

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

matters. The joint standing committee is authorized to report out a bill to the 132nd Legislature in 2025 based on the recommendations of the task force.

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

Effective March 25, 2024.

**CHAPTER 147
H.P. 1428 - L.D. 2227**

Resolve, Regarding Legislative Review of Portions of Chapter 80: Reduction of Toxics in Packaging, a Late-filed Major Substantive Rule of the Department of Environmental Protection

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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a major substantive rule has been submitted to the Legislature outside the legislative rule acceptance period; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 80: Reduction of Toxics in Packaging, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized.

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

Effective March 25, 2024.

**CHAPTER 148
S.P. 418 - L.D. 1049**

Resolve, Directing the Department of Inland Fisheries and Wildlife and the Department of Marine Resources to Enter into a Memorandum of Understanding to Address Aquatic Invasive Species

Sec. 1. Department of Inland Fisheries and Wildlife and Department of Marine Resources to enter into memorandum of understanding.

Resolved: That, by December 15, 2024, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources, referred to jointly in this resolve as "the departments," shall enter into a memorandum of understanding to establish a process to plan for actions to control and prevent the further spread of aquatic invasive species as fish passages are improved and fish barriers are removed statewide.

Sec. 2. Review and update of memorandum of understanding.

Resolved: That the departments shall include in the memorandum of understanding under section 1 a requirement that the memorandum be reviewed and updated at least every 5 years to coincide with the renewal of the memorandum. The memorandum must also include a provision authorizing the departments to review and update the memorandum at more frequent intervals when significant changes are planned with respect to how fish passages and fish barriers are managed. The review must include an assessment of the departments' progress on actions to control and prevent the further spread of aquatic invasive species and initiatives identified in the memorandum to ensure timely progress and completion, as well as identification of any new supporting initiatives.

Sec. 3. Departments' progress report to joint standing committee.

Resolved: That the departments shall include in the memorandum of understanding under section 1 a requirement that the departments submit a report on the departments' progress under the memorandum to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters at least every 5 years, to coincide with the renewal of the memorandum under section 2.

Sec. 4. Other updates to joint standing committee.

Resolved: That the departments shall include in the memorandum of understanding under section 1 a requirement that, if changes are planned that reduce commitments outlined in the memorandum to control and prevent the further spread of aquatic invasive species at the dam on the Penobscot River in the Town of Medway or the dam on the Piscataquis River at Brown's Mill in the Town of Dover-Foxcroft, the departments

shall notify the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters in writing prior to the changes being implemented.

See title page for effective date.

**CHAPTER 149
S.P. 444 - L.D. 1075**

Resolve, to Review and Evaluate Film Production Incentives

Sec. 1. Film production incentives review and evaluation. Resolved: That the Department of Economic and Community Development shall review existing film production incentives in this State and evaluate film production incentives, including tax credits, rebates and alternative reimbursement programs in other selected states. The department, with direction from the department's Office of Tourism, Maine State Film Office established pursuant to the Maine Revised Statutes, Title 5, section 13090-I, shall solicit input from stakeholders, industry experts, other state agencies and film offices in other states. On or before December 30, 2024, the department shall submit to the joint standing committee of the Legislature having jurisdiction over taxation matters a report that contains suggested legislation to amend or replace current visual media incentive laws, responses to the 2023 evaluation of visual media incentives conducted by the Office of Program Evaluation and Government Accountability and a detailed summary that includes the findings, requirements and recommendations of the department and the Maine State Film Office. The committee may submit legislation related to the report to the 132nd Legislature in 2025.

See title page for effective date.

**CHAPTER 150
S.P. 638 - L.D. 1606**

Resolve, to Study Opportunities and Provide Guidance for School Clean Energy and Energy Efficiency Programs

Sec. 1. Study to evaluate opportunities for clean energy and energy efficiency programs in schools; report. Resolved: That the Department of Education's office of innovation, in coordination with the Office of Policy Innovation and the Future, the Governor's Energy Office and the Efficiency Maine Trust, shall conduct a study and develop guidance to assist public elementary and secondary schools in the State

with achieving energy efficiency and maximizing the use of clean energy. The study must include:

1. Identification and review of current and anticipated:

A. State and federal programs available to public elementary and secondary schools in the State for supporting energy audits and energy efficiency projects and financing and development of clean energy and clean transportation; and

B. Options for public elementary and secondary schools to contract with energy services companies, as defined in the Maine Revised Statutes, Title 5, section 1770, subsection 2, paragraph B, including opportunities for 3rd-party financing of school construction; and

2. Review and consideration of:

A. National climate policies and best practices, including, but not limited to, those described in Executive Order No. 14008, 86 Federal Register, 7619, January 27, 2021, and from relevant jurisdictions; and

B. State policies related to labor practices and workforce enhancement standards, including, but not limited to, those described in the Maine Revised Statutes, Title 35-A, section 3408, subsection 2, paragraph F, subparagraph (2).

The guidance developed through this study must address how the programs and contracting options reviewed in accordance with subsection 1 may be effectively accessed and used by public elementary and secondary schools in the State and how public elementary and secondary schools can incorporate the best practices and standards reviewed in accordance with subsection 2 within those programs and contracting options.

No later than January 31, 2025, the Department of Education's office of innovation shall provide a report of its activities, as well as guidance for public elementary and secondary schools in the State for achieving energy efficiency, to the joint standing committees of the Legislature having jurisdiction over energy matters and education matters. The report may also include recommendations for legislation. The joint standing committee of the Legislature having jurisdiction over energy matters may report out a bill related to the report to the 132nd Legislature in 2025.

Sec. 2. Department of Education to develop contracting guidance for schools; report. Resolved: That the Department of Education, in consultation with the Office of Policy Innovation and the Future, the Governor's Energy Office, the Efficiency Maine Trust, relevant state agencies and representatives from school leadership, including superintendents, business officers and facilities managers, shall develop contracting guidance for public elementary and secondary schools to assist the schools with saving money