

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 4, 2024 to March 21, 2025

FIRST SPECIAL SESSION
March 25, 2025 to June 25, 2025

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 20, 2025

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
SEPTEMBER 24, 2025

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

Augusta, Maine
2025

of at a facility authorized to accept the materials for recycling or disposal.

See title page for effective date.

CHAPTER 50

S.P. 394 - L.D. 905

An Act to Clarify the Process to Transfer Funds Resulting from the Expiration of Unused Kilowatt-hour Credits to Be Used to Provide Assistance to Low-income Electricity Customers

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

Sec. 1. 35-A MRSA §3209-A, sub-§8, as amended by PL 2023, c. 230, §1, is further amended to read:

8. Unused kilowatt-hour credits; rules. To the extent rules adopted under this section provide for the periodic expiration of unused kilowatt-hour credits accumulated by a customer participating in a net energy billing arrangement, the commission shall require by rule that each transmission and distribution utility with a net energy billing arrangement shall account for and, on or before ~~January~~ April 1st of each year, remit the value of all unused kilowatt-hour credits that were accumulated and that expired during the prior calendar year to the ~~commission administrators of the statewide low-income assistance plan and the individual low-income assistance programs as designated by the commission by rules adopted pursuant to section 3214, subsection 2~~ for the benefit of individuals receiving low-income assistance in accordance with section 3214, subsection 2 those rules. The rules adopted by the commission pursuant to this subsection must:

A. Establish the manner by which a transmission and distribution utility must account for unused kilowatt-hour credits that were accumulated by all customers of the utility with net energy billing arrangements during the prior calendar year and that expired during the prior calendar year; ~~and~~

B. Establish the manner by which a transmission and distribution utility must remit the value of the unused and expired kilowatt-hour credits; ~~and~~

C. Identify the manner by which the transmission and distribution utility must report to the commission information regarding the number of unused kilowatt-hour credits that were accumulated by all customers of the utility with net energy billing arrangements during the prior calendar year and that expired during the prior calendar year and the monetary value of those credits.

Notwithstanding any provision of this section to the contrary, rules adopted by the commission pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 51

H.P. 597 - L.D. 932

An Act to Require the Issuance of Maine Agricultural Fair Licenses Every 4 Years

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, agricultural fairs will begin soon, and this legislation needs to take effect before the expiration of the 90-day period to allow the change in the term of an agricultural fair license to take effect as soon as possible; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 7 MRSA §83, sub-§2, as enacted by PL 2005, c. 563, §3, is amended to read:

2. Issuance of license. If satisfied that an applicant will comply or, if an applicant has previously held a license, that the applicant has complied and will continue to comply with the requirements of this chapter and rules adopted pursuant to this chapter, the commissioner may issue a license to the applicant for an agricultural fair. A license is issued for ~~3~~ 4 consecutive years and only for the dates assigned by the commissioner in accordance with section 84.

Sec. 2. 7 MRSA §84, sub-§1, as enacted by PL 2005, c. 563, §3, is amended to read:

1. Assigned fair dates. The commissioner shall set the dates for which an agricultural fair license is effective in accordance with rules adopted pursuant to section 82, subsection 5. No later than May 15th of the calendar year preceding the first year of each ~~3-year~~ 4-year license period, the commissioner shall announce the assignment of fair dates and issuance of licenses.

Sec. 3. 7 MRSA §86, sub-§7, ¶A, as enacted by PL 2005, c. 563, §3, is amended to read:

A. Upon receiving an initial license, spend a minimum of \$750 per year on premiums for ~~3~~ 4 years

for displays of agricultural products, excluding premiums for equine and ox pulling contests and farm tractor and pickup truck pulling contests; and

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

Effective April 25, 2025.

CHAPTER 52

S.P. 58 - L.D. 36

An Act to Clarify Processes of the Board of Environmental Protection

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

Sec. 1. 38 MRSA §344, sub-§1, as amended by PL 2023, c. 509, §1, is further amended to read:

1. Acceptance and notification. The commissioner shall notify the applicant in writing of the official date on which the application was accepted as complete for processing or the reasons the application was not accepted. If a written notice of acceptance or nonacceptance is not mailed to the applicant within 15 working days of receipt of the application, the application is deemed to be accepted as complete for processing on the 15th working day after receipt by the department. If the application is not accepted, the commissioner shall return the application to the applicant with the reasons for nonacceptance specified in writing. A reason for nonacceptance of an application may include, but is not limited to, submission of the application after the activity requiring a permit or license pursuant to this Title has begun if the applicant knowingly violated a requirement to obtain the permit or license for the activity or the applicant, within the 5 years immediately preceding the submission of the application, violated a requirement to obtain a permit or license pursuant to this Title. Any applicant whose application has not been accepted by the commissioner shall attend a presubmission meeting with the department before resubmitting that application. The commissioner shall notify the board of all applications accepted as complete, except for permit by rule notifications, waste transporter applications and occupational licenses.

An application is acceptable as complete for processing if the application is properly filled out and information is provided for each of the items included on the form. Acceptance of an application as complete for review does not constitute a determination by the department on the sufficiency of that information and does not preclude the department from requesting additional information during processing.

The commissioner shall require the applicant to provide notice to the public for each application for a permit or license accepted, except for permit by rule notifications, waste transporter applications and occupational licenses. The commissioner shall solicit comments from the public for each application in a manner prescribed by the board in the rules.

All correspondence notifying an applicant of denial of an application by the board or commissioner must be by certified mail, return receipt requested.

Sec. 2. 38 MRSA §1365, sub-§4, as amended by PL 2005, c. 330, §36, is further amended to read:

4. Compliance; appeal. The person to whom the order is directed shall comply immediately and may apply to the board for a hearing on the order if the application is made within 10 working days after receipt of the order by a responsible party. ~~Within 15 working days service of the order pursuant to subsection 3. As expeditiously as possible, but in no case later than 90 days after receipt of the application, the board shall hold a hearing, make findings of fact and vote on a decision that continues, revokes or modifies the order. That decision must be in writing and signed by the board chair using any means for signature authorized in the department's rules and published within 2 working days after the hearing and vote board decision.~~ The nature of the hearing before the board is an appeal. At the hearing, all witnesses must be sworn and the commissioner shall first establish the basis for the order and for naming the person to whom the order is directed. The burden of going forward then shifts to the person appealing to demonstrate, based upon a preponderance of the evidence, that the order should be modified or rescinded. The decision of the board may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7.

See title page for effective date.

CHAPTER 53

S.P. 484 - L.D. 1195

An Act to Amend the Provisions of the Maine Workers' Compensation Act of 1992 Governing Requirements for Self-insurers

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

Sec. 1. 39-A MRSA §403, sub-§3, as amended by PL 2017, c. 401, §1, is further amended by amending the first blocked paragraph to read:

Except as provided in subsection 5, paragraph A-1, a self-insurer may, with the approval of the Superintendent of Insurance, use the following types of security to