

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Sec. 2. 22 MRSA §1700-B, sub-§2, ¶M, as enacted by PL 2021, c. 740, §2, is repealed.

Sec. 3. 22 MRSA §1700-B, sub-§2, ¶N, as enacted by PL 2021, c. 740, §2, is amended to read:

N. One representative of an organization dedicated to providing services to persons with rare diseases;

Sec. 4. 22 MRSA §1700-B, sub-§2, ¶O is enacted to read:

O. One person 18 years of age or older who has had or has a single-gene disorder;

Sec. 5. 22 MRSA §1700-B, sub-§2, ¶P is enacted to read:

P. One person 18 years of age or older who has had or has a rare disease that is not a single-gene disorder;

Sec. 6. 22 MRSA §1700-B, sub-§2, ¶Q is enacted to read:

Q. One parent or guardian who has a child with a single-gene disorder; and

Sec. 7. 22 MRSA §1700-B, sub-§2, ¶R is enacted to read:

R. One parent or guardian who has a child with a rare disease that is not a single-gene disorder.

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

Effective May 17, 2023.

CHAPTER 94

H.P. 570 - L.D. 914

An Act to Amend the Duties of the Office of Affordable Health Care

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

Sec. 1. 5 MRSA §3122, sub-§3, ¶B, as enacted by PL 2021, c. 459, §3, is amended to read:

B. Analyze health care spending trends by consumer categories, payer type, provider categories or any other measurement that presents available data in a manner that may assist the legislative oversight committee in understanding health care cost drivers, health care quality and utilization trends, the impact of emerging technology in health care treatment, consumer experience with the health care system or any other aspect of the health care system;

See title page for effective date.

CHAPTER 95

H.P. 690 - L.D. 1095

An Act to Amend the Laws Regarding Public Sector Bargaining in Public Schools

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

Sec. 1. 26 MRSA §965, sub-§1, ¶B-1, as enacted by PL 2021, c. 752, §2, is amended to read:

B-1. For a public employer that is a school ~~district~~ administrative unit and the bargaining agent representing ~~teachers~~ employees within that school ~~district~~ administrative unit, to meet within 10 days after receipt of written notice from the other party requesting a meeting for collective bargaining purposes, as long as the parties have not otherwise agreed in a prior written contract, except that explicit waivers of collective bargaining over wages, hours, working conditions and contract grievance arbitration in a prior written contract may not be enforced for purposes of this paragraph. ~~This~~ The obligation to meet within 10 days of notice is suspended during the period between a referendum approving a new regional school unit and the operational date of the regional school unit, as long as the parties meet at reasonable times during that period;

See title page for effective date.

CHAPTER 96

H.P. 625 - L.D. 978

An Act to Maintain Legislative Oversight of the Maine Medical Use of Cannabis Program by Requiring Major Substantive Rulemaking

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

Sec. 1. 22 MRSA §2422-A, sub-§2, ¶A, as enacted by PL 2021, c. 652, §1, is amended to read:

A. Notwithstanding Title 5, section 8072, subsection 11 or any other provision of law to the contrary, rules provisionally adopted by the department in accordance with this subsection and submitted for legislative review may not be finally adopted by the department unless legislation authorizing final adoption of those rules is enacted into law.

~~This paragraph is repealed on November 1, 2025.~~

Sec. 2. 22 MRSA §2430-G, sub-§4, as enacted by PL 2017, c. 452, §24, is amended to read:

4. Procedures for suspending or terminating registration. The department shall adopt rules establishing procedures for suspending or terminating the registration of a registered dispensary or a registered caregiver that violates the provisions of this section or the rules adopted pursuant to this subsection.

Rules adopted pursuant to this subsection are ~~routine technical~~ major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 97

H.P. 295 - L.D. 478

An Act to Improve Coastal Sand Dune Restoration Projects

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

Sec. 1. 38 MRSA §480-E, sub-§15 is enacted to read:

15. Coastal sand dune system restoration projects; stabilization materials. The department may authorize through a permit or a permit by rule under this article a coastal sand dune system restoration project that uses allowable stabilization materials for the planting of native dune vegetation as long as the project meets the requirements of this subsection and satisfies all other applicable requirements for the permit or permit by rule.

A. Allowable stabilization materials may be used or placed only above the highest annual tide as measured at the time the project construction begins. Allowable stabilization materials may be used or placed in high-velocity zones, or V-Zones, as identified by the United States Department of Homeland Security, Federal Emergency Management Agency in effective flood insurance rate maps under the National Flood Insurance Program.

B. The slope of the constructed dune may not be steeper than the slope of the existing dune in which the allowable stabilization materials are used or placed.

C. Allowable stabilization materials must be used or placed in a manner designed to encourage the revegetation of the dune with native dune vegetation and must remain covered with sand and native dune vegetation throughout and upon completion of the project.

D. Allowable stabilization materials containing or using gravel or cobble may be used or placed only

in a dune primarily composed of gravel or cobble or directly adjacent to a beach that is primarily gravel or cobble. Placement of allowable stabilization materials containing or using gravel or cobble must involve the use of gravel or cobble from the dune system or beach or gravel or cobble of a similar texture and color of the gravel or cobble of the dune system or beach.

E. A project that will use or place stakes, anchors or cables made from metal or other nonbiodegradable materials or fabrics, blankets or other stabilization materials made from polylactic acid polymers is not eligible for a permit by rule but may be issued a permit under this article.

The use or placement of allowable stabilization materials within a coastal sand dune system in accordance with a permit or a permit by rule authorized by the department pursuant to this subsection is not considered a permanent structure under this article.

For the purposes of this subsection, "allowable stabilization materials" means natural, plant-based biodegradable or compostable fabrics, erosion control blankets, logs or rolls made from coir, jute, straw, polylactic acid polymers or other similar materials, including materials that contain or use gravel or cobble, discarded holiday trees, other trees fallen or washed up in proximity to the site and stakes, anchors or cables used to secure those materials. For the purposes of this subsection, "native dune vegetation" means dune plant species typically adapted to coastal sand dune systems in the State, including, but not limited to, American beach grass, Rosa virginiana, bayberry, beach pea, beach heather and pitch pine.

Sec. 2. Department of Environmental Protection; rulemaking. The Department of Environmental Protection shall initiate rulemaking, as necessary, to amend its rule Chapter 305: Natural Resources Protection Act – Permit by Rule Standards and its rule Chapter 355: Coastal Sand Dune Rules to ensure the consistency of those rules with the Maine Revised Statutes, Title 38, section 480-E, subsection 15. Notwithstanding Title 38, section 480-AA or any other provision of law to the contrary, the amendment of rule Chapters 305 and 355 by the department in accordance with this section is routine technical rulemaking as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.
