the State including, but not limited to:
- A. A review of the decibel levels of consumer fireworks sold in the State, including how the decibel level of a firework can impact humans, pets, livestock and wildlife, and a review of documented reports since the enactment of Public Law 2011, chapter 416 of harm to animals caused directly or indirectly by the use of consumer fireworks;
  - B. A survey of residents of the State to identify concerns and negative experiences with consumer fireworks use;
  - C. A review of laws of other jurisdictions regulating the use of consumer fireworks, including any laws requiring a user of consumer fireworks to notify abutters or nearby persons prior to use; and
  - D. An analysis of methods and the feasibility of implementing a notification system in the State to alert the owners of livestock and other animals of potential nearby consumer fireworks use prior to such use.

As used in this section, "consumer fireworks" has the same meaning as in the Maine Revised Statutes, Title 8, section 221-A, subsection 1-A.

**Sec. 2. Report. Resolved:** That, on or before January 15, 2023, the State Fire Marshal shall submit to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters a report outlining the findings and any recommendations of the stakeholder group convened pursuant to section 1, including any proposed legislation. After reviewing the report, the joint standing committee may report out legislation relating to the report to the First Regular Session of the 131st Legislature.

See title page for effective date.

**CHAPTER 136**

**S.P. 602 - L.D. 1852**

**Resolve, Authorizing the Maine National Guard To Sell Certain Property in Hallowell**

**Sec. 1. Granite Hill Road property in City of Hallowell; transfer authorized. Resolved:**

That, in accordance with the Maine Revised Statutes, Title 37-B, section 264, the Adjutant General may sell the parcel of land located off Granite Hill Road in the City of Hallowell identified on Hallowell tax map 019 as lot 023 and recorded in the Kennebec County Registry of Deeds as follows:

- 1. Book 738, Page 111, approximately 4.15 acres from Cyr to the State of Maine dated October 30, 1937;
- 2. Book 738, Page 112, approximately 0.5 acre from Gillie to the State of Maine dated November 5, 1937; and
- 3. Book 738, Page 113, approximately 2.3 acres from Lord to the State of Maine dated October of 1937.

The sale may be accomplished by means of a quit-claim deed, as long as the City of Hallowell agrees to indemnify and hold harmless the State from all claims, including any environmental clean-up costs that may arise in connection with the land.

See title page for effective date.

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**CHAPTER 137**

**S.P. 712 - L.D. 1981**

**Resolve, Authorizing the Bureau of Parks and Lands To Authorize Additional Construction and Installations Related to a Telecommunications Tower on Bald Mountain in the Town of Rangeley**

**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 lease by this resolve is under the designations in the Maine Revised Statutes, Title 12, section 598-A; and

**Whereas,** the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may lease lands in accordance with the Maine Revised Statutes, Title 12, sections 1814, 1838 and 1852; and

**Whereas**, the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry is a lessor of certain land near the summit of Bald Mountain in the Town of Rangeley under a lease, dated August 31, 2011, pursuant to which RCC Atlantic, Inc., c/o Verizon Wireless, is the lessee and American Tower has a management agreement with RCC Atlantic, Inc. and presently operates a commercial telecommunications tower; now, therefore, be it

**Sec. 1. Director of Bureau of Parks and Lands authorized to allow certain actions related to the lease of certain land within the Bald Mountain public reserved lands in the Town of Rangeley. Resolved:** That the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may authorize RCC Atlantic, Inc. and American Tower to take the following actions on certain land within the Bald Mountain public reserved lands in the Town of Rangeley on which American Tower operates a commercial telecommunications tower pursuant to a lease dated August 31, 2011 under which the bureau is the lessor and RCC Atlantic, Inc. is the lessee and American Tower has a management agreement with RCC Atlantic, Inc. and presently operates the commercial telecommunications tower:

1. Construct an extension at the top of the existing tower, with the extension not to exceed the height of the existing tower by more than 18 feet;
2. Construct an additional custom shelter at the base of the tower with an associated generator; and
3. Allow the installation of communications equipment on the tower by an additional wireless communications company, with the goal of improving local wireless communications service and emergency telecommunications service in the region.

Except as provided in this section, any authorization granted to RCC Atlantic, Inc. or American Tower must be in accordance with the August 31, 2011 lease entered into between the Bureau of Parks and Lands and RCC Atlantic, Inc.

See title page for effective date.

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**CHAPTER 138  
H.P. 1374 - L.D. 1864**

**Resolve, Regarding Legislative Review of Portions of Chapter 33: Family Child Care Provider Licensing Rule, a Major Substantive Rule of the Department of Health and Human Services, Office of Child and Family Services**

**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**, a major substantive rule has 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 rule; 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 portions of Chapter 33: Family Child Care Provider Licensing Rule, a provisionally adopted major substantive rule of the Department of Health and Human Services, Office of Child and Family Services that has 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 rule must be amended to remove critical violation in Section 1.B.11 as a category of violation by providers that do not meet licensing requirements;
2. The rule must be amended to remove all references to "CV" for critical violations from the margins;
3. In Section 2.G.12, the rule must be amended to require providers to enroll rather than register with the Quality Rating and Improvement System within the Office of Child and Family Services;
4. In Section 6.F.4, the rule must be amended to remove the requirement for providers to notify the department of a critical violation within 24 hours of occurrence;