

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

B. Budget advisory committee members serve 3-year terms except that, in 1992, one member from each district must be elected for a one-year term, one member for a 2-year term and one member for a 3-year term. If a budget advisory committee member ceases to be a municipal officer during the term of membership, that committee member vacates membership and the next district caucus shall elect a qualified municipal officer to serve for the remainder of the unexpired term.

A municipal officer elected as a member of the budget advisory committee may name a designee to serve on the committee.

2. Legislative member. The Prior to October 15, 2025, the Washington County legislative delegation shall annually select one member of the delegation who resides in Washington County to serve as a nonvoting member on the budget advisory committee. By October 15, 2025 and by October 15th of every odd-numbered year thereafter, the Washington County legislative delegation shall select, by majority vote, one member of the delegation who resides in Washington County to serve on the budget advisory committee for a 2-year term as a voting member. If the selected member resigns from the Legislature or from the budget advisory committee during the member's term of office, the Washington County legislative delegation shall select, by majority vote, another member of the delegation who resides in Washington County to serve the remainder of the term. The Washington County legislative delegation may replace a member selected pursuant to this subsection to serve on the budget advisory committee by a 2/3 vote of the delegation.

2-A. Member from unorganized territory. The county commissioners shall select, by majority vote, one member who is a resident of the unorganized territory in Washington County who has not served in or been employed by Washington County government within the past 3 years and is not a current employee of Washington County government as a voting member of the budget advisory committee to serve a 3-year term.

3. Chair. The budget advisory committee shall annually select one of its members to chair the committee.

See title page for effective date.

CHAPTER 291

H.P. 1038 - L.D. 1580

An Act to Prohibit Carriers and Pharmacy Benefits Managers from Using Spread Pricing

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

Sec. 1. 24-A MRSA §4350-F is enacted to read:

§4350-F. Spread pricing prohibition

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Pharmacy benefits management fee" means a fee that covers the cost of providing one or more pharmacy benefits manager services, as described in section 4347, subsection 17, and that does not exceed the value of the service or services actually performed by the pharmacy benefits manager.

B. "Spread pricing" means any amount charged or claimed by a pharmacy benefits manager in excess of the ingredient cost for a dispensed prescription drug plus the dispensing fee paid directly or indirectly to any pharmacy or pharmacist on behalf of the health plan, less any pharmacy benefits management fee.

2. Spread pricing prohibited. A carrier or pharmacy benefits manager may not, either directly or through an intermediary, agent or affiliate, engage in, facilitate or enter into a contract with another person involving spread pricing in this State.

3. Annual certification of compliance. Beginning December 31, 2026 and annually by December 31st thereafter, a carrier, or a pharmacy benefits manager under contract with a carrier, operating in the State shall certify to the superintendent that it has fully complied with the requirements of this section throughout the prior calendar year. The certification must be signed by the chief executive officer or chief financial officer of the carrier or pharmacy benefits manager.

4. Penalty. A violation of this section is subject to enforcement by the superintendent pursuant to section 12-A.

5. Exemption. This section does not apply to the MaineCare program.

6. Repeal. This section is repealed January 1, 2031.

Sec. 2. Application. This Act applies to contracts entered into or renewed on or after January 1, 2026.

See title page for effective date.

CHAPTER 292

H.P. 1132 - L.D. 1697

An Act to Increase Penalties to Deter Violations of the Laws Regarding Improper Pesticide Use

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

Sec. 1. 7 MRSA §616-A, sub-§2, ¶A, as repealed and replaced by PL 2003, c. 452, Pt. B, §6 and affected by Pt. X, §2, is amended to read:

A. A person may not violate this subchapter or a rule adopted pursuant to this subchapter or Title 22, chapter 258-A or a rule adopted pursuant to Title 22, chapter 258-A. This paragraph does not apply to a private applicator as defined in Title 22, section 1471-C, subsection 22 or a private applicator of general use pesticides as defined in Title 22, section 1471-C, subsection 22-A. Except as provided in paragraph B, the following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph commits a civil violation for which a fine ~~of not more than \$1,500~~ may be adjudged as follows.

(a) A fine of not more than \$10,000 may be adjudged except as provided in division (b).

(b) A fine of not more than \$50,000 may be adjudged for an unauthorized pesticide application in a case in which the preponderance of the evidence demonstrates that the person who violated this paragraph benefited substantially from the violation as determined by the board by routine technical rule as described in Title 5, chapter 375, subchapter 2-A. Clear and convincing evidence that only one person benefited substantially from an unauthorized pesticide application constitutes prima facie evidence that the person is responsible for the unauthorized pesticide application.

(2) A person who violates this paragraph and is subject to a fine under subparagraph (1), division (a) after having previously violated this paragraph and having been subject to a fine under subparagraph (1), division (a) within the previous 4-year period commits a civil violation for which a fine of not more than \$4,000 \$75,000 may be adjudged. A person who violates this paragraph and is subject to a fine under subparagraph (1), division (b) after having previously violated this paragraph and having been subject to a fine under subparagraph (1), division (b) within the previous 4-year period commits a civil violation for which a fine of not more than \$150,000 may be adjudged.

Sec. 2. 7 MRSA §616-A, sub-§2, ¶B, as amended by PL 2011, c. 510, §1, is further amended to read:

B. A private applicator, as defined in Title 22, section 1471-C, subsection 22, and a private applicator of general use pesticides, as defined in Title 22, section 1471-C, subsection 22-A, may not violate

this subchapter or a rule adopted pursuant to this subchapter or Title 22, chapter 258-A or a rule adopted pursuant to Title 22, chapter 258-A or a rule regarding records maintained pursuant to section 606, subsection 2, paragraph G. The following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph commits a civil violation for which a fine of not more than ~~\$500~~ \$1,000 may be adjudged.

(2) A person who violates this paragraph after having previously violated this paragraph within the previous 4-year period commits a civil violation for which a fine of not more than ~~\$1,000~~ \$2,000 may be adjudged.

Sec. 3. Board of Pesticides Control to adopt rules. The Department of Agriculture, Conservation and Forestry, Board of Pesticides Control shall adopt routine technical rules as described in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A to:

1. Establish a penalty schedule for violations of the laws and rules governing pesticides to create transparency for future penalties assessed;

2. Provide the means by which separate civil suits may be brought against the same violator of the laws and rules governing pesticides if pesticide migration through soil or bedrock occurs affecting more than one property;

3. Provide for the restoration of affected property and replacement of vegetation as penalties for violations of the laws and rules governing pesticides in addition to monetary penalties; and

4. Designate pesticides with the active ingredient tebuthiuron as state restricted use pesticides.

See title page for effective date.

CHAPTER 293

H.P. 1153 - L.D. 1726

An Act to Enhance the Coordination and Effectiveness of Integrated Distribution Grid Planning

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

Sec. 1. 2 MRSA §9, sub-§3, ¶D-1 is enacted to read:

D-1. When possible, seek to ensure consistency in energy planning and analysis, including, but not limited to, through the use, in all energy planning and analysis conducted by the office, of an energy forecasting method consistent with the method used by the office in preparing the comprehensive