

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. 1. 32 MRSA §9854, sub-§3, as amended by PL 2015, c. 429, §§19 and 20, is further amended to read:

3. Exceptions. The requirement of a license shall does not apply to:

A. A dentist, dental hygienist or dental radiographer licensed under chapter 143;

C. A resident physician or a student enrolled in and attending a school or college of medicine, osteopathy, chiropractic, podiatry, dentistry or radiologic technology or an individual who is concurrently obtaining the education and clinical training required by the board by rule who applies ionizing radiation to a human being while under the supervision of a licensed practitioner; or

D. Any person serving in the United States Armed Services or public health service or employed by the Veterans' Administration United States Department of Veterans Affairs or other federal agency performing his the person's official duties, provided that as long as the duties are limited to that service or employment; or

E. A cardiovascular technologist credentialed by the Commission on Accreditation of Allied Health Education Programs, Cardiovascular Credentialing International or a successor organization who is performing the activities permitted under this paragraph and is acting under the delegated authority and direct supervision of a physician while the physician is performing cardiac catheterization or electrophysiology procedures. For the purposes of this paragraph, the activities permitted are limited to procedure table actions that are necessary during cardiac catheterization or electrophysiology procedures, including enabling fluoroscopy to start the procedure, changing the field of view, positioning the image intensifier, adjusting collimation, placing the wedge filter, panning the procedure table during exposure, stepping on the pedal at the physician's direction when the physician cannot reach the pedal and performing other similar actions under the delegated authority and direct supervision of the physician.

See title page for effective date.

CHAPTER 101
S.P. 392 - L.D. 921

An Act to Allow the Local
Foods Fund for Public Schools
to Be Used for Processed and
Value-added Maine Food
Products

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

Sec. 1. 20-A MRSA §6602, sub-§12, as amended by PL 2021, c. 426, §1, is further amended to read:

12. Local Foods Fund. The Local Foods Fund is established within the department. The fund is authorized to receive revenue from public and private sources. The fund must be held separate and apart from all other money, funds and accounts. Any balance remaining in the fund at the end of the fiscal year must be carried forward to the next fiscal year. The fund must be used to match \$1 for every \$3 a school administrative unit pays for produce, value-added dairy, protein or minimally processed foods purchased directly from a farmer, farmers' cooperative, local food hub, local food processor or food service distributor in the State, to a maximum state contribution of \$5,000 per school administrative unit in fiscal year 2021-22 and subsequent years or \$5,500 per school administrative unit if funding is received and the school administrative unit sends a food service employee to local foods training administered by the department under subsection 13. All foods purchased using the fund must be grown or produced in the State, with the exception of processed and value-added food products produced in the State, which must meet standards set by the department. The department shall create standards for allowable processed and value-added food products produced in the State and provide guidance to school administrative units regarding which of those products are allowable for reimbursement under this subsection and subsection 12-A. At the end of the fiscal year, the school administrative unit may provide the department with receipts documenting purchases pursuant to this subsection during that year. For purposes of this subsection, "minimally processed" means only the washing, cleaning, trimming, peeling, slicing, drying, sorting, refrigerating, freezing and packaging of food items or a combination of those activities. Reimbursement or partial reimbursement to school administrative units may only be made up to the amount available in the fund. Failure to reimburse does not constitute an obligation on behalf of the State to a school administrative unit. The department shall apply for federal grant funding to provide state contributions in excess of \$5,000 per school administrative unit in fiscal year 2021-22 and subsequent years pursuant to this subsection if applicable grant funding is available. The department may accept grant

funding from hospitals and other sources to provide state contributions in excess of \$5,000 per school administrative unit in fiscal year 2021-22 and subsequent years pursuant to this subsection.

See title page for effective date.

**CHAPTER 102
S.P. 228 - L.D. 511**

**An Act to Clarify That Haulers
Are Under the Jurisdiction of
the Logging Dispute Resolution
Board**

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

Sec. 1. 26 MRSA §3701, sub-§4, as enacted by PL 2021, c. 665, §4, is amended to read:

4. Forest products harvester or hauler. "Forest products harvester or hauler" means an individual who qualifies as an independent contractor under section 1043, subsection 11, paragraph E and who is engaged in harvesting or hauling trees from forest land for a forest landowner.

Sec. 2. 26 MRSA §3703, sub-§1, ¶A, as enacted by PL 2021, c. 665, §4, is amended by amending subparagraph (2) to read:

(2) One member with experience in dispute resolution and arbitration representing forest products harvesters or haulers from a list submitted by the Maine AFL-CIO or its successor organization; and

Sec. 3. 26 MRSA §3704, first ¶, as enacted by PL 2021, c. 665, §4, is amended to read:

The board may hear and decide disputes between a forest products harvester or hauler and forest landowner in accordance with this section related to wage violations, payout amounts, contract violations or disputes related to hiring.

Sec. 4. 26 MRSA §3705, as enacted by PL 2021, c. 665, §4, is amended to read:

§3705. Filing of complaint

1. Who may file complaint. A forest products harvester or hauler or forest landowner may file a complaint with the board stating the facts of a dispute. The filing must contain any information as required by the board by rule.

2. Limitation on time to file complaint. A forest products harvester or hauler or forest landowner may not file a complaint more than 2 years after an alleged dispute.

See title page for effective date.

**CHAPTER 103
S.P. 435 - L.D. 1066**

**An Act to Allow a Restaurant
to Serve a Bottle of Wine to the
Person Who Brought the Bottle**

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

Sec. 1. 28-A MRSA §709, sub-§2, ¶K, as amended by PL 2021, c. 658, §106, is further amended to read:

K. Donations authorized under section 708-C; ~~or~~

Sec. 2. 28-A MRSA §709, sub-§2, ¶M, as enacted by PL 2015, c. 494, Pt. A, §34, is amended to read:

M. Product supplied by licensees authorized under section 1052-D for the purposes of providing taste-testing samples under a taste-testing event license; or

Sec. 3. 28-A MRSA §709, sub-§2, ¶N is enacted to read:

N. A restaurant, Class A restaurant or Class A restaurant/lounge giving, serving or permitting to be served a bottle of wine as authorized under section 1051, subsection 10.

Sec. 4. 28-A MRSA §1051, sub-§10 is enacted to read:

10. Consumption of bottles of wine not sold on the premises. A restaurant, Class A restaurant or Class A restaurant/lounge licensed by the State to sell wine on the premises may give, serve or permit to be served a bottle of wine furnished by a person who has purchased a full meal to be consumed on the premises by that person or by another person within the same group as the person who furnished the wine and may charge a fee, not to exceed \$100 per bottle, for this service. A restaurant, Class A restaurant or Class A restaurant/lounge may permit a person who furnished the bottle of wine to remove the partially consumed bottle of wine from the premises upon departure as long as the person is not visibly intoxicated as defined in section 2503, subsection 7 and the bottle of wine is removed and transported in a manner consistent with subsections 4 and 5, respectively.

See title page for effective date.