

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-SECOND LEGISLATURE

SECOND REGULAR SESSION
JANUARY 7, 2026 to APRIL 29, 2026

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NONEMERGENCY LAWS IS
JULY 29, 2026

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

Augusta, Maine
2026

Sec. 3. 38 MRSA §3301, sub-§2, as enacted by PL 2025, c. 378, §12, is repealed.

Sec. 4. 38 MRSA §3301, sub-§8, as enacted by PL 2025, c. 378, §12, is repealed.

Sec. 5. 38 MRSA §3301, sub-§11, as enacted by PL 2025, c. 378, §12, is amended to read:

11. Nonwater-dependent uses. "Nonwater-dependent uses" means those uses that can function in a location other than on the surface waters of ~~the~~ this State and that do not require, for their primary purpose, location on submerged lands or direct access to inland waters or ~~coastal~~ territorial waters.

Sec. 6. 38 MRSA §3301, sub-§11-A is enacted to read:

11-A. Territorial waters. "Territorial waters" has the same meaning as in Title 12, section 6001, subsection 48-B.

Sec. 7. 38 MRSA §3301, sub-§13 is enacted to read:

13. Waters of this State. "Waters of this State" has the same meaning as in Title 12, section 13001, subsection 30.

Sec. 8. 38 MRSA §3302, first ¶, as enacted by PL 2025, c. 378, §12, is amended to read:

Except as otherwise provided in this chapter, a person may not place or use a nonwater-dependent floating structure in, on or over ~~internal~~ the waters of this State.

Sec. 9. 38 MRSA §3303, sub-§2, as enacted by PL 2025, c. 378, §12, is amended to read:

2. Swimming structures. Any dock, wharf or swimming and diving float that is used as a floating structure for swimming or diving or for the temporary tie-off of watercraft, is placed on ~~internal~~ the waters of ~~the~~ this State and is temporarily or permanently anchored to the bottom of those waters;

Sec. 10. 38 MRSA §3304, sub-§1, as enacted by PL 2025, c. 378, §12, is amended to read:

1. Eligibility. Notwithstanding any provision of law to the contrary, the owner of a nonwater-dependent floating structure that was in existence as of January 1, 2025 may make application to the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands, referred to in this section as "the bureau," through the submerged lands leasing program established pursuant to Title 12, section 1862 for a nonwater-dependent floating structure lease on the ~~internal~~ waters of ~~the~~ this State that authorizes the owner to continue to operate the nonwater-dependent floating structure in accordance with the requirements of this section when the following applies:

A. The applicant holds right, title or interest to the shorefront to which the nonwater-dependent floating structure is attached; or

B. If the nonwater-dependent floating structure is not attached to the shore, the applicant has right, title or interest to the adjacent upland shorefront and holds an approved mooring from the United States Army Corps of Engineers or the municipality in which the structure is located.

Sec. 11. 38 MRSA §3304, sub-§6, ¶B, as enacted by PL 2025, c. 378, §12, is amended to read:

B. If the structure is located on ~~coastal~~ territorial waters, it must comply with 33 United States Code, Section 1322.

Sec. 12. 38 MRSA §3304, sub-§7, ¶B, as enacted by PL 2025, c. 378, §12, is amended to read:

B. Once sited in accordance with a lease issued under this section, a nonwater-dependent floating structure may not be sited in any other location on the ~~internal~~ waters of this State.

Sec. 13. 38 MRSA §3305, sub-§3, as enacted by PL 2025, c. 378, §12, is amended to read:

3. Removal of structures. A person who violates section 3302 shall remove the violating nonwater-dependent floating structure from the ~~internal~~ waters of this State that the structure was placed or used in, on or over and is responsible for all costs associated with the removal and the costs of any damage to persons or property caused by the structure's placement or use.

See title page for effective date.

CHAPTER 567

H.P. 1041 - L.D. 1583

An Act Regarding Home Health Care Services Ordered by a Physician Licensed Outside of Maine

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

Sec. 1. 22 MRSA §2145-A is enacted to read:

§2145-A. Home health care services ordered by physician licensed in another state

1. Requirements; home health care provider. A home health care provider that is licensed pursuant to this chapter and certified by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services as a home health agency may provide home health care services for up to 90 days to a patient who resides in this State based on an order from a physician who is licensed in another state as long as the following requirements are met:

A. The physician holds a license in good standing conferred by the appropriate medical board in the physician's jurisdiction of practice. The home health care provider must verify that the physician's license is in good standing, and the verification must be maintained on file for review by the department;

B. The physician issued the order pursuant to an in-person physical examination of the patient performed in the state where the physician is licensed. Home health care services ordered by the physician are limited to the medical purpose and clinical scope from the results of the in-person physical examination; and

C. The physician and home health care provider comply with standards established in rules adopted by the department pursuant to subsection 5 and comply with regulations adopted by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services under conditions of participation for home health agencies pursuant to 42 Code of Federal Regulations, Part 484.

2. Exemption from medical license in this State.

A physician who is licensed in another state and who issues an order for home health care services in accordance with this section is exempt from the requirement of licensure by the Board of Licensure in Medicine in Title 32, chapter 48 or the Board of Osteopathic Licensure in Title 32, chapter 36 solely for the purpose of ordering home health care services for a patient, as long as the following requirements are met:

A. The order for the provision of home health care services is for up to 90 days;

B. The physician provides telehealth services only to the patient for which the order has been issued;

C. The physician orders home health care services from a home health care provider that is certified by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services as a home health agency; and

D. The physician only orders home health care services while the patient is receiving home health care services.

3. Violation. If, during the department's home health care services licensing process or during the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services survey and certification process, a physician is found to be acting in violation of this section, the department shall, in consultation with the Board of Licensure in Medicine under Title 32, chapter 48 or the Board of Osteopathic Licensure under Title 32, chapter 36, determine if the physician may no longer be exempt from licensure in this State under subsection 2.

4. Limitation on physician providing telehealth services or in-person medical care. A physician acting under subsection 2 is not authorized to provide telehealth services or in-person medical care to any patient in this State except as expressly outlined in this section.

5. Rulemaking. The department may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 568

H.P. 1045 - L.D. 1587

An Act to Clarify the Bureau of Labor Standards' Investigatory and Enforcement Procedures

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

Sec. 1. 26 MRSA §54 is enacted to read:

§54. Investigation; penalties

1. Investigation. Whenever the director believes a person or employer has violated any provision of chapter 7 or 15, the director may conduct an investigation. During the investigation of a person or employer, the director may:

A. Examine or cause to be examined for that purpose any books, records, papers and memoranda of any person or employer of whatever nature relevant to the alleged violation;

B. Issue a subpoena pursuant to subsection 2 or otherwise require the attendance of the person or employer, or of any other person having knowledge of the subject of the investigation, take testimony, administer oaths or take acknowledgement in respect of any book, record, paper or memorandum and may require proof material for that person's or employer's information. Such testimony, administration of oaths or acknowledgement of any book, record, paper or memorandum must be taken in the county where the person or employer resides or has a place of business, or in Kennebec County if the person or employer is a nonresident or has no place of business within the State; and

C. Require production of any record required by law to be kept by the person or employer pursuant to any provision of chapter 7 or 15.

2. Issuance of subpoenas. Subpoenas issued for the purposes of conducting an investigation pursuant to subsection 1 must be issued pursuant to Title 5, section 9060. Service of any notice or subpoena may be made by: