

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

deputy harbor master as described in subsection 1, paragraph B, subparagraph (24) to be equipped with a siren in addition to authorized lights pursuant to this subparagraph.

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

Effective June 9, 2025.

CHAPTER 191 S.P. 12 - L.D. 3

An Act to Adopt Eastern Daylight Time Year-round Contingent on Federal Approval

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

Sec. 1. 1 MRSA §151, as repealed and replaced by PL 2019, c. 268, §1, is amended to read:

§151. Standard time

1. Standard time. The standard time for the State is the time as determined by 15 United States Code, Sections 260 to 267 except that the standard time year-round for the State is the time commonly known as eastern daylight time or eastern daylight saving time, referred to in this section as "eastern daylight time," if federal law or regulation permits the year-round observation of daylight time.

~~A. Federal law permits the year round observation of eastern daylight time; and~~

~~B. All the states in the eastern time zone and the District of Columbia observe eastern daylight time year round.~~

2. Secretary of State to monitor and provide public notice. The Secretary of State shall monitor whether the conditions condition under subsection 1, paragraphs A and B has been met and provide public notice when each has been met. When both conditions the condition under subsection 1, ~~paragraphs A and B have~~ has been met, the Secretary of State shall issue a public notice announcing the effective date of year-round eastern daylight time as established in subsection 3.

3. Effective date. Year-round eastern daylight time is effective immediately upon the fulfillment of both conditions the condition in subsection 1, ~~paragraphs A and B if the State is observing eastern daylight time on the date both conditions are the condition is met.~~ Year-round eastern daylight time is effective on the next start date of eastern daylight time after both conditions the condition in subsection 1, ~~paragraphs A and B have~~ has been met if the State is not observing

eastern daylight time on the date ~~both of the conditions are condition~~ is met.

See title page for effective date.

CHAPTER 192 H.P. 30 - L.D. 66

An Act to Expand Access to the Maine Wage Assurance Fund

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

Sec. 1. 26 MRSA §632, as corrected by RR 2023, c. 2, Pt. E, §21, is amended to read:

§632. Fund for unpaid wages and certain liquidated damages

1. Fund established. There is established the Maine Wage Assurance Fund to be used by the Bureau of Labor Standards within the Department of Labor for the purpose of assuring that all former employees of employers within the State receive payment for wages and liquidated damages, in an amount equal to the wages, for a maximum of ~~2~~ 4 weeks for the work they have performed. The Legislature intends that payment of earned wages and liquidated damages from the fund be limited to those cases when the employer has terminated the employer's business and there are no assets of the employer from which earned wages may be paid or when the employer has filed under any provision of the Federal Bankruptcy Act. An officer or director in the case of a corporation, partner in the case of a partnership or owner in the case of a sole proprietorship may not be considered an employee for purposes of this section.

2. Administration. The fund ~~shall~~ must be administered by the Director of the Bureau of Labor Standards. Applications for payment from the fund and disbursements from the fund ~~shall~~ must be in accordance with ~~regulations promulgated~~ rules adopted by the director. The State ~~shall~~ must be subrogated to any claims against an employer for unpaid wages and liquidated damages, in an amount equal to the wages, by an employee who has received payment from the fund. Subrogation to these claims ~~shall~~ must be to the extent of payment from the fund to the employee.

3. Amount in fund. The Maine Wage Assurance Fund is a nonlapsing, revolving fund limited to a maximum of \$200,000. All money collected from an employer pursuant to a claim for unpaid wages and liquidated damages, in an amount equal to the wages, by an employee who has received payment from the fund, or by the State as the employee's subrogee, is credited to the fund.

The fund must be established and augmented periodically as necessary.

Money in the fund not needed currently to meet claims against the fund must be deposited with the Treasurer of State to be credited to the fund and may be invested in such manner as is provided for by statute. Interest received on that investment must be credited to the Maine Wage Assurance Fund.

See title page for effective date.

CHAPTER 193

H.P. 52 - L.D. 88

An Act Regarding Penalties for Violating the Maine Weights and Measures Law

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

Sec. 1. 10 MRSA §2633 is enacted to read:

§2633. Civil penalties; firewood

A person who violates this subchapter as it relates to the sale of firewood commits a civil violation for which a fine must be adjudged in an amount not less than \$50 nor more than \$2,000.

Sec. 2. 10 MRSA §2751, as amended by PL 1991, c. 650, §1, is further amended by amending the section headnote to read:

§2751. Offenses and penalties

Sec. 3. 10 MRSA §2751, first ¶, as amended by PL 1991, c. 650, §1, is repealed.

Sec. 4. 10 MRSA §2751-A is enacted to read:

§2751-A. Administrative penalties

Except for any violation of subchapter 2-A or a violation of subchapter 7-A relating to the sale of firewood, the Commissioner of Agriculture, Conservation and Forestry, referred to in this section as "the commissioner," may assess administrative penalties, not to exceed \$5,000, for each violation of this chapter for which a specific penalty has not been prescribed.

1. Amount of penalty. In determining the amount of the penalty to be assessed against a person under this section, the commissioner may consider one or more of the following:

A. The degree of actual and potential impact on public health, safety and welfare resulting from the violation;

B. The presence of mitigating or aggravating circumstances;

C. Whether the person has been warned regarding a violation or found to be in violation of the same provision of law in the past;

D. The economic benefit, if any, gained by the violation;

E. The deterrent effect of the penalty; and

F. The financial condition of the person.

2. Separate offenses; continuing violations; maximum total value of penalties. The commissioner may consider each violation a separate offense and, in the case of a continuing violation, the commissioner may consider each day's continuance a separate offense. The total value of penalties assessed against a person under this section may not exceed \$50,000.

3. Commissioner may recover costs of investigation. In addition to the administrative penalties authorized by this section, the commissioner may recover the costs of investigation, which must be credited to a special fund and be made available to the Department of Agriculture, Conservation and Forestry to offset these costs.

4. Enforcement of final administrative penalty. The commissioner may enforce a final administrative penalty by filing a civil action in any District Court or Superior Court.

5. Appeal. Any party aggrieved by a final decision of the commissioner may appeal de novo to the Superior Court within 30 days of the final decision of the commissioner.

Sec. 5. 10 MRSA §2751-B is enacted to read:

§2751-B. Administrative penalties; opportunity to request hearing; notice of alleged violation and rights; requesting or waiving hearing

Before a final administrative penalty may be assessed against a person under section 2751-A, the person must be given an opportunity for a hearing after reasonable notice. Notwithstanding any provision of Title 5, section 9052 to the contrary, the Commissioner of Agriculture, Conservation and Forestry, referred to in this section as "the commissioner," shall use the following procedures in providing to a person notice of the violation or violations alleged and the opportunity to request a hearing.

1. Notice. Notice must be served by personal service or by certified mail sent to the last address of record of the person on file with the Department of Agriculture, Conservation and Forestry, referred to in this section as "the department." If the person is not an applicant for or holder of a license, permit, registration or certification issued by the department, the notice must be served by personal service or by certified mail, return receipt requested. The notice must include:

A. A statement of the legal authority and jurisdiction under which the hearing is to be held;

B. A statement of the matter at issue, including reference to the particular statute or administrative