

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

Sec. 2. 38 MRSA §480-BB, sub-§2, as amended by PL 2013, c. 231, §§4 and 5, is further amended to read:

2. Certain landowners not subject to regulation. Provide the following exemptions to regulation.

~~A. A landowner proposing to cause an impact on the buffer area defined for a significant vernal pool habitat is not subject to regulation pursuant to the rule if the significant vernal pool habitat depression is not on property owned or controlled by that landowner.~~

B. If a vernal pool depression is bisected by a property boundary and a landowner proposing to cause an impact does not have permission to enter the abutting property, only that portion of the vernal pool depression located on property owned or controlled by that landowner may be considered in determining whether the vernal pool is significant. A written department determination that a vernal pool is not significant pursuant to this paragraph remains valid regardless of timeframe.

Where the critical terrestrial habitat for a significant vernal pool is bisected by one or more property boundaries, the critical terrestrial habitat located on a property that does not contain the vernal pool depression must be afforded the same habitat protections under the rule as the critical terrestrial habitat located on the property that contains the vernal pool depression.

C. Rules adopted under this section may not require an applicant for a license for a working waterfront activity on working waterfront land that is part of a state or federal brownfields program or a voluntary response action program under section 343-E to compensate for lost habitat function with a function of equal or greater value or to provide a compensation fee pursuant to section 480-Z;

Sec. 3. 38 MRSA §480-BB, sub-§4-A is enacted to read:

4-A. Identification of significant vernal pools; drying. Provide that, when a vernal pool habitat has not previously been determined to be significant and the department or the Department of Inland Fisheries and Wildlife makes a determination concerning whether the vernal pool habitat is significant, either department may determine that the vernal pool habitat is not significant if:

A. The vernal pool is located in northern Maine and dries out after filling and before July 15th; or

B. The vernal pool is located in southern Maine and dries out after filling and before July 1st;

See title page for effective date.

CHAPTER 339 S.P. 325 - L.D. 767

An Act to Amend the Laws Governing Licensing of Certain Types of Establishments and Professions by the Department of Health and Human Services

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

Sec. 1. 22 MRSA §2494, first ¶, as amended by PL 2021, c. 125, §11, is further amended to read:

Each application for, or for renewal of, a license to operate an eating establishment, lodging place, recreational camp, youth camp, public pool, public spa or campground within the meaning of this chapter must be accompanied by a fee, appropriate to the size of the establishment, place, camp, pool, spa or area of the licensee, determined by the department and not to exceed the fees listed below. All fees collected by the department must be deposited into a special revenue account established for this purpose. No such fee may be refunded. No license may be assignable or transferable, except as provided in section 2495. The fees may not exceed:

Sec. 2. 22 MRSA §2495, as amended by PL 2021, c. 125, §13, is further amended by enacting at the end a new paragraph to read:

In the case of death of the licensee, a license issued under this chapter may be transferred, for the benefit of the estate of the deceased licensee, to the personal representative, receiver or trustee of the deceased licensee's estate to operate the premises to which the license applies for one year from the date the personal representative, receiver or trustee is appointed, after which the license is void. Pending appointment of a personal representative, receiver or trustee of the estate, the following individuals may be approved by the department to operate the premises temporarily: the surviving spouse; a person who has filed a petition for appointment as executor or administrator for the estate of the deceased licensee; the sole heir of the deceased licensee or a person designated by all of the heirs of the deceased licensee. A person may not operate under the license unless approved by the department. The department may require an individual seeking approval to operate the premises temporarily to provide documentation showing that the individual is eligible pursuant to this paragraph.

Sec. 3. 22 MRSA §2504 is enacted to read:
§2504. Confidentiality of investigative records

1. Complaints and investigative records; confidentiality. Information identifying an individual who files a complaint in connection with the department's public health activities associated with the department's licensing and regulatory functions authorized by this

chapter and Title 32, chapters 18, 63, 63-A and 64 is confidential unless otherwise directed by the court. With the exception of information that identifies the complainant, investigative records become public records upon the conclusion of an investigation, unless confidentiality is required by some other provision of law. For the purposes of this section, an investigation is concluded when:

- A. A notice of an adjudicatory hearing under Title 5, chapter 375, subchapter 4 has been issued;
- B. A consent agreement has been executed;
- C. A letter of dismissal has been issued; or
- D. The investigation has otherwise been closed.

2. Exceptions. Notwithstanding subsection 1, during the pendency of an investigation, the identity of a complainant or the investigative record may be disclosed:

- A. To department employees designated by the commissioner to facilitate the investigation; and
- B. To other state or federal agencies when disclosure is determined necessary by the commissioner to avoid imminent and serious harm. The commissioner may not delegate the commissioner's authority to determine the need for disclosure under this paragraph.

Sec. 4. 32 MRSA §1222, sub-§1, as amended by PL 2013, c. 264, §8, is further amended to read:

1. License required. A person may not practice electrology in this State unless that person is licensed by the department under this chapter. A license issued under this chapter is valid for one year from the date of issuance. A license issued in error by the department is void and must be returned to the department on demand. Notice of the demand to return the license must be delivered by hand or by certified mail to the licensee.

Sec. 5. 32 MRSA §4252, as amended by PL 2021, c. 125, §26, is further amended to read:

§4252. Issuance of licenses

The Department of Health and Human Services may license persons to practice the art of tattooing. Such licenses are issued for a term of one year and may be renewed annually. The fee for an initial license or a renewal license may not exceed \$250. The license for a person engaged in both the arts of body piercing, as defined in section 4321, and tattooing may not exceed \$300. All fees collected by the department pursuant to this section must be deposited in a special revenue account dedicated to a health inspection program.

1. Additional inspection fees. When an additional inspection is required to determine an applicant's eligibility for licensure under this chapter, the department is authorized to charge, in addition to the usual fees under this section for one license, which includes

one licensure inspection and one follow-up inspection, an additional fee not to exceed \$200 to cover the costs of each additional inspection or visit. The department may impose on the applicant a penalty for the applicant's failure to pay an additional inspection fee within 30 days of the billing date.

2. License issued in error. A license issued in error by the department is void and must be returned to the department on demand. Notice of the demand to return the license must be delivered by hand or by certified mail to the licensee.

Sec. 6. 32 MRSA §4312, sub-§2, as enacted by PL 1997, c. 383, §1, is amended to read:

2. Term of license. A license issued under this chapter expires ~~on September 30th~~ 2 years from the date of issue and is renewable biennially.

Sec. 7. 32 MRSA §4312, sub-§2-C is enacted to read:

2-C. License issued in error. A license issued in error by the department is void and must be returned to the department on demand. Notice of the demand to return the license must be delivered by hand or by certified mail to the licensee.

Sec. 8. 32 MRSA §4314, first ¶, as amended by PL 2009, c. 589, §12, is further amended to read:

~~The fee for a license under this chapter may not exceed \$150. The fee required by this section includes the cost of a biennial inspection of the micropigmentation facility by the department. However, the~~ A license issued by the department pursuant to this chapter is issued biennially upon payment of a fee not to exceed \$150. The department may inspect the micropigmentation facility at any time. All fees collected by the department pursuant to this section must be deposited into a special revenue account dedicated to a health inspection program.

Sec. 9. 32 MRSA §4324, sub-§3, as enacted by PL 2021, c. 125, §37, is amended to read:

3. Additional inspection fees. When an additional inspection is required to determine an applicant's eligibility for licensure, the department is authorized to charge, in addition to the usual fees under section 4325 ~~for one license, one licensure inspection and one follow-up inspection~~, an additional fee not to exceed \$200 to cover the costs of each additional inspection or visit. The department may impose on the applicant a penalty assessment for the applicant's failure to pay an additional inspection fee within 30 days of the billing date.

Sec. 10. 32 MRSA §4325, as amended by PL 2009, c. 589, §13, is further amended to read:

§4325. Issuance of licenses

The department may license persons to practice the art of body piercing. Licenses are issued annually by

the department upon the payment of a fee not to exceed \$250. The license fee for a person engaged in both the arts of tattooing, as defined by ~~chapter 63~~ in section 4201, and body piercing may not exceed \$300. The fee required by this section includes the cost of ~~an annual~~ one inspection and one follow-up inspection of the body piercing establishment by the department. Licenses expire one year from date of issue. All fees collected by the department pursuant to this section must be deposited into a special revenue account dedicated to a health inspection program.

A license issued in error by the department is void and must be returned to the department on demand. Notice of the demand to return the license must be delivered by hand or by certified mail to the licensee.

See title page for effective date.

CHAPTER 340

H.P. 517 - L.D. 810

An Act Regarding the Approval of Transmission Lines

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

Sec. 1. 35-A MRSA §3132, sub-§6-C, as amended by PL 2023, c. 644, §2, is further amended by enacting at the end a new blocked paragraph to read:

For the purposes of this subsection, a high-impact electric transmission line is deemed to have received the majority legislative approval required by this subsection if the high-impact electric transmission line is approved for a contract after a competitive procurement conducted by the commission or a state agency pursuant to statutory authority granted under this Title.

See title page for effective date.

CHAPTER 341

H.P. 596 - L.D. 931

An Act to Amend the Law Allowing Individuals Subject to Pretrial or Presentence Incarceration to Be Credited Time for Participation in Work Projects Within a Jail

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

Sec. 1. 30-A MRSA §1606, sub-§2, as amended by PL 2021, c. 169, §1, is further amended to read:

2. Sentence prorated. Inmates participating in a public works-related project or an improvement of property owned by a charitable organization under subsection 1 and inmates participating in a work project within a jail under subsection 1-B may have their sentences to the jail prorated at the rate of up to one day removed from the sentences for every 16 hours of participation in the project, except that inmates committed to the custody of the sheriff for nonpayment of fines under Title 17-A, section 1711 must have their sentences prorated at the rate that is applicable to the individual inmate pursuant to Title 17-A, section 1711, subsection 4, paragraph A, subparagraph (1).

See title page for effective date.

CHAPTER 342

H.P. 860 - L.D. 1325

An Act to Create Clarity in the Laws Regarding Property Tax Abatement Appeals

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

Sec. 1. 36 MRSA §844, sub-§1, as amended by PL 2001, c. 396, §18, is further amended to read:

1. Municipalities without board of assessment review. Except when the municipality or primary assessing area has adopted a board of assessment review, if the assessors or the municipal officers refuse to make the abatement asked for, the applicant may apply to the county commissioners within 60 days after notice of the decisions from which the appeal is being taken or within 60 days after the application is deemed to have been denied. The applicant may not apply to the county commissioners to appeal a decision of the assessors or the municipal officers with respect to nonresidential property or properties having an equalized municipal valuation of \$1,000,000 or greater, either separately or in the aggregate. The applicant must make such an appeal to the State Board of Property Tax Review pursuant to subsection 2. If the commissioners think that the applicant is over-assessed, the applicant is granted such reasonable abatement as the commissioners think proper. If the applicant has paid the tax, the applicant is reimbursed out of the municipal treasury, with costs in either case. If the applicant fails, the commissioners shall allow costs to the municipality, taxed as in a civil action in the Superior Court, and issue their warrant of distress against the applicant for collection of the amount due the municipality. The commissioners may require the assessors or municipal clerk to produce the valuation by which the assessment was made or a copy of it. Either party may appeal from the decision of the county commissioners to the Superior Court, in accordance with the Maine Rules of Civil Procedure, Rule 80B. If the county commissioners fail to give written notice of their