

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

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

Augusta, Maine
2023

Sec. 27. 28-A MRSA §1073-A, as enacted by PL 2021, c. 658, §193, is repealed.

Sec. 28. 28-A MRSA §1075, sub-§1-A, ¶B, as enacted by PL 2021, c. 658, §195, is amended to read:

B. The additional premises must offer food for sale to the public consistent with the sale of food requirement for the primary licensed premises, although the food need not be prepared at the additional premises; and

Sec. 29. 28-A MRSA §1076, sub-§3, as amended by PL 2021, c. 658, §201, is repealed.

Sec. 30. 28-A MRSA §1076, sub-§3-A is enacted to read:

3-A. Income from sale of food requirement. At least 10% of the gross annual income must be from the sale of food for both year-round and part-time qualified catering services. For purposes of this section, "year-round" means operated for more than 6 months in a year.

Sec. 31. 28-A MRSA §1076, sub-§4, as amended by PL 2021, c. 658, §202, is further amended to read:

4. Bureau to determine whether new applicant would probably meet sale of food requirement. The bureau may not issue an initial license to a qualified catering service unless it determines that the applicant would probably meet the requirements requirement of subsection ~~3~~ 3-A.

Sec. 32. 28-A MRSA §1076, sub-§5, as amended by PL 2021, c. 658, §203, is further amended to read:

5. Proof of compliance with sale of food requirement for license renewal. The bureau may not renew a qualified catering service's license unless the licensee furnishes the bureau with proof that the previous year's business met the requirements requirement of subsection ~~3~~ 3-A. If the bureau determines that the licensee has not satisfied the requirements requirement of subsection ~~3~~ 3-A, it may renew the license for only one year, during which the licensee must meet the requirements requirement of subsection ~~3~~ 3-A to be eligible for further license renewal.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 1, 2023.

**CHAPTER 45
H.P. 13 - L.D. 9**

An Act to Establish Processing Time Limits for Permit by Rule Applications Under the Site Location of Development Laws

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

Sec. 1. 38 MRSA §344, sub-§2-A, ¶B, as enacted by PL 1989, c. 890, Pt. A, §22 and affected by §40, is amended to read:

B. The commissioner shall decide whether an application meets the permit by rule provisions under subsection 7 within 20 working days after notifying the applicant of acceptance of the application, except that, in the case of an application to undertake an activity that requires a permit under chapter 3, subchapter 1, article 6, the commissioner shall decide whether the application meets the permit by rule provisions under subsection 7 within 90 calendar days after notifying the applicant of acceptance of the application unless the commissioner establishes a different time period for the decision pursuant to section 344-B.

See title page for effective date.

**CHAPTER 46
S.P. 227 - L.D. 510**

An Act to Protect the Public Health by Allowing the Appointment of Associate Health Officers

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

Sec. 1. 22 MRSA §411, sub-§1-A is enacted to read:

1-A. Associate health officer. "Associate health officer" means a municipal employee who has knowledge of the community and meets the educational, training and experience standards established by the local health officer.

Sec. 2. 22 MRSA §451, sub-§7 is enacted to read:

7. Associate health officers. Municipal officers may appoint one or more associate health officers, as defined in section 411, subsection 1-A, to assist the local health officer perform the local health officer's duties during an actual or threatened epidemic or other public health threat. An associate health officer is not required to meet the qualifications set out in subsection

2 or in rules applicable to local health officers adopted by the department. An associate health officer must work under the direct supervision of the local health officer.

Sec. 3. 22 MRSA §454-A, sub-§2, ¶G, as enacted by PL 2007, c. 598, §7, is amended to read:

G. Act as a resource for connecting residents with the public health services and resources provided by the Maine Center for Disease Control and Prevention; ~~and~~

Sec. 4. 22 MRSA §454-A, sub-§2, ¶H, as enacted by PL 2007, c. 598, §7, is amended by amending subparagraph (5) to read:

(5) Laws pertaining to prohibited dumping under Title 30-A, section 3352-; and

Sec. 5. 22 MRSA §454-A, sub-§2, ¶I is enacted to read:

I. Supervise associate health officers appointed under section 451, subsection 7.

See title page for effective date.

CHAPTER 47

H.P. 405 - L.D. 628

An Act to Designate Maine Irish Heritage Day

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

Sec. 1. 1 MRSA §150-S is enacted to read:

§150-S. Maine Irish Heritage Day

March 17th of each year is designated as Maine Irish Heritage Day in recognition of the contribution of Irish immigrants to the State and their descendants, and the Governor shall issue annually a proclamation inviting and urging the people of the State to observe this day in suitable places with appropriate activity.

See title page for effective date.

CHAPTER 48

S.P. 73 - L.D. 134

An Act to Increase the Handling Fee for Beverage Containers Reimbursed to Dealers and Redemption Centers

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 State's successful beverage container redemption program protects public health and safety by preventing litter from polluting water sources and spreading disease and by reducing air and water contamination caused by the burning of containers in a waste-to-energy facility or the disposal of containers in a landfill; and

Whereas, Maine residents rely on beverage container redemption centers as a convenient option for redeeming container refunds, which many residents use to support their household budgets; and

Whereas, redemption centers are struggling to address increased system costs due to inflation and other factors, which have forced many redemption centers to reduce hours or close, while at the same time, recent increased demands for redemption services are overwhelming redemption centers still in operation; and

Whereas, necessary operational changes to streamline the beverage container redemption program cannot be implemented in sufficient time to address the current cost and demand issues overwhelming redemption centers now and in the near future; and

Whereas, an immediate increase in the handling fee paid by initiators of deposit to redemption centers and an additional future increase in that fee, as provided in this legislation, are necessary to prevent further redemption center closures; 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. 38 MRSA §3106, sub-§7, as amended by PL 2019, c. 526, §7, is further amended to read:

7. Reimbursement of handling costs. Reimbursement of handling costs is governed by this subsection.

A. In addition to the payment of the refund value, the initiator of the deposit under section 3103, subsections 1, 2 and 4 shall reimburse the dealer or redemption center for the cost of handling beverage containers subject to section 3103, in an amount that equals at least 3¢ per returned container for containers picked up by the initiator before March 1, 2004, at least 3 1/2¢ for containers picked up on or after March 1, 2004 and before March 1, 2010, at least 4¢ for containers picked up on or after March 1, 2010 and before January 1, 2020 ~~and~~, at least 4 1/2¢ for containers picked up on or after January 1, 2020 and before May 1, 2023, at least 5 1/2¢ for containers picked up on or after May 1, 2023 and before September 1, 2023 and at least 6¢ for containers picked up on or after September 1, 2023.