

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

CHAPTER 496
H.P. 794 - L.D. 1189

**An Act to Allow an Attorney
for the State to Determine
Whether to Charge Certain
Class E Crimes as Civil
Violations**

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

Sec. 1. 17-A MRSA §19-A is enacted to read:

§19-A. Election to charge Class E crime as civil violation

1. For purposes of this section, "eligible Class E crime" means any Class E crime, except a Class E crime:

A. In Title 21-A; or

B. For which the defendant, if convicted, would be eligible for probation or subject to a mandatory driver's license suspension.

2. The attorney for the State may elect to charge a defendant alleged to have committed an eligible Class E crime with a civil violation instead of the eligible Class E crime unless the defendant was arrested and objects to the substitution of a civil violation charge. In deciding whether to make this election, the attorney for the State shall consider the severity of the defendant's conduct, the impact of the conduct on the victim, any prior convictions or adjudications entered against the defendant and any other factor relevant to whether a criminal or civil sanction will best accomplish the purposes of the general sentencing provisions in that particular case.

3. The determination by the attorney for the State under this section is not subject to judicial review. For a person who is charged with and adjudicated as having committed a civil violation under this section, a penalty of not more than \$1,000 may be adjudged. The court shall inform the Secretary of State of any Class E crime under Title 29-A, including the relevant statutory section, that was reduced to a civil violation when a person is adjudicated of a civil violation under this section.

4. If the attorney for the State elects to charge a defendant with a civil violation instead of a Class E crime under Title 29-A and the defendant is adjudicated as having committed the civil violation, the court shall include in the abstract transmitted pursuant to Title 29-A, section 2607 information on the Class E crime, including the statutory citation, that the attorney for the State elected not to charge.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District 0063

Initiative: Provides one-time funding associated with programming costs.

GENERAL FUND	2025-26	2026-27
All Other	\$3,900	\$0
GENERAL FUND TOTAL	\$3,900	\$0

Sec. 3. Effective date. This Act takes effect January 1, 2026.

Effective January 1, 2026.

CHAPTER 497

S.P. 506 - L.D. 1217

**An Act Regarding the New
Markets Tax Credit and the
Maine New Markets Capital
Investment Program**

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

Sec. 1. 10 MRSA §1100-Z, sub-§3, ¶B-1 is enacted to read:

B-1. A qualified community development entity that is a Maine fund that seeks an allocation of tax credit authority shall submit an application to the authority on a form that the authority provides.

(1) In addition to the requirements specified in paragraph B, subparagraphs (1) and (4), the applicant shall include in the application evidence that the applicant is a qualified community development entity with its principal business operation in the State for at least 60 months.

(2) As used in this paragraph, "Maine fund" means a qualified community development entity as defined in Section 45D(c) of the United States Internal Revenue Code of 1986, as amended, that has its principal place of business in the State.

A Maine fund that meets the requirements of this paragraph is qualified as a community development entity.

Sec. 2. 10 MRSA §1100-Z, sub-§3, ¶F, as enacted by PL 2011, c. 380, Pt. Q, §1 and affected by §7, is amended to read:

F. Within 24 months with respect to program 1 tax credit authority and 12 months with respect to program 2 tax credit authority, after receipt of the notice of the allocation of tax credit authority, the qualified community development entity shall issue the qualified equity investments or long-term debt securities and receive cash in the amount of

the total amount of tax credit authority that the qualified community development entity was allocated. The qualified community development entity shall provide the authority with evidence of the entity's receipt of the cash investment within 10 business days after receipt. If the qualified community development entity does not issue the qualified equity investment or long-term debt security and receive the cash purchase price within 24 months with respect to program 1 tax credit authority and 12 months with respect to program 2 tax credit authority following receipt of the tax credit authority notice for any portion of its allocation, such unused allocation of tax credit authority lapses and the qualified community development entity may not issue the qualified equity investments or long-term debt securities without reapplying to the authority for additional tax credit authority. Any tax credit authority that lapses reverts back to the authority and may be reissued only in accordance with the application process outlined in this section.

Sec. 3. 10 MRSA §1100-Z, sub-§4, as amended by PL 2011, c. 548, §5, is repealed and the following enacted in its place:

4. Limit on amount of tax credits authorized. Tax credits issued by the authority are limited as provided in this subsection.

A. With respect to program 1 tax credit authority, the maximum aggregate amount of qualified equity investments for which the authority may issue tax credit authority under this section is \$250,000,000; a tax credit claim may not exceed \$20,000,000 in any one state fiscal year over the 7 years of the tax credit allowance dates as described in Title 36, section 5219-HH, subsection 1, paragraph A.

B. With respect to program 2 tax credit authority, the maximum aggregate amount of qualified equity investments for which the authority may issue tax credit authority under this section is \$250,000,000; a tax credit claim may not exceed \$20,000,000 in any one state fiscal year over the 7 years of the tax credit allowance dates as described in Title 36, section 5219-HH, subsection 1, paragraph A.

Sec. 4. 10 MRSA §1100-Z, sub-§6, as enacted by PL 2011, c. 380, Pt. Q, §1 and affected by §7, is amended to read:

6. Report. The authority shall report no later than January 1, ~~2015~~ 2030 with respect to program 2 tax credit authority to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over taxation matters on the activities of the program, including, but not limited to, the amount of private investment received and the total number of jobs created or retained.

The report must include for the report period the number of employees in the State, the payroll for those employees and the annual spending on goods and services in the State for each ultimate recipient of the qualified equity investment.

