

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

SECOND REGULAR SESSION
January 3, 2024 to May 10, 2024

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 9, 2024

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

Augusta, Maine
2024

(a) "Facility" means any disposal system or any treatment works, appliance, equipment, machinery, installation or structures installed, acquired or placed in operation primarily for the purpose of reducing, controlling or eliminating water pollution caused by industrial, commercial or domestic waste.

(b) "Disposal system" means any system used primarily for disposing of or isolating industrial, commercial or domestic waste and includes thickeners, incinerators, pipelines or conduits, pumping stations, force mains and all other constructions, devices, appurtenances and facilities used for collecting or conducting water borne industrial, commercial or domestic waste to a point of disposal, treatment or isolation, except that which is necessary to the manufacture of products.

(c) "Industrial waste" means any liquid, gaseous or solid waste substance capable of polluting the waters of the State and resulting from any process, or the development of any process, of industry or manufacture.

(d) "Treatment works" means any plant, pumping station, reservoir or other works used primarily for the purpose of treating, stabilizing, isolating or holding industrial, commercial or domestic waste.

(e) "Commercial waste" means any liquid, gaseous or solid waste substance capable of polluting the waters of the State and resulting from any activity which is primarily commercial in nature.

(f) "Domestic waste" means any liquid, gaseous or solid waste substance capable of polluting the waters of the State and resulting from any activity which is primarily domestic in nature.

Sec. 2. 36 MRSA §656, sub-§1, ¶E, as amended by PL 2007, c. 438, §20, is further amended in subparagraph (2) by enacting at the end a new last blocked paragraph to read:

For the purposes of this subparagraph, emissions from and particles of spent nuclear fuel, as defined in Title 22, section 673, subsection 18, and radioactive waste classified by the United States Nuclear Regulatory Commission as greater-than-Class C waste are not air pollution and facilities for storing spent nuclear fuel or radioactive waste classified by the United States Nuclear Regulatory Commission as greater-than-Class C waste are not air pollution control facilities.

Sec. 3. 36 MRSA §691, sub-§1, ¶A, as amended by PL 2019, c. 659, Pt. B, §1, is further amended by amending subparagraph (7) to read:

(7) Property that is not entitled to an exemption by reason of the additional limitations imposed by subsection 2; ~~or~~

Sec. 4. 36 MRSA §691, sub-§1, ¶A, as amended by PL 2019, c. 659, Pt. B, §1, is further amended by amending subparagraph (8) to read:

(8) Personal property that would otherwise be entitled to exemption under this subchapter used primarily to support a tele-communications antenna used by a tele-communications business subject to the tax imposed by section 457-; or

Sec. 5. 36 MRSA §691, sub-§1, ¶A, as amended by PL 2019, c. 659, Pt. B, §1, is further amended by enacting subparagraph (9) to read:

(9) A facility that stores spent nuclear fuel, as defined in Title 22, section 673, subsection 18, or radioactive waste classified by the United States Nuclear Regulatory Commission as greater-than-Class C waste.

Sec. 6. 36 MRSA §6652, sub-§1-E is enacted to read:

1-E. Facilities for storage of spent nuclear fuel, radioactive waste. Reimbursement under this chapter may not be made for a facility that stores spent nuclear fuel, as defined in Title 22, section 673, subsection 18, or radioactive waste classified by the United States Nuclear Regulatory Commission as greater-than-Class C waste.

Sec. 7. Retroactive application. Notwithstanding the Maine Revised Statutes, Title 1, section 302, this Act applies retroactively to property tax years beginning on or after April 1, 2022.

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

Effective April 2, 2024.

CHAPTER 589

H.P. 193 - L.D. 295

**An Act to Incentivize Accurate
Recyclability Labeling on
Packaging Material**

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

Sec. 1. 38 MRSA §2146, sub-§13, ¶A, as enacted by PL 2021, c. 455, §2, is amended by amending subparagraph (1), division (c) to read:

(c) For producers other than low-volume producers, the payment schedule adopted under this subparagraph must delineate criteria to be used to adjust producer payments in a manner that incentivizes: the use of recycled content in and increased recyclability of packaging material, lower toxicity in packaging material, a reduction of the amount of packaging material used, a reduction of litter from packaging material, increased reuse of packaging material and labeling of packaging material to reduce consumer confusion including by incentivizing accuracy in recyclability claims displayed on packaging material and that creates other incentives consistent with generally accepted industry standards.

Sec. 2. 38 MRSA §2146, sub-§13, ¶E, as enacted by PL 2021, c. 455, §2, is amended by enacting a new subparagraph (2-A) to read:

(2-A) The report under this paragraph due February 15, 2028 must include:

(a) Information regarding the criteria and standards adopted by other jurisdictions to regulate recyclability claims displayed on packaging material, including, but not limited to, the recyclability criteria and standards adopted by the California Department of Resources Recycling and Recovery pursuant to the California Public Resources Code, Division 30, Part 3, Chapter 5.7; and

(b) An evaluation of options for further incentivizing or ensuring accuracy in recyclability claims displayed on packaging material through amendments to the producer payment schedule adopted pursuant to paragraph A, subparagraph (1), through amendments to the criteria and standards for determining recyclability adopted pursuant to paragraph A, subparagraph (2) or through other amendments to this section or the rules adopted pursuant to this section.

This subparagraph applies only to the report due February 15, 2028.

See title page for effective date.

**CHAPTER 590
H.P. 953 - L.D. 1498**

An Act to Create a Liaison Program and Complaint Process Within the Bureau of Insurance for Independent Health Care Providers

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

Sec. 1. 24-A MRSA c. 56-A, sub-c. 2-B is enacted to read:

SUBCHAPTER 2-B

INDEPENDENT HEALTH CARE PROVIDER ASSISTANCE

§4329. Independent health care provider assistance

1. Independent health care provider defined. For the purposes of this section, "independent health care provider" means an independent health care practitioner or group of independent health care practitioners with 6 or fewer health care practitioners, but does not include a health care practitioner employed by a hospital or health system or a group of health care practitioners that is owned or operated, in whole or in part, by a hospital or health system.

2. Liaison program. The bureau shall establish a liaison program, referred to in this section as "the program," to provide assistance to independent health care providers as set forth in this section.

3. Duties. The duties of the program include:

A. Providing information to independent health care providers on how to contact the program for assistance through the bureau's publicly accessible website and through a toll-free number;

B. Providing information to independent health care providers on the bureau's publicly accessible website regarding the State's health insurance laws and rules and the rights and responsibilities of carriers and health care providers;

C. Assisting independent health care providers with inquiries related to the State's health insurance laws and rules; and

D. Receiving information from independent health care providers regarding regulatory or compliance issues that may have a market-wide impact.

4. Provider complaint process. The bureau shall establish a process to receive and investigate complaints from independent health care providers regarding an alleged violation of any provision of this Title or any rule adopted pursuant to this Title. The bureau may also receive and investigate complaints from providers other than independent health care providers.