LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-SECOND LEGISLATURE

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

Augusta, Maine
2025

G. In the case of Portland Harbor, noncommercial foreign vessels under 350 gross tons for yacht or recreational purposes and noncommercial American vessels under 350 gross tons under registry for yacht or recreational purposes.

Sec. 6. 38 MRSA §89, as amended by PL 2007, c. 695, Pt. B, §23, is further amended to read:

§89. Maine Pilotage Commission members

The Maine Pilotage Commission, as established by Title 5, section 12004-A, subsection 40, consists of 7 members who are citizens of the United States and the State ~~of Maine~~ appointed by the Governor as follows: Three licensed pilots who are actively piloting, one member from each of the coastal zones; 2 members who are not licensed pilots but are from a maritime industry that utilizes the services of pilots; one member who is not a licensed pilot but has a maritime background, from a list of qualified potential appointees provided by the mayor of the City of Portland and the mayor of the City of South Portland; and ~~2 members~~ one member representing the public who ~~are~~ is not a licensed ~~pilots~~ pilot but ~~have~~ has a maritime background. Appointments are for 3-year terms. Appointments of members must comply with Title 10, section 8009. The members of the commission are entitled to compensation according to Title 5, chapter 379.

Sec. 7. 38 MRSA §90, sub-§1, ¶B, as amended by PL 1999, c. 355, §10, is further amended to read:

B. Make and establish just and reasonable rates of pilotage for those vessels that are subject to this subchapter;

Sec. 8. P&SL 1981, c. 98, §5, sub-§2, as amended by PL 2011, c. 498, §2, is repealed and the following is enacted in its place:

2. Operation as pilot. The rates, licensure, apprenticeship, continuing education, fees, safety and other activities related to pilots operating upon the waters subject to the jurisdiction of the Board of Harbor Commissioners for Portland Harbor must be overseen and regulated by the Maine Pilotage Commission pursuant to the Maine Revised Statutes, Title 38, chapter 1, subchapter 3. This section is not intended to limit any authority otherwise maintained by the Board of Harbor Commissioners for Portland Harbor to oversee and regulate the activities of docking masters operating on waters subject to the jurisdiction of the Board of Harbor Commissioners for Portland Harbor, except that such activities may not include the service of actively piloting under the jurisdiction of the Maine Pilotage Commission.

Sec. 9. Rulemaking by Maine Pilotage Commission. Within 6 months of the effective date of this Act, the Maine Pilotage Commission shall commence rulemaking with regard to Chapter 1 of its rules to adopt in substantially the same form, for a period of time at least 24 months in duration, the provisions contained in Section 17.0 of the rules of the Board of Harbor Commissioners for Portland Harbor as of the effective date of this Act as they relate to the licensure, apprenticeship, continuing education, safety and other provisions in Section 17.0 of those rules as they relate to pilots operating in Portland Harbor as long as any fees assessed upon pilots operating in Portland Harbor are consistent with fees assessed upon pilots subject to the jurisdiction of the commission. In adopting these initial rules, this provision does not limit the ability of the commission to organize the foregoing provisions and standards into the commission's existing rules as long as the application of these rules to pilots operating in Portland Harbor are substantially similar to the provisions in Section 17.0 of the rules of the Board of Harbor Commissioners for Portland Harbor. Following the 24-month time period after initial adoption of the rules described in this section, the commission may further amend the rules governing pilots operating in Portland Harbor without regard to consistency with Section 17.0 of the rules of the Board of Harbor Commissioners for Portland Harbor. Rules adopted pursuant to this section are routine technical rules as described in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. Commencing on the effective date of this Act and pending final adoption of rules pursuant to this section, pilots operating in Portland Harbor are subject to the jurisdiction of the commission according to any terms or conditions in place during such time period as duly authorized by the Board of Harbor Commissioners for Portland Harbor, other than fee assessments upon pilots in Portland Harbor, if any, which must be consistent with any fees assessed by the commission upon other pilots subject to the commission's jurisdiction.