Sec. 5. 10 MRSA §1100-Z, sub-§7, as enacted by PL 2011, c. 380, Pt. Q, §1 and affected by §7, is amended to read:

7. Rules. By December 30, 2011, the authority shall adopt rules necessary to implement this section. By December 31, 2025, the authority shall adopt rules necessary to implement this section with respect to program 2 tax credit authority. Rules adopted pursuant to this subsection are routine technical rules under Title 5, chapter 375, subchapter 2-A.

Sec. 6. 36 MRSA §5219-HH, sub-§1, ¶E-1 is enacted to read:

E-1. "Program 1 tax credit authority" means tax credit authority allocated by the authority before January 1, 2026.

Sec. 7. 36 MRSA §5219-HH, sub-§1, ¶E-2 is enacted to read:

E-2. "Program 2 tax credit authority" means tax credit authority allocated by the authority on or after January 1, 2026.

Sec. 8. 36 MRSA §5219-HH, sub-§1, ¶H, as enacted by PL 2011, c. 548, §33 and affected by §35, is repealed and the following enacted in its place:

H. "Qualified community development entity" means an entity that:

(1) Is a Maine fund, as defined in Title 10, section 1100-Z, subsection 3, paragraph B-1; or

(2) If not a Maine fund, is a qualified community development entity as defined in the Code, Section 45D(c), except that the entity must have entered into an allocation agreement with the Community Development Financial Institutions Fund of the United States Department of the Treasury with respect to credits authorized by the Code, Section 45D.

Sec. 9. 36 MRSA §5219-HH, sub-§1, ¶I, as enacted by PL 2011, c. 548, §33 and affected by §35, is amended by amending subparagraph (1) to read:

(1) Has at least 85% of its cash purchase price used by the issuer to make qualified low-income community investments in qualified active low-income community businesses located in the State by the 2nd anniversary of the initial credit allowance date for program 1 tax credit authority and the first anniversary of the initial credit allowance date for program 2 tax credit authority;

Sec. 10. 36 MRSA §5219-HH, sub-§7, ¶C, as enacted by PL 2011, c. 548, §33 and affected by §35, is amended to read:

C. The qualified community development entity fails to invest at least 85% of the purchase price of the qualified equity investment in qualified low-income community investments in qualified active low-income community businesses located in the State within 24 months of the issuance of the qualified equity investment with respect to program 1 tax credit authority and within 12 months of the issuance of the qualified equity investment with respect to program 2 tax credit authority and maintain this level of investment in qualified low-income community investments in qualified active low-income community businesses located in the State until the last credit allowance date for the qualified equity investment. For purposes of calculating the amount of qualified low-income community investments held by a qualified community development entity, an investment is considered held by the qualified community development entity even if the investment has been sold or repaid as long as the qualified community development entity reinvests an amount equal to the capital returned to or recovered from the original investment, exclusive of any profits realized, in another qualified active low-income community business in this State within 12 months of the receipt of the capital. A qualified community development entity may not be required to reinvest capital returned from qualified low-income community investments after the 6th anniversary of the issuance of the qualified equity investment, the proceeds of which were used to make the qualified low-income community investment, and the qualified low-income community investment is considered to be held by the issuer through the qualified equity investment's final credit allowance date.

See title page for effective date.

CHAPTER 498

S.P. 516 - L.D. 1287

An Act to Support Workforce Development by Establishing the Housing Stability Fund

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

Sec. 1. 30-A MRSA c. 201, sub-c. 3-D is enacted to read:

SUBCHAPTER 3-D

HOUSING STABILITY SUPPORT

§4768. Housing Stability Support Program

The Housing Stability Support Program, referred to in this subchapter as "the program," is established within the Maine State Housing Authority.

1. Program. The program provides assistance to prevent eviction of renters with household incomes of less than 30% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended.

2. Administration. The Maine State Housing Authority shall delegate administration of the program and provide appropriate funding to one or more of the following: a designated community action agency as described by Title 22, section 5324; a municipal housing authority; or any other qualified entity as determined by the Maine State Housing Authority, including but not limited to a community-based organization. An entity delegated to administer the program must demonstrate experience as an administrator of similar programs and have the ability to provide job-seeking assistance to renters who benefit from the program. An entity delegated to administer the program shall develop a method of verifying a person's eligibility for rental assistance every 6 months after initial approval. An entity delegated to administer the program shall limit administrative costs to 10% or less of an allocation received from the fund and keep the total cost of program delivery and administrative costs to 25% or less of an allocation received from the fund.

3. Program delivery and operations. The program must include funding and capacity for adequate staffing to support program delivery and operations, facilitate wraparound and navigation services and provide essential stability and case management critical to the success of program participants. An entity delegated to administer the program must be capable of serving a diverse population, including persons with limited proficiency in the English language and from a wide range of cultural backgrounds, and must possess demonstrated experience administering similar programs, including supplemental rental assistance and housing navigation programs. Staff members must substantially participate in ensuring equitable access and program compliance and in connecting renters with broader supports that promote long-term housing stability and workforce participation.

4. Form and amount of assistance. Assistance provided under the program is limited to \$3,000 per household per calendar year. Assistance must be paid directly to the program participant's landlord in an amount not to exceed \$300 per month, except when the assistance payment is for a security deposit required for a new lease or rental agreement.

5. Eligibility. A person eligible for assistance under the program must: