

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

governmental approvals of any sale or transfer transaction and an additional 60 days after receipt of approval. The holder has the right to assign its option to a non-profit corporation upon such terms as the holder may determine, including, but not limited to, requiring the assignee to agree to additional income eligibility restrictions and rental restrictions for a duration as determined by the holder.

A. Nothing in this section prevents an owner of the property from deciding not to sell, transfer or take other action ~~that would result in termination of the financial assistance and revoking the notice required by subsection 1 at any time before its expiration described in this section.~~ The withdrawal or revocation, or failure to close on a sale pursuant to the option within the time provided in this subsection, extinguishes any ~~right of first refusal option~~ held by the ~~Maine State Housing Authority holder~~ or an assignee.

3. Exceptions. ~~The Maine State Housing Authority holder may not possess any right of first refusal option when a bona fide buyer, by contract with the seller, agrees to maintain the property as low-income housing without any termination or other modification to the income eligibility restrictions or rental restrictions or financial assistance applicable to the property. The notice provisions of this section apply to this subchapter.~~

See title page for effective date.

**CHAPTER 219
S.P. 298 - L.D. 740**

**An Act to Clarify the Criteria
for State Approval of Alcoholic
Beverage Container Labels**

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

Sec. 1. 28-A MRSA §6-A, sub-§2-A is enacted to read:

2-A. Criteria for label registration. Bureau review and approval of label registration is limited to whether the submitted label conforms to the regulations adopted by the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau and the following criteria:

A. The label does not contain any statement, design, device or representation that:

(1) To the average individual, applying contemporary community standards, considered as a whole, appeals to the prurient interest;

(2) Depicts or describes, in an offensive manner, sexual acts, excretory functions, masturbation or lewd exhibition of the genitals; and

(3) Considered as a whole, lacks serious literary, artistic, political or scientific value; and

B. The label does not contain a subject matter or an illustration that targets minors.

See title page for effective date.

**CHAPTER 220
H.P. 360 - L.D. 555**

**An Act to Increase the Number
of Mature Plants Allowed for
the Home Cultivation of
Cannabis**

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

Sec. 1. 28-B MRSA §1501, sub-§1, ¶E, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is amended to read:

E. Subject to the requirements and restrictions of section 1502, possess, cultivate or transport at any one time up to ~~3~~ **6** mature cannabis plants, 12 immature cannabis plants and an unlimited number of seedlings and possess all the cannabis produced by such plants at the person's place of residence or at the location where the cannabis was cultivated;

Sec. 2. 28-B MRSA §1502, sub-§1, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

1. Cultivation of up to 3 6 mature cannabis plants per person for personal adult use authorized. Subject to the applicable requirements and restrictions of subsections 2, 3 and 4, a person 21 years of age or older may cultivate up to ~~3~~ **6** mature cannabis plants, up to 12 immature cannabis plants and an unlimited number of seedlings for personal adult use:

A. On a parcel or tract of land on which the person is domiciled;

B. On a parcel or tract of land owned by the person on which the person is not domiciled; or

C. On a parcel or tract of land not owned by the person and on which the person is not domiciled so long as the owner of the parcel or tract of land by written agreement permits the cultivation and care of the cannabis plants on the parcel or tract of land by that person.

A person may cultivate the cannabis plants and seedlings authorized under this subsection at multiple locations so long as such cultivation activities otherwise meet all requirements and restrictions of this section.

Sec. 3. 28-B MRSA §1502, sub-§3, ¶A, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

A. A municipality may adopt an ordinance or other regulation limiting the total number of mature cannabis plants that may be cultivated on any one parcel or tract of land within the municipality so long as that ordinance or regulation allows for the cultivation of 3 6 mature cannabis plants, 12 immature cannabis plants and an unlimited number of seedlings by each person 21 years of age or older who is domiciled on a parcel or tract of land.

Sec. 4. 28-B MRSA §1502, sub-§4, ¶A, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

A. The Maine Land Use Planning Commission may limit the total number of mature cannabis plants that may be cultivated on any one parcel or tract of land within a town, plantation or township in the unorganized and deorganized areas so long as that limitation allows for the cultivation of 3 6 mature cannabis plants, 12 immature cannabis plants and an unlimited number of seedlings by each person 21 years of age or older who is domiciled on a parcel or tract of land.

See title page for effective date.

CHAPTER 221

H.P. 439 - L.D. 670

An Act to Protect Birds in the Construction, Renovation and Maintenance of Public Buildings

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

Sec. 1. 5 MRSA §1754 is enacted to read:

§1754. Guidance regarding integration of bird collision risk management into public improvements

The Department of Administrative and Financial Services, Bureau of General Services, referred to in this section as "the bureau," shall develop guidance regarding the integration of bird collision risk management into public improvements. The bureau, to the extent it determines appropriate considering all relevant factors, shall follow the guidance in the construction of public improvements and renovations of public improvements in which more than 50% of a building facade is substantially altered. The guidance is not applicable to public buildings, landscapes or districts listed on the National Register of Historic Places or determined by the Maine Historic Preservation Commission, created pursuant to Title 27, section 502, to be eligible for inclusion on the National Register of Historic Places, including the State House and the Blaine House.

1. Development of guidance. The guidance for reducing bird collisions with public buildings and improvements must:

A. Be developed in consultation with expert stakeholders, including, but not limited to, state or federal natural resource agencies with expertise in bird conservation; nongovernmental organizations with expertise in bird conservation; representatives from the building and design community; and representatives of green building or bird safe building certification programs;

B. Include an explanation of architectural design threats and landscape design threats to birds;

C. Include an explanation of the cost differentials and comparative effectiveness of materials, designs and other methods for reducing bird collisions;

D. Include an explanation of other considerations for reducing bird collisions; and

E. Be available on the bureau's publicly accessible website.

2. Reports. The bureau shall submit a report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by December 31, 2026, and biennially thereafter, detailing use of the guidance under this section during the previous 2-year period, including reasons and factors for using or not using the guidance. The committee may submit legislation relating to the subject matter of the report to the session of the Legislature following receipt of the report.

Sec. 2. Report. The Department of Administrative and Financial Services, Bureau of General Services, referred to in this section as "the bureau," shall develop the guidance required by the Maine Revised Statutes, Title 5, section 1754 by December 31, 2024. The bureau shall submit a report to the joint standing committee of the Legislature having jurisdiction over state and local government matters no later than December 31, 2024 detailing the guidance developed. The committee may submit legislation relating to the subject matter of the report to the 132nd Legislature in 2025.

See title page for effective date.

CHAPTER 222

H.P. 467 - L.D. 698

An Act to Reduce the Cost of Energy in Maine and Reduce Greenhouse Gas Emissions Through the Effective Use of Renewably Sourced Gas

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