

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

§6170. Implementation, administrative authority and enforcement

The implementation, administrative authority and enforcement provisions of sections 6078, 6079 and 6100-X to 6100-EE apply to this subchapter.

§6170-A. Information security

The administrator shall adopt rules that specify how virtual currency kiosk operators must implement and maintain an information security program. The information security rules must be consistent with the provisions of the federal Gramm-Leach-Bliley Act, 15 United States Code, Section 6801 et seq. (1999), as amended, and the applicable implementing federal regulations as adopted by the Federal Trade Commission. Rules adopted under this subchapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

§6170-B. Waiver

Any waiver of rights under this subchapter by a customer is void.

Sec. 3. Report. No later than February 1, 2026, the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation shall submit a report to the Joint Standing Committee on Health Coverage, Insurance and Financial Services that includes findings and recommendations regarding the protection of customers of virtual currency kiosks as defined in the Maine Revised Statutes, Title 32, section 6164, subsection 3 from fraudulent activity. The committee may submit legislation related to the report to the Second Regular Session of the 132nd Legislature.

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

Effective June 12, 2025.

CHAPTER 286**S.P. 734 - L.D. 1864**

**An Act to Facilitate the
Reconstruction of Storm-
damaged Commercial Fisheries
Facilities and Infrastructure**

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

Whereas, on March 20, 2024, President Joseph R. Biden, Jr. declared that a major disaster existed in the State of Maine and ordered federal assistance to supplement state, tribal and local recovery efforts in the areas affected by the severe storms and flooding that occurred

from January 9, 2024 to January 13, 2024, including within the State's coastal municipalities; and

Whereas, as a result of the severe storms and flooding, individuals and business owners in the State suffered substantial damage to facilities and infrastructure such as docks, piers, wharves, fish houses and other structures traditionally used in support of commercial fishery operations and other functionally water-dependent uses; and

Whereas, under state and certain local laws, to lawfully reconstruct or replace such damaged facilities and infrastructure, a municipal board of appeals must grant a variance from certain local ordinance provisions by finding, among other things, that the land in question cannot yield a reasonable return unless the variance is granted; and

Whereas, because Maine courts have repeatedly held that mere access to coastal waters and the recreational benefits afforded by that access provide property owners with a reasonable return on their land, individuals and business owners would be unlikely to demonstrate a lack of a reasonable return on their land and would therefore be unable to benefit from the federal assistance to reconstruct or replace damaged facilities and infrastructure made available by the disaster declaration; and

Whereas, absent an extension, the deadline to complete permanent work under the emergency declaration is approaching in September 2025; 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. Variance petition; exemption from reasonable return variance standard. The Maine Revised Statutes, Title 30-A, section 4353, subsection 4, paragraph A does not apply to a petition for a variance from one or more provisions of a municipal shoreland zoning ordinance or a municipal floodplain management ordinance that is filed with the municipality's board of appeals established pursuant to Title 30-A, section 4353 if:

A. The petitioner demonstrates to the board of appeals that the petitioner suffered substantial damage to a dock, pier or wharf, or a structure placed thereon, as a result of the severe storms or flooding that occurred from January 9, 2024 to January 13, 2024;

B. The damaged dock, pier or wharf, or structure placed thereon, identified pursuant to paragraph A is proposed to be reconstructed or replaced in kind and is a functionally water-dependent structure or has a functionally water-dependent use; and

C. The petition is determined complete for processing by the board of appeals no later than December 31, 2027.

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

Effective June 12, 2025.

CHAPTER 287

S.P. 533 - L.D. 1303

An Act to Amend the Laws Governing Qualifications for the State Auditor

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

Sec. 1. 5 MRSA §241, as amended by PL 2015, c. 44, §3, is further amended to read:

§241. State Auditor; salary

The State Auditor is the head chief administrator of the Office of the State Auditor. ~~The State Auditor must be a certified public accountant or a college graduate with not less than 6 years of experience as a professional accountant or auditor, including not less than 5 years of auditing experience, of which not less than 4 years must have been in a supervisory capacity. The State Auditor must be elected by the Legislature by a joint ballot of the Senators and Representatives in convention and holds office for a term of 4 years or until a successor is elected and qualified. The State Auditor shall exercise such powers and perform such duties as are set forth in this chapter. In case the event the office of State Auditor becomes vacant during a period when the Legislature is not in session, the because of death, resignation, removal or other cause, the deputy auditor shall perform the administrative and statutory duties of the State Auditor until the appointment of a person to fill such vacancy. The appointment of a person to fill such vacancy must be made immediately by the President of the Senate or, if that office is vacant, by the Speaker of the House, and the person appointed holds that office until such time as the Legislature meets in regular or special session; and either confirm confirms the appointment of the person or chooses another person to fill the office during the unexpired term.~~

A person elected to the office of State Auditor must hold certification related to accounting, auditing or financial analysis or hold a degree in business for finance from an accredited postsecondary educational institution. If a person elected to the office of State Auditor is not qualified as, or has not successfully completed or passed the examination for, a certified public accountant, certified information systems auditor or certified

~~internal auditor at the time of election and fails to become so qualified within 9 months 2 years of being sworn into office, as required by section 242; that person may no longer serve as State Auditor and is ineligible for reelection by the same Legislature and the office of State Auditor is deemed vacant as State Auditor.~~

Sec. 2. 5 MRSA §242, as amended by PL 2015, c. 44, §4, is further amended to read:

§242. Organization; deputy

The Office of the State Auditor must be organized in the manner the State Auditor considers best suited to the accomplishment of its functions. The office may have those auditors, assistants and employees as the State Auditor may require, but they are subject to the Civil Service Law.

~~Any person elected to the position of State Auditor or any person permanently employed by the Office of the State Auditor as deputy auditor, director of audits or assistant director of audits must be currently~~ qualified as or have successfully completed or passed the examination for a certified public accountant, certified information systems auditor or certified internal auditor. Persons not so qualified may be employed in these audit supervisory positions on a temporary basis not to exceed 9 months.

In the event of a vacancy in the office of State Auditor because of death, resignation, removal or other cause, the deputy auditor shall perform the duties of the office until a State Auditor has been appointed in conformity with section 241 and has been duly qualified. In the event of absence or disability of the State Auditor, the deputy auditor shall ~~likewise~~ perform the duties of the office during the State Auditor's absence.

See title page for effective date.

CHAPTER 288

H.P. 937 - L.D. 1428

An Act to Increase Access to Child Care for Maine Families

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

Sec. 1. 22 MRSA §8302-A, sub-§4 is enacted to read:

4. Recreational space. A child care facility or a family child care provider may operate without an outdoor recreational space as long as an outside public recreational space is available within a reasonable distance from the facility or provider.

Sec. 2. 30-A MRSA §4364-D is enacted to read:

§4364-D. Child care services in residential areas