Sec. 10. Rulemaking by Board of Harbor Commissioners for Portland Harbor. Within 6 months of the effective date of this Act, the Board of Harbor Commissioners for Portland Harbor shall commence rulemaking to ensure that the board's rules are consistent with this Act.

See title page for effective date.

CHAPTER 254

H.P. 1286 - L.D. 1925

An Act to Improve Access to Grant Funding for the Maine Farms for the Future Program

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

Sec. 1. 7 MRSA §318, as amended by PL 2007, c. 660, §§2 and 3, is further amended to read:

§318. Business plan development

1. Eligibility. An applicant must own a farm business that has been producing agricultural products commercially in the State for at least 2 years at the time of application. The applicant must submit an application to the department to be eligible for participation in the program pursuant to procedures developed by the department. Exceptions to the 2-year eligibility requirement may be granted at the discretion of the department.

2. Criteria for selection. The panel shall evaluate and approve applications that are based upon criteria developed by the department, including:

A. The degree of opportunity for increasing the vitality of the farm business due to factors such as the capability of the applicant to effect positive changes in farm business operations and the suitability of the land in agricultural use to sustain those changes; and

B. The degree of threat to the continuation of agricultural use of the land due to factors such as the financial capacity and current farm management practices of the applicant.

3. Services package; reimbursement. Once an applicant is selected to participate in the program, the department shall assist the selected farm business in assembling a services package to develop the business plan within 18 months of the selection. ~~These services must include:~~The services package must include services provided by outside experts, such as the analysis of production practices and markets or the development of financial data. These services may include instruction or classroom training in economics and business planning as available and as required by the department for the owner or operator of the farm business.

~~A. Outside experts to provide services such as analyzing production practices and markets or developing financial data; and~~

~~B. Department-approved instruction or classroom training in economics and business planning for the owner or operator of the farm.~~

A services package must be approved by the department before it is implemented. The department shall pay for outside services contracted as part of an approved services package. The department may not pay more than $10,000 for outside services contracted as part of the services package to a selected farm business. The department shall keep an accounting of the services provided to a selected farm business as part of the services package.

5. Business plan requirements. A selected farm business must use a services package to develop a business plan that identifies changes in farm management practices and investments in equipment and property that would increase the vitality of the farm business.

Sec. 2. 7 MRSA §319, as amended by PL 2007, c. 660, §4, is further amended to read:

§319. Investment support

1. Eligibility. A selected farm business that has completed a business plan pursuant to section 318 is eligible to apply for funding to implement the plan. The applicant may apply for a reduced-interest loan from the Agricultural Marketing Loan Fund under chapter 101, subchapter 1-D and for a grant pursuant to the terms outlined in ~~exchange for a farmland protection agreement under~~ subsection 4. ~~A farmer requesting a grant in exchange for a farmland protection agreement must own at least 5 acres of land in agricultural use at the time of application.~~

2. Award of grants. The panel shall develop a competitive process to determine the ~~farms~~ farm businesses that receive grants to implement a business plan in exchange for a farmland protection agreement under subsection 4 and ~~farms~~ farm businesses that are eligible to apply for a reduced-interest loan under section 435, subsection 3-A. This determination must be based upon selection criteria developed by the department including:

A. The viability of the business plan;

B. The degree of threat to the continuation of agricultural use of the land due to factors such as the financial capacity and current farm management practices of the applicant; and

C. The degree to which the business plan would accomplish broader objectives such as the protection of water resources, wildlife habitat, open space and scenic and cultural amenities.

When possible, the panel shall award grants to applicants representing diverse agricultural enterprises and geographic areas of the State.

3. Uses and limitations of funding. Any funds provided by the department pursuant to this section must be used to implement the business plan either in the plan's original form or in a subsequent amended version that has been approved by the department. For a farm business applying for and receiving a loan from the Agricultural Marketing Loan Fund, the loan requirements and limitations under chapter 101, subchapter 1-D and Title 10, section 1023-J apply. For a farm business receiving a grant, the department may provide funds to implement the business plan in an amount not to exceed ~~$25,000~~ $45,000 or 25% of the total investments identified by the business plan, whichever is less.

4. ~~Farmland~~ Agricultural conservation agreement or farmland protection agreement. A farm business selected to receive a grant under subsection 2 must have an existing agricultural conservation agreement or enter into a new 7-year farmland protection agreement with the department before the department provides investment support pursuant to this section. The agreement must provide that the farm business will protect the land in agricultural use from nonagricultural development for the period of the agreement. Exceptions may be granted by the department if an applicant does not own the land on which the applicant operates the applicant's farm business but has a long-term lease arrangement. A selected farm business may terminate the farmland protection agreement at any time if the farm business repays the department for any funds provided to the farm business by the department pursuant to this section.

5. Review of business plan. The department shall arrange to review the business plan for a farm business selected to receive a grant under subsection 2 within 2 years of the date the grant is awarded.

See title page for effective date.

CHAPTER 255

H.P. 1304 - L.D. 1945

An Act to Clarify Data Collection Processes in Health Care Facilities

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

Sec. 1. 22 MRSA §265, first ¶, as enacted by PL 2023, c. 129, §1, is amended to read:

Beginning October 1, 2026, a health care facility, other than a pharmacy licensed pursuant to Title 32, chapter 117, shall ensure that data related to sexual orientation and gender identity is collected from an individual ~~as part of the health care information collected upon intake at a health care facility and at any other time~~ who is 19 years of age or older when demographic information is collected, unless the individual declines to answer questions regarding the individual's sexual orientation or gender identity. This data is part of the individual's electronic health record. For the purposes of this section, "health care facility" has the same meaning as in section 1711-C, subsection 1, paragraph D, "health care information" has the same meaning as in section 1711-C, subsection 1, paragraph E and "individual" has the same meaning as in section 1711-C, subsection 1, paragraph G, except that in this section it is limited to an individual who is 19 years of age or older. Data collected pursuant to this section is health care information that is subject to the confidentiality requirements of section 1711-C. ~~The sexual orientation and gender identity data required to be collected pursuant to this section is the same as the sexual and gender identity data elements added by the federal Department of Health and Human Services, Health Resources and Services Administration to the uniform data system administered by the Health Resources and Services Administration in 2016 or included in any subsequent standards.~~

See title page for effective date.

CHAPTER 256

S.P. 761 - L.D. 1953

An Act to Ensure Public Access to Conservation Land by Providing Protections from Liability to Landowners

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

Sec. 1. 14 MRSA §159-A, sub-§4, ¶B, as amended by PL 1995, c. 566, §1, is further amended by amending subparagraph (1) to read:

(1) The landowner or the landowner's agent by the State; ~~or~~

Sec. 2. 14 MRSA §159-A, sub-§4, ¶B, as amended by PL 1995, c. 566, §1, is amended by enacting a new subparagraph (3) to read:

(3) The landowner or grantor who grants, and the holder or grantee who accepts, an easement or other legal instrument that makes an express grant of perpetual public access over premises for the public to pursue recreational or harvesting activities; or

Sec. 3. 14 MRSA §159-A, sub-§7 is enacted to read:

7. Perpetual grant of public access. A landowner or other grantor who grants, and a holder or grantee who accepts, an easement or other legal instrument that includes a perpetual right of public access over premises for the public to pursue one or more recreational or harvesting activities, in reliance on the protections from liability established by this section as they exist at the time of the grant, as evidenced by an instrument recorded in the registry of deeds for the county in which the premises are located, acquires a permanent vested property right to those protections for any rights so granted, which runs to their heirs, successors and assigns.

See title page for effective date.

CHAPTER 257

S.P. 731 - L.D. 1861

An Act to Require Training on Textured Hair for Aestheticians, Barber Hair Stylists, Cosmetologists and Hair Designers

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