131st MAINE LEGISLATURE

SECOND REGULAR SESSION-2024

Legislative Document **No. 2290**

H.P. 1478 House of Representatives, April 9, 2024

An Act to Correct Inconsistencies, Conflicts and Errors in the Laws of Maine

(EMERGENCY)

Reported by Representative MOONEN of Portland for the Revisor of Statutes pursuant to the Maine Revised Statutes, Title 1, section 94.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint Rule 218.

ROBERT B. HUNT
Clerk

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

Whereas, acts of this and previous Legislatures have resulted in certain technical inconsistencies, conflicts and errors in the laws of Maine; and

Whereas, these inconsistencies, conflicts and errors create uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary that these uncertainties and this confusion be resolved in order to prevent any injustice or hardship to the citizens of Maine; 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:

PART A

Sec. A-1. 2 MRSA §9, sub-§3, ¶I, as enacted by PL 2007, c. 656, Pt. C, §1, is amended to read:

I. Monitor energy transmission capacity planning and policy affecting this State ~~and the regulatory approval process for the development of energy infrastructure pursuant to Title 35-A, section 122~~ and make recommendations to the Governor and the Legislature as necessary for changes to the relevant laws and rules to facilitate energy infrastructure planning and development; and

Sec. A-2. 2 MRSA §9, sub-§4, as enacted by PL 2009, c. 655, Pt. C, §2, is amended to read:

4. Advice to state agencies. The director shall advise state agencies regarding energy-related principles for agencies to consider, along with the laws and policies governing those agencies, in conjunction with the sale, lease or other allowance for use of state-owned land or assets for the purpose of development of energy infrastructure. For the purposes of this subsection, "state-owned" ~~and "energy infrastructure corridor" have the same meanings as in Title 35-A, section 122, subsection 1~~ means owned by the State or by a state agency or state authority. At a minimum, the director shall consider the following principles in advising state agencies under this subsection:

A. The principles for the determination of the long-term public interest of the State as specified in Title 35-A, former section 122, subsection 1-D, paragraph B;

B. Avoiding wherever possible the use of lands subject to the provisions of the Constitution of Maine, Article IX, Section 23;

C. Maximizing the benefit realized from the State's strategic location within New England and the northeastern region; and

D. Complying with the provisions of the memorandum of agreement between the Maine Turnpike Authority and the Department of Transportation under Title 35-A, former section 122, subsection 1-C, when applicable.

Nothing in this subsection alters any of the responsibilities or limits any of the authority of the Department of Administrative and Financial Services, Bureau of General Services pursuant to Title 5. Nothing in this subsection alters or limits the ability of departments or agencies of the State, along with the Bureau of General Services pursuant to Title 5, to generate or cogenerate energy at state facilities for use on site and elsewhere.

Sec. A-3. 5 MRSA §282, sub-§9, as amended by PL 2017, c. 284, Pt. GG, §2, is further amended to read:

9. Energy infrastructure benefits fund. To establish an energy infrastructure benefits fund. Except as otherwise provided by ~~Title 35-A, section 122, subsections 1-C and 6-B or any other~~ law, including the Constitution of Maine, the fund consists of any revenues derived from the use of state-owned land and assets for energy infrastructure development ~~pursuant to Title 35-A, section 122~~. Each fiscal year, the Treasurer of State shall transfer revenues collected in the fund to the Efficiency Maine Trust for deposit by the Efficiency Maine Trust Board in program funds pursuant to Title 35-A, section 10103, subsection 4 and use by the trust in accordance with Title 35-A, section 10103, subsection 4-A. For the purposes of this subsection, "energy infrastructure" and "state-owned" have the same meanings as in Title 35-A, former section 122, subsection 1;

Sec. A-4. 5 MRSA §943, sub-§1, ¶K, as amended by PL 2023, c. 412, Pt. AAAAA, §1 and affected by §3, is further amended to read:

K. Director, Bureau of Rehabilitation Services; ~~and~~

Sec. A-5. 5 MRSA §6203-B, sub-§1, as amended by PL 2023, c. 284, §6, is further amended to read:

1. Fund established. The Maine Working Waterfront Access Protection Fund, referred to in this section as "the fund," is established and is administered by the board in cooperation with the Commissioner of Marine Resources under the provisions of this chapter and Title 12, section ~~6031-A~~ 6042. The fund consists of the proceeds from the sale of bonds authorized for the purposes set forth in subsection 3 and funds received as contributions from private and public sources for those purposes. The fund must be held separate and apart from all other money, funds and accounts, except that eligible investment earnings credited to the assets of the fund become part of the assets of the Land for Maine's Future Trust Fund. Any balance remaining in the fund at the end of a fiscal year must be carried forward for the next fiscal year.

Sec. A-6. 5 MRSA §7054-A, as corrected by RR 2023, c. 1, Pt. B, §24 and affected by §50, is amended to read:

§7054-A. Access to register for ~~ASPIRE-JOBS~~ ASPIRE-TANF participants

In making referrals to a position on an open competitive basis in the classified service, preference must be given to ~~ASPIRE-JOBS~~ ASPIRE-TANF participants as set forth in this section.

1. Eligibility. Candidates must be active participants of the ~~ASPIRE-JOBS Program~~ ASPIRE-TANF program, as defined in Title 22, chapter 1054-A, or current recipients of Temporary Assistance for Needy Families who have completed the ~~ASPIRE-JOBS Program~~ ASPIRE-TANF program within the past year at the time an application for employment is filed with the Bureau of Human Resources in order to be eligible for

preference under this section. Candidates shall make their status in the ~~ASPIRE-JOBS Program~~ ASPIRE-TANF program known to the State Human Resources Officer in a manner prescribed by the officer. Eligibility for preference continues for a period of one year after the date of application for employment and may be renewed at the end of one year at the request of the candidate if the candidate continues to meet the other eligibility criteria specified in this subsection. A candidate receives preference only if the candidate has earned a qualifying rating on all relevant examinations.

2. Certification preference. Preference is limited to referral of the highest scoring ~~ASPIRE-JOBS Program~~ ASPIRE-TANF program participant as an additional candidate to be interviewed. If the normal certification procedure includes an eligible ~~ASPIRE-JOBS Program~~ ASPIRE-TANF program participant, further preferential certification may not be made. Preference under this section may not exclude a person who would be referred normally.

Sec. A-7. 5 MRSA §7068, sub-§1, ¶A, as corrected by RR 2023, c. 1, Pt. B, §40 and affected by §50, is amended to read:

A. In carrying out these programs, the officer shall invite and include, to the extent they wish to participate, representatives of the Bureau of ~~Employee Health~~ Human Resources, the Maine Public Employees Retirement System and employee representatives who are bargaining agents for any or all of the state employees attending the conference. Such employee representatives participate as the officer provides in the program, but must at least be given the chance to address employees in represented bargaining units on the rights and obligations of employees under the contract for their bargaining unit and as to insurance programs and other benefits that are available from the employee representative.

Sec. A-8. 5 MRSA §12004-G, sub-§30-D, as enacted by PL 2009, c. 655, Pt. A, §1, is repealed.

Sec. A-9. 5 MRSA §23001, sub-§2-A, as enacted by PL 2007, c. 551, §2, is amended to read:

2-A. Report to committees. Submit a biennial report beginning March 1, 2009, compiled by the ~~Director of the Bureau of Human Resources~~ State Human Resources Officer within the Department of Administrative and Financial Services, on the plans developed pursuant to subsection 2 to the joint standing committees of the Legislature having jurisdiction over state and local government matters and over labor matters and to the Governor's office. The report must include any changes made to the plans, an assessment made by the ~~director~~ officer of the effectiveness of the plans and any recommendations for legislative action pertaining to the report. The joint standing committee of the Legislature having jurisdiction over state and local government matters may submit legislation pertaining to the report to the first regular session of each Legislature;

Sec. A-10. 6 MRSA §244, first ¶ is amended to read:

Any person aggrieved by any decision of the board of appeals, or any taxpayer, or any officer, department, board or bureau of the political subdivision may appeal to the Superior Court in the manner provided for appeal on ~~estimate~~ the determination of damages for town ways in Title 23, section ~~3005~~ 3029.

Sec. A-11. 10 MRSA §1663, sub-§1, ¶A, as amended by PL 2023, c. 43, §1, is further amended to read:

A. "Biodiesel" means a renewable~~,~~ fuel composed of biodegradable mono-alkyl esters of long chain fatty acids derived from plant oils or animal fats that meets the requirements of the most recent ASTM International standard D6751. "Biodiesel" includes fuel that otherwise meets the requirements of this paragraph and also contains up to 1% diesel fuel.

Sec. A-12. 12 MRSA §685-A, sub-§11, as amended by PL 2007, c. 656, Pt. A, §1, is further amended to read:

11. Exemptions. Real estate used or to be used by a public utility, as defined in Title 35-A, section 102, subsection 13, ~~or a person who is issued a certificate by the Public Utilities Commission under Title 35-A, section 122~~ may be wholly or partially exempted from regulation to the extent that the commission may not prohibit such use but may impose terms and conditions for use consistent with the purpose of this chapter~~,~~ when, upon timely petition, notice and public hearing, the Public Utilities Commission determines that such exemption is necessary or desirable for the public welfare or convenience. The Public Utilities Commission shall adopt by rule procedures to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-13. 12 MRSA §6302-A, sub-§2, as amended by PL 2013, c. 254, §2 and PL 2023, c. 369, Pt. A, §4 and affected by §5, is further amended by amending the first blocked paragraph to read:

For purposes of this subsection, "sustenance use" means all noncommercial consumption or noncommercial use by any person within Passamaquoddy Indian territory, as defined in Title 30, section 6205, subsection 1, Penobscot Indian territory, as defined in Title 30, section 6205, subsection 2, ~~Aroostook Band~~ Mi'kmaq Nation Trust Land, as defined in Title 30, section ~~7202~~ 7203, subsection ~~2~~ 6, or Houlton Band Trust Land, as defined in Title 30, section 6203, subsection 2-A, or at any location within the State by a tribal member, by a tribal member's immediate family or within a tribal member's household. The term "sustenance use" does not include the sale of marine organisms.

Sec. A-14. 12 MRSA §6302-A, sub-§10, as amended by PL 2013, c. 8, §1 and PL 2023, c. 369, Pt. A, §4 and affected by §5, is further amended to read:

10. Agent. For purposes of this section, an agent of the Mi'kmaq Nation is any entity authorized by the ~~Aroostook Band of Micmacs~~ Mi'kmaq Nation Tribal Council to act on its behalf under this section and an agent of the Houlton Band of Maliseet Indians is any entity authorized by the Houlton Band of Maliseet Indians Tribal Council to act on its behalf under this section. The ~~Aroostook Band of Micmacs~~ Mi'kmaq Nation Tribal Council shall certify to the department any agent it has designated to act on its behalf under this section. The Houlton Band of Maliseet Indians Tribal Council shall certify to the department any agent it has designated to act on its behalf under this section.

Sec. A-15. 12 MRSA §10853, sub-§8, as amended by PL 2023, c. 228, §6 and c. 369, Pt. A, §4 and affected by §5, is further amended to read:

8. Members of federally recognized Indian nation, band or tribe. The commissioner shall issue a hunting, trapping and fishing license, including an archery

hunting license under this chapter, and including all permits, stamps and other permission needed to hunt, trap and fish, to a person who is an enrolled member of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Mi'kmaq Nation that is valid for the life of that person without any charge or fee pursuant to section 11109, if the person presents certification from the appropriate reservation chief or governor or the ~~Aroostook Micmac~~ Mi'kmaq Nation Tribal Council stating that the person described is an enrolled member of a federally recognized Indian nation, band or tribe listed in this subsection. Holders of these licenses are subject to this Part, including, but not limited to, a lottery or drawing system for issuing a particular license or permit. Members of a federally recognized Indian nation, band or tribe listed in this subsection are exempt from the trapper education program required for a license under section 12201, the bear trapping education course required by section 12260-A, subsection 4 and the archery hunter education course under section 11106. A license holder under this subsection who qualifies to hunt during the special season on deer under section 11153 and who meets the eligibility requirements of section 11106 must have included in that person's license one antlerless deer permit and one either-sex permit.

Sec. A-16. 12 MRSA §12201, sub-§3, ¶A, as amended by PL 2017, c. 164, §15 and PL 2023, c. 369, Pt. A, §4 and affected by §5, is further amended to read:

A. A person who is an enrolled member of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Mi'kmaq Nation who presents certification from the respective reservation chief or governor or the ~~Aroostook Micmac~~ Mi'kmaq Nation Tribal Council stating that the person is an enrolled member of a federally recognized nation, band or tribe listed in this paragraph is exempt from the requirements of this subsection.

Sec. A-17. 12 MRSA §12260-A, sub-§4, as amended by PL 2023, c. 228, §10 and c. 369, Pt. A, §4 and affected by §5, is further amended by amending the 2nd blocked paragraph to read:

A person who is an enrolled member of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Mi'kmaq Nation who presents certification from the appropriate reservation chief or governor or the ~~Aroostook Micmac~~ Mi'kmaq Nation Tribal Council stating that the person is an enrolled member of a federally recognized Indian nation, band or tribe listed in this paragraph is exempt from this subsection.

Sec. A-18. 12 MRSA §13068-A, sub-§10, ¶A, as amended by PL 2021, c. 166, §1, is further amended by amending the first blocked paragraph to read:

As used in this paragraph, "motorboat" does not include an ~~"airboat," which has the same meaning as in paragraph A-2.~~ airboat. For the purposes of this paragraph, "airboat" means a flat-bottomed watercraft propelled by an aircraft-type propeller and powered by either an aircraft engine or an automotive engine.

Sec. A-19. 15 MRSA §6203, sub-§1, ¶F, as enacted by PL 2023, c. 199, §1, is amended to read:

F. To prosecute a survivor for engaging in prostitution under Title 17-A, former section 853-A; or

Sec. A-20. 15 MRSA §6203, sub-§2, ¶F, as enacted by PL 2023, c. 199, §1, is amended to read:

F. Engaging in prostitution under Title 17-A, former section 853-A; and

Sec. A-21. 20-A MRSA §1352, sub-§2, ¶I, as amended by PL 2023, c. 405, Pt. A, §38, is further amended to read:

I. When a referendum is called for the purpose of approving the agreement to transfer a municipality from one district to another district, the article must be in the form set forth in section 1467, subsection 2.

Sec. A-22. 20-A MRSA §15689-A, sub-§12, as amended by PL 2021, c. 635, Pt. C, §8 and c. 694, §3 and affected by §4, is repealed and the following enacted in its place:

12. National board certification salary supplement. The commissioner shall pay annual salary supplement payments to a school administrative unit, a publicly supported secondary school or an education service center as authorized under chapter 123 for payment to school teachers who have attained certification from the National Board for Professional Teaching Standards or its successor organization pursuant to section 13007, subsection 2, paragraph D and section 13013-A.

Sec. A-23. 22 MRSA §1812-G, sub-§1-B, ¶E, as amended by PL 2023, c. 241, §1, is further amended to read:

E. "Disqualifying offense" means a substantiation for abuse, neglect or misappropriation of property, or a criminal conviction identified in rules adopted by the department that prohibits employment as a certified nursing assistant or a direct care worker or an immediate supervisor in accordance with subsection 2-C or 3-A, whichever applies.

Sec. A-24. 22 MRSA §1812-G, sub-§2-C, as amended by PL 2023, c. 241, §7 and c. 309, §24, is repealed and the following enacted in its place:

2-C. Registry notations. The registry must include for a certified nursing assistant and an immediate supervisor listed on the registry a notation of:

A. Disqualifying criminal convictions;

B. Nondisqualifying criminal convictions, except that a notation is not required on the registry for Class D and Class E criminal convictions over 10 years old that did not involve as a victim of the act a patient, client or resident; and

C. Substantiated findings, including but not limited to the following information:

(1) Documentation of an investigation of the certified nursing assistant or immediate supervisor, including the nature of the allegation and evidence supporting a determination that substantiates the allegation of abuse, neglect or misappropriation of property of a client, patient or resident;

(2) Documentation of substantiated findings of abuse, neglect or misappropriation of property of a client, patient or resident;

(3) If the certified nursing assistant or immediate supervisor appealed the substantiated finding, the date of the hearing; and

(4) The statement of the certified nursing assistant or immediate supervisor disputing the allegation of abuse, neglect or misappropriation of property of a client, patient or resident if the certified nursing assistant or immediate supervisor submitted such a statement.

Sec. A-25. 22 MRSA §1812-G, sub-§4, as amended by PL 2023, c. 241, §10 and c. 309, §25, is repealed and the following enacted in its place:

4. Department verification of credentials and training. The department may verify the credentials and training of certified nursing assistants and immediate supervisors listed on the registry.

Sec. A-26. 22 MRSA §1812-G, sub-§4-A, as amended by PL 2023, c. 241, §11 and c. 309, §26, is repealed and the following enacted in its place:

4-A. Provider verification fee. The department may establish a provider verification fee not to exceed $25 annually per provider for verification of a certified nursing assistant's or an immediate supervisor's credentials and training. Providers may not pass the cost on to the individual certified nursing assistant or immediate supervisor. Provider verification fees collected by the department must be placed in a special revenue account to be used by the department to operate the registry, including but not limited to the cost of criminal history record checks. The department may adopt rules necessary to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-27. 22 MRSA §1812-G, sub-§6, as amended by PL 2023, c. 241, §13 and c. 309, §27, is repealed and the following enacted in its place:

6. Prohibited employment based on disqualifying offenses. An individual with a disqualifying offense, including a substantiated complaint or a disqualifying criminal conviction, may not work as a certified nursing assistant, a direct access worker or an immediate supervisor, and an employer is subject to penalties for employing a disqualified or otherwise ineligible person in accordance with applicable federal or state laws.

Sec. A-28. 22 MRSA §1812-G, sub-§6-A, as amended by PL 2023, c. 241, §14 and c. 309, §28, is repealed and the following enacted in its place:

6-A. Background check. Certified nursing assistants and immediate supervisors are subject to a background check pursuant to chapter 1691 and according to the following:

A. A training program for certified nursing assistants must secure or pay for a background check on each individual who applies for enrollment. The individual's current name and all previous names are subject to the background check. A copy of the background check is given to the individual who, upon successful completion of the training, submits it with an application to be listed on the registry as a certified nursing assistant.

(1) Prior to enrolling an individual, a training program for certified nursing assistants must notify individuals that a background check will be conducted and that certain disqualifying offenses, including criminal convictions, may prohibit an individual from working as a certified nursing assistant.

B. Pursuant to sections 1717, 1724, 2137, 2149-A, 7706, 8606, 9005 and 9054 and Title 34-B, section 1225, licensed, certified or registered providers shall secure and pay

for a background check prior to hiring an individual who will work in direct contact with clients, patients or residents, including a certified nursing assistant or an immediate supervisor.

C. The department may secure a background check on certified nursing assistants and immediate supervisors on the registry.

D. A person or other legal entity that is not otherwise licensed by the department and that employs or places a certified nursing assistant to provide services allowing direct access shall secure and pay for a background check in accordance with state law and rules adopted by the department.

Sec. A-29. 22 MRSA §1812-G, sub-§6-B, as repealed by PL 2023, c. 241, §15 and amended by c. 309, §29, is repealed.

Sec. A-30. 22 MRSA §1812-G, sub-§6-C, ¶A, as amended by PL 2023, c. 241, §16 and c. 309, §30, is repealed and the following enacted in its place:

A. A disqualifying criminal conviction prohibits employment as a certified nursing assistant, a direct access worker or an immediate supervisor.

(1) An individual with a disqualifying criminal conviction is subject to an employment ban of 5, 10 or 30 years. The department shall adopt rules that specify disqualifying criminal convictions that prohibit employment for 5 years, disqualifying criminal convictions that prohibit employment for 10 years and disqualifying criminal convictions that prohibit employment for 30 years.

Sec. A-31. 22 MRSA §1812-G, sub-§6-C, ¶B, as amended by PL 2023, c. 241, §17 and c. 309, §30, is repealed and the following enacted in its place:

B. Nondisqualifying criminal convictions do not prohibit employment as a certified nursing assistant, a direct access worker or an immediate supervisor.

Sec. A-32. 22 MRSA §1812-G, sub-§6-D, as repealed by PL 2023, c. 241, §18 and amended by c. 309, §31, is repealed.

Sec. A-33. 22 MRSA §1812-G, sub-§10, as amended by PL 2023, c. 241, §20 and c. 309, §32, is repealed and the following enacted in its place:

10. Complaint investigation. The department may investigate complaints and allegations against certified nursing assistants, direct access workers or immediate supervisors of abuse, neglect or misappropriation of property of a client, patient or resident.

Sec. A-34. 22 MRSA §1812-G, sub-§13, as amended by PL 2023, c. 241, §22 and c. 309, §34, is repealed and the following enacted in its place:

13. Substantiated finding; lifetime employment ban. A certified nursing assistant, a direct care worker or an immediate supervisor with a notation on the registry of a substantiated finding of abuse of a patient, client or resident is banned for life from employment as a certified nursing assistant, a direct care worker or an immediate supervisor.

Sec. A-35. 22 MRSA §2353, sub-§3, as amended by PL 2023, c. 153, §1 and affected by §3 and amended by c. 161, §3, is repealed and the following enacted in its place:

3. Authorized administration and dispensing of naloxone hydrochloride or another opioid overdose-reversing medication by corrections officers and municipal firefighters. A regional or county jail, a prison, a correctional facility as defined in Title 34-A, section 1001, subsection 6 or a municipal fire department as defined in Title 30-A, section 3151, subsection 1 is authorized to obtain a supply of naloxone hydrochloride or another opioid overdose-reversing medication to be administered or dispensed in accordance with this subsection. A corrections officer, in accordance with policies adopted by the jail, prison or correctional facility, and a municipal firefighter as defined in Title 30-A, section 3151, subsection 2, in accordance with policies adopted by the municipality, may administer or dispense intranasal naloxone hydrochloride or another opioid overdose-reversing medication as clinically indicated if the corrections officer or municipal firefighter has received medical training in accordance with protocols adopted by the Medical Direction and Practices Board established in Title 32, section 83, subsection 16-B. The Medical Direction and Practices Board shall establish medical training protocols for corrections officers and municipal firefighters pursuant to this subsection.

Sec. A-36. 22 MRSA §2353, sub-§5, ¶B, as amended by PL 2023, c. 154, §1 and c. 161, §3, is repealed and the following enacted in its place:

B. A person described in this section as being authorized to possess, obtain, store, administer or dispense naloxone hydrochloride or another opioid overdose-reversing medication, acting in good faith and with reasonable care, is immune from criminal and civil liability and is not subject to professional disciplinary action for possessing or providing to another person naloxone hydrochloride or another opioid overdose-reversing medication in accordance with this section or for administering naloxone hydrochloride or another opioid overdose-reversing medication in accordance with this section to an individual whom the person believes in good faith is experiencing an opioid-related drug overdose or for any outcome resulting from such actions.

Sec. A-37. 22 MRSA §2423-A, sub-§10, ¶E, as repealed and replaced by PL 2023, c. 365, §2 and c. 405, Pt. A, §57, is repealed and the following enacted in its place:

E. A cannabis testing facility shall obtain and must be able to produce, upon demand of the department or a municipal code enforcement officer, documentation of the facility's accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body.

Sec. A-38. 22 MRSA §2430-G, as repealed by PL 2023, c. 365, §18 and amended by c. 405, Pt. A, §58, is repealed.

Sec. A-39. 22 MRSA §9053, sub-§2, as amended by PL 2023, c. 176, §37 and c. 241, §48, is repealed and the following enacted in its place:

2. Assisted housing facility. "Assisted housing facility" means a facility licensed pursuant to chapter 1663 or an independent housing with services program exempt from licensing pursuant to chapter 1663.

Sec. A-40. 22 MRSA §9053, sub-§14, ¶D, as amended by PL 2023, c. 241, §51 and repealed and replaced by c. 309, §41, is repealed and the following enacted in its place:

D. An independent contractor pursuant to Title 26, section 1043, subsection 11, paragraph E or Title 39-A, section 102, subsection 13-A; a worker who is placed with

a provider by a temporary nurse agency; or a worker who is placed with a provider by a personal care agency registered or licensed pursuant to section 1717;

Sec. A-41. 23 MRSA §73, sub-§3, ¶F, as amended by PL 2023, c. 177, §2 and c. 319, §2, is repealed and the following enacted in its place:

F. Be consistent with the purposes, goals and policies of Title 30-A, chapter 187, subchapter 2;

Sec. A-42. 23 MRSA §1803-C, sub-§2, ¶A, as enacted by PL 2011, c. 652, §7 and affected by §14, is amended by amending subparagraph (1) to read:

(1) Title 5, section 282, subsection 9; ~~and~~

Sec. A-43. 23 MRSA §1803-C, sub-§2, ¶A, as enacted by PL 2011, c. 652, §7 and affected by §14, is amended by repealing subparagraph (2).

Sec. A-44. 24 MRSA §2931, sub-§2, as enacted by PL 1985, c. 804, §§16 and 22, is amended to read:

2. Birth of healthy child; claim for damages prohibited. ~~No~~ A person may not maintain a claim for relief or receive an award for damages based on the claim that the birth and rearing of a healthy child resulted in damages to ~~him~~ that person. A person may maintain a claim for relief based on a failed sterilization procedure resulting in the birth of a healthy child and receive an award of damages for the hospital and medical expenses incurred for the sterilization procedures and pregnancy, the pain and suffering connected with the pregnancy and the loss of earnings by the mother during pregnancy.

Sec. A-45. 29-A MRSA §523, sub-§3, as amended by PL 2023, c. 257, §9, is further amended to read:

3. Special veterans registration plates. The Secretary of State, on application and evidence of payment of the excise tax required by Title 36, section 1482 and the registration fee required by section 501 or by section 504, subsection 1 for a vehicle with a registered gross weight over 10,000 pounds, shall issue a registration certificate and a set of special veterans registration plates to be used in lieu of regular registration plates for a vehicle with a registered gross weight of not more than 26,000 pounds to any person who has served in the United States Armed Forces and who has been honorably discharged, any person who has served a minimum of 20 years in the National Guard and has been honorably discharged or to a person who has served in the United States Armed Forces for at least 3 years and continues to serve. If a person who qualifies for a special veterans registration plate under this subsection is a primary driver of any vehicle, the Secretary of State may issue in accordance with this section a set of special veterans registration plates for each vehicle.

Each application must be accompanied by the applicant's Armed Forces Report of Transfer or Discharge, DD Form 214, certification from the United States Veterans Administration or the appropriate branch of the United States Armed Forces verifying the applicant's military service and honorable discharge, a letter from the Department of Defense, Veterans and Emergency Management, Maine Bureau of Veterans' Services verifying active duty military service and length of service or a Form 22 from the United States Department of Defense, National Guard Bureau indicating a minimum of 20 years of service.

The Secretary of State shall recall a special veterans registration plate of a recipient who has been less than honorably discharged from the United States Armed Forces.

All surplus revenue collected for issuance of the special veterans registration plates is retained by the Secretary of State to maintain and support this program.

The surviving spouse of a special ~~veteran~~ veterans registration plate recipient issued plates in accordance with this subsection may retain and display the special ~~veteran~~ veterans registration plates as long as the surviving spouse remains unmarried. Upon remarriage, the surviving spouse may not use the special ~~veteran~~ veterans registration plates on a motor vehicle, but may retain them as a keepsake. Upon the death of the surviving spouse, the family may retain the special ~~veteran~~ veterans registration plates, but may not use them on a motor vehicle.

The Secretary of State may issue a special disability registration plate for veterans in accordance with section 521, subsections 1, 5, 7 and 9. The special disability registration plate for veterans must bear the International Symbol of Access.

The Secretary of State may issue a set of special veterans registration plates when the qualifying veteran is the primary driver of a company-owned vehicle if:

A. The company is owned solely by a veteran who qualifies for a veteran plate under this section;

B. The vehicle is leased by a veteran who qualifies for the veteran plate under this subsection; or

C. The vehicle is leased by the employer of a veteran who qualifies for the veteran plate and the employer has assigned the vehicle exclusively to the veteran. The employer must attest in writing that the veteran will have exclusive use of the vehicle and agrees to the display of the special ~~veteran~~ veterans registration plate.

Sec. A-46. 30-A MRSA §701, sub-§2-C, as amended by PL 2021, c. 732, Pt. B, §1, is further amended to read:

2-C. Tax assessment for correctional services. Beginning July 1, 2022, the counties shall annually collect the base assessment limit of $82,110,358 from municipalities for the provision of correctional services in accordance with this subsection. In subsequent years, the counties may collect an amount that is more or less than the base assessment limit established in this subsection, except that if the amount is increased above the base assessment limit established in this subsection, the additional amount each year may not exceed the base assessment limit as adjusted by 4% or the growth limitation factor, as established in section 706-A, subsection 3, including any adjustments for extraordinary circumstances allowed under section 706-A, subsection 5, whichever is greater. A county may not increase its base assessment limit under this subsection if the county has not reported the revenues, expenses and populations information required by ~~section 1210-E, subsection 6~~ Title 34-A, section 1208-B, subsection 5. If a county collects in a year an amount that is more or less than the base assessment limit established for that county pursuant to this subsection, the base assessment limit in the succeeding year is the amount collected in the prior year, excluding any adjustments for extraordinary circumstances allowed under section 706-A, subsection 5. For the purposes of this subsection, "correctional services" includes management services, personal services, contractual services, commodity purchases, capital expenditures and all other costs, or portions thereof, necessary to maintain and operate correctional services. "Correctional services" does not

include county jail debt unless there is a surplus in the account that pays for correctional services at the end of the state fiscal year.

The assessment to municipalities within each county may not exceed the base assessment limit, which is:

A. A sum of $5,300,000 in Androscoggin County;

B. A sum of $3,249,000 in Aroostook County;

C. A sum of $15,355,672 in Cumberland County;

D. A sum of $2,400,000 in Franklin County;

E. A sum of $2,126,002 in Hancock County;

F. A sum of $8,222,098 in Kennebec County;

G. A sum of $4,793,893 in Knox County;

H. A sum of $3,141,105 in Lincoln County;

I. A sum of $2,400,000 in Oxford County;

J. A sum of $10,315,042 in Penobscot County;

K. A sum of $1,486,750 in Piscataquis County;

L. A sum of $2,967,105 in Sagadahoc County;

M. A sum of $5,900,000 in Somerset County;

N. A sum of $3,038,999 in Waldo County;

O. A sum of $2,120,557 in Washington County; and

P. A sum of $9,294,135 in York County.

Sec. A-47. 30-A MRSA §4326, sub-§3-A, ¶I, as amended by PL 2021, c. 657, §8, is further amended to read:

I. Encourage the availability of and access to traditional outdoor recreation opportunities, including, without limitation, hunting, boating, fishing and hiking, and encourage the creation of greenbelts, public parks, trails and conservation easements. Each municipality or multimunicipal region shall identify and encourage the protection of undeveloped shoreland and other areas identified in the local planning process as meriting that protection; ~~and~~

Sec. A-48. 30-A MRSA §4326, sub-§3-A, ¶J, as amended by PL 2021, c. 657, §9, is further amended to read:

J. Develop management goals for great ponds pertaining to the type of shoreline character, intensity of surface water use, protection of resources of state significance and type of public access appropriate for the intensity of use of great ponds within the municipality's or multimunicipal region's jurisdiction~~.~~; and

Sec. A-49. 30-A MRSA §4326, sub-§3-A, ¶L, as repealed by PL 2021, c. 657, §11 and amended by c. 754, §4, is repealed.

Sec. A-50. 30-A MRSA §4326, sub-§3-A, ¶M, as repealed by PL 2021, c. 657, §12 and amended by c. 754, §5, is repealed.

Sec. A-51. 30-A MRSA §4352, sub-§4, as amended by PL 2009, c. 615, Pt. G, §1, is further amended to read:

4. Exemptions. Real estate used or to be used by a public utility, as defined in Title 35-A, section 102, subsection 13, ~~by a person who is issued a certificate by the Public Utilities Commission under Title 35-A, section 122~~ or by a renewable ocean energy project as defined in Title 12, section 1862, subsection 1, paragraph F-1 is wholly or partially exempt from an ordinance only when on petition, notice and public hearing the Public Utilities Commission determines that the exemption is reasonably necessary for public welfare and convenience. The Public Utilities Commission shall adopt by rule procedures to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-52. 32 MRSA §85, sub-§8, as amended by PL 2023, c. 92, §1 and affected by §2 and amended by c. 161, §5, is repealed and the following enacted in its place:

8. Naloxone hydrochloride or another opioid overdose-reversing medication. An emergency medical services person licensed under this chapter shall administer and dispense naloxone hydrochloride or another opioid overdose-reversing medication in compliance with protocols and training developed in accordance with this chapter. An opioid overdose-reversing medication referenced in this subsection must be approved by the federal Food and Drug Administration.

Sec. A-53. 34-A MRSA §1210-E, sub-§6, as enacted by PL 2021, c. 732, Pt. A, §3 and affected by §5, is amended to read:

6. Required reporting. The county jails and the regional jail shall report to the department any data required by the council pursuant to section 1208-B, subsection 4~~, paragraph E~~ 5, on the schedule and in the format required by the council. Failure of a jail to report as required may result in delayed quarterly payments to the counties as provided in subsection 5 and as set forth by rule.

Sec. A-54. 35-A MRSA §1311-A, sub-§1, ¶D, as enacted by PL 1997, c. 691, §5 and affected by §10, is amended by amending the first blocked paragraph to read:

Unless the commission finds that the conditions of ~~subparagraphs 1~~ subparagraph (1) or ~~2~~ (2) are met, the obligations of attorneys under the ethical rules, including the obligation to decline representation in certain cases, the authority of the commission to discipline attorneys who appear before the commission, including the authority, under section 1502, to punish for contempt persons who fail to comply with a protective order, and the commission's ability to recommend sanctions by other bodies, including the discipline of attorneys by the courts and the Board of Overseers of the Bar, is sufficient security to permit the attorney to have access to information in order to represent a party before the commission.

Sec. A-55. 35-A MRSA §10103, sub-§4-A, ¶A, as repealed and replaced by PL 2013, c. 369, Pt. A, §6, is amended to read:

A. To improve the State's economy by pursuing lower energy costs for people, communities and businesses in a manner that will enhance the environment of the State in accordance with the triennial plan. In the expenditure of funds pursuant to this paragraph, the trust may provide grants, loans, programs and incentives~~; and~~.

Sec. A-56. 35-A MRSA §10103, sub-§4-A, ¶B, as enacted by PL 2009, c. 655, Pt. B, §4, is repealed.

Sec. A-57. 36 MRSA §1483, sub-§4, as amended by PL 2009, c. 434, §20, is further amended to read:

4. Dealers or manufacturers. Vehicles owned by bona fide dealers or manufacturers of the vehicles that are held solely for demonstration and sale and constitute stock in trade~~, and aircraft registered in accordance with Title 6, section 53~~;

Sec. A-58. 38 MRSA §464, sub-§4, ¶F, as amended by PL 2021, c. 503, §1 and c. 551, §§7 and 8, is further amended by repealing subparagraph (2) and enacting the following in its place:

(2) Where high quality waters of the State constitute an outstanding national resource, that water quality must be maintained and protected. For purposes of this paragraph, the following waters are considered outstanding national resources: those water bodies in national and state parks and wildlife refuges and in the Katahdin Woods and Waters National Monument; those water bodies in public reserved lands; and those water bodies classified as Class AA and SA waters pursuant to section 465, subsection 1; section 465-B, subsection 1; and, unless otherwise specified, listed under sections 467, 468 and 469.

Sec. A-59. 38 MRSA §1310-N, sub-§9, ¶A-1, as enacted by PL 2007, c. 406, §2, is amended to read:

A-1. A solid waste disposal facility must have in place a host community agreement with all applicable host communities during the development and operation and through closure of that facility, except that a solid waste disposal facility owned by a municipality that meets the provisions of section 1303-C, subsection 6, paragraph ~~B~~ B-2, subparagraph (1) is not required to have in place a host community agreement with the host community that is the geographic site of the facility. A host community agreement for the purposes of this section must, when applicable, include the provisions set forth in paragraph B, except that a host community agreement in effect prior to ~~the effective date of this paragraph~~ September 20, 2007 is not required to include the provisions set forth in paragraph B.

Sec. A-60. 38 MRSA §3107, sub-§3-B, as enacted by PL 2023, c. 482, §26, is amended to read:

3-B. Commingling program operated by commingling cooperative. Subject to the requirements of this subsection and notwithstanding any provision of this chapter to the contrary, by October 15, 2024, all commingling groups established pursuant to ~~subsection~~ subsections 1-A and 1-B, including the State, through the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, shall collectively establish a commingling cooperative to provide for the management of all beverage containers subject to the requirements of this chapter under a single commingling program, referred to in this subsection as "the program."

A. The cooperative must be established as a nonprofit organization exempt from taxation under the United States Internal Revenue Code of 1986, Section 501(c)(3). The cooperative must be governed by a board of not less than 9 and not more than 15 members that represents the range of beverages and beverage container material types

subject to the requirements of this chapter and that includes a board member representing each commingling group. The board shall convene an advisory group that includes as members representatives of the range of beverages and beverage container material types subject to the requirements of this chapter as well as representatives of dealers, pick-up agents, recycling facilities, redemption centers that primarily sort containers manually, redemption centers that primarily sort containers using reverse vending machines, entities operating account-based bulk processing programs and environmental advocacy organizations. The board shall invite representatives of the department to participate in and provide input regarding the activities of the advisory group.

B. By January 15, 2025, the cooperative shall submit a plan for the operation of the program to the department for review and approval. The plan must include, but is not limited to:

(1) The method by which the program will facilitate the transition from beverage container sorting at redemption centers by brand to sorting by material type and, for redemption centers that manually sort containers, by size within each material type. The program may facilitate the negotiation of agreements with redemption centers to gather brand data through use of reverse vending machines, account-based bulk processing programs or similar technology as long as the cost of such data collection is paid by the program;

(2) Standards to provide for fair apportionment of costs among the commingling groups and initiators of deposit included in the program, which may be based on:

(a) The combined beverage container sales by the initiators of deposit that are members of each commingling group;

(b) The unit or brand counts generated by reverse vending machines or account-based bulk processing programs as long as the reverse vending machines or account-based bulk processing programs are subject to periodic 3rd-party audits on a schedule approved by the department and with the costs of those audits paid by the program; and

(c) The rates of redemption, as determined pursuant to the method set forth in subparagraph (3) and in accordance with the requirements of subparagraph (5);

(3) A method for determining the rate of redemption for beverage containers, which must be verified through a 3rd-party audit paid for by the cooperative, expressed as a percentage of the beverage containers redeemed that are available for redemption; the rate of redemption by beverage type and by beverage container material type; and, to the maximum extent practicable, regional redemption rates in the State. The method for determining the redemption rate may not include in its calculation any unredeemed beverage containers collected or processed by municipal or other recycling programs. The program must ensure that a single redemption rate, determined by the method specified in the plan, is used by all commingling groups and initiators of deposit to determine cost apportionment pursuant to subparagraph (2);

(4) A budget for the program that includes, but is not limited to, identification of any start-up costs for the program that will not be ongoing, including, but not

limited to, the costs of the study described in paragraph F, and a description of the method by which the cooperative will determine and collect payments from commingling groups to cover the program's start-up costs;

(5) The method by which the cooperative will collect deposits from initiators of deposit for nonrefillable beverage containers and handling fees for redeemed containers, whether directly from the initiator of deposit or through the commingling group of which the initiator of deposit is a member. The program must ensure that an initiator of deposit is not required to pay any handling fees for its beverage containers that exceeds the applicable redemption rate for those containers as calculated pursuant to subparagraph (3);

(6) A description of how the cooperative intends to segregate, maintain, calculate and expend unclaimed beverage container deposits in accordance with section 3108-A;

(7) A description of how the cooperative will provide a consistent beverage container pick-up schedule for each redemption center in accordance with the pick-up requirements of section 3106, subsection 8-A and the rules adopted pursuant to that subsection. The program must ensure that pick-up schedules are designed to reduce transportation distances and minimize costs but must allow each commingling group to provide for beverage container pickup of the commingling group's equivalent container material;

(8) Information on how the cooperative will be responsible for and ensure payment to a dealer or redemption center within 10 calendar days of any beverage container pickup of all applicable deposits and handling fees for the beverage containers picked up from the dealer or redemption center, except as otherwise provided under a written agreement entered into by the cooperative or a member commingling group and the dealer or redemption center, and the applicable costs of plastic bags provided to the dealer or redemption center in accordance with section 3106, subsection 9;

(9) Information on how the cooperative will ensure that each commingling group and each initiator of deposit that is a member of the commingling group maintains ownership over the commingling group's and initiator of deposit's share of the beverage containers redeemed, collected and processed for recycling under the program;

(10) Information on how the cooperative will calculate the base rates offered for the processing of beverage containers using an account-based bulk processing program or pick-up agents;

(11) A certification that the cooperative will not share, except with the department as necessary, information provided by a commingling group or initiator of deposit that is proprietary information and that is identified by the commingling group or initiator of deposit as proprietary information. The certification must include a description of the methods by which the cooperative intends to ensure the confidentiality of that information;

(12) Information on how the cooperative will maintain a publicly accessible website regarding the program that includes, at a minimum, the following:

(a) A searchable list of all initiators of deposit and beverage container label registrations, including for beverages sold directly to consumers in the State, in a manner that allows redemption centers, dealers and consumers to obtain up-to-date information regarding whether a particular beverage is authorized for sale and redemption in the State;

(b) A search function through which consumers can identify nearby dealers or redemption centers offering redemption services based on information made available to the cooperative by the department; and

(c) The base rates for the processing of beverage containers by container type as determined in accordance with subparagraph (10);

(13) A proposed timeline for implementation of the program plan, if approved, designed to ensure implementation of the plan on or before July 15, 2025 and a description of how the cooperative will notify commingling groups, initiators of deposit, dealers, distributors, pick-up agents and other affected entities regarding program implementation, which must include, but is not limited to, posting of information relating to program implementation on the website described in subparagraph (12);

(14) A description of how the cooperative will support the development of infrastructure throughout the State for the collection and sanitization of refillable beverage containers and for the return of those refillable beverage containers to initiators of deposit of refillable beverage containers for refilling and sale. That infrastructure development may involve redemption centers, centralized washing and sanitization facilities and other methods;

(15) Information regarding the advisory group formed by the board in accordance with paragraph A, including, but not limited to, its membership and the length of the terms of its members, a proposed meeting schedule and a description of the role and responsibilities of the advisory group, which may include, but are not limited to, advising the board regarding the development of the plan submitted under this paragraph;

(16) A description of how the cooperative will operate the program in a manner designed to achieve an overall statewide redemption rate for all beverage containers subject to the requirements of this chapter, as determined in accordance with subparagraph (3), of 75% by January 1, 2027; of 80% by January 1, 2032; and of 85% by January 1, 2037; and

(17) Any other information required by the department.

C. Within 120 days of receipt of a plan submitted by the cooperative under paragraph B, the department shall review the plan and approve the plan, approve the plan with conditions or reject the plan. Prior to determining whether to approve or reject a plan, the department shall hold a public hearing on the plan. The department shall notify the cooperative in writing of its determination and, if the plan is approved with conditions or rejected, shall include in the notification a description of the basis for the conditions or rejection.

(1) If the cooperative's plan is rejected, it may submit a revised plan to the department within 60 days of receiving the notice of rejection. The department

may approve the revised plan as submitted or approve the revised plan subject to the implementation of specific changes required by the department.

(2) If the cooperative's plan is approved in accordance with this paragraph, the cooperative shall implement the plan on or before July 15, 2025 in accordance with the timeline for implementation described in paragraph B, subparagraph (13), subject to any changes or conditions imposed by the department. If the cooperative fails to implement an approved plan on or before July 15, 2025, the initiators of deposit that are members of each of the commingling groups included in the cooperative are deemed to be in violation of this chapter and are subject to penalties pursuant to section 3111.

D. If the department determines that the program implemented by the cooperative pursuant to a plan approved under paragraph C has failed to make adequate progress toward fulfilling the requirements of the plan, excluding the redemption rate goals described in paragraph B, subparagraph (16), the department shall notify the cooperative in writing of its determination and may direct the cooperative to implement specific changes to the program within 30 days of the date of the notification.

E. On or before April 1, 2026, and annually thereafter, the cooperative shall submit to the department and make available on its publicly accessible website a report that includes, but is not limited to:

(1) Contact information for the cooperative and a list of all initiators of deposit and beverage container label registrations, including for beverages sold directly to consumers in the State;

(2) Information on the rates of redemption for beverage containers calculated in accordance with plan requirements under paragraph B, subparagraph (3). The report must include information regarding the total number of beverage containers subject to the requirements of this chapter sold or distributed in the State during the previous calendar year by the members of each commingling group, aggregated within each commingling group to provide only a total, aggregated number for each commingling group. If the calculated overall statewide redemption rate for beverage containers is less than the applicable redemption rate goal described in paragraph B, subparagraph (16), the report must include recommendations for changes to the operation of the program that are designed to achieve the required rate, which may include, but are not limited to, recommended increases in the deposit and refund value for beverage containers;

(3) Detailed information on the calculation and expenditure of unclaimed deposit funds in the previous calendar year in accordance with section 3108-A;

(4) A description of the education and outreach efforts implemented under the program in the previous calendar year to encourage participation in the beverage container redemption program, reduce instances of fraud in redemption and educate businesses and consumers on the value and safety of refillable beverage containers. The report must include the results of an assessment, completed by an independent 3rd party, of the effectiveness of the efforts;

(5) Any recommendations for changes to the program to improve the convenience of the collection system under the program, consumer education or program

evaluation and any goals for supporting the use of refillable and reusable containers;

(6) A financial report on the program, as determined through a 3rd-party financial audit, that identifies the total cost of implementing the program and the specific administration, collection, transportation, disposition and communication costs for the program, including all costs associated with payment of handling fees, and an anticipated budget for the subsequent program year; and

(7) Any other information required by the department.

For the report due April 1, 2026 only, the department may modify or waive any of the reporting requirements set forth in this paragraph upon a finding that the information required cannot feasibly be determined or provided by the cooperative due to a partial-year operation of the program.

F. Within 90 days of receiving approval of a program plan from the department under paragraph C, the cooperative, in consultation with the department, shall contract with an independent 3rd party to conduct a study: examining operating costs for redemption centers of a variety of sizes, in a variety of geographical locations and using a variety of redemption technologies; analyzing the effects that eliminating brand sorting of beverage containers may have on transportation costs and redemption center operating costs, including, but not limited to, labor and utilities costs; recommending a handling fee schedule and payment schedule designed to facilitate a stable and sustainable redemption system; and recommending other recycling-related services that may be provided at redemption centers to support statewide recycling efforts and diversify the redemption center business model.

(1) In consultation with the department, the cooperative shall ensure that the study contract specifies the scope of the study and provides for publication of an interim progress report or reports and a final report. All costs associated with the study must be paid by the cooperative.

(2) The cooperative shall provide any interim progress reports and the final report under subparagraph (1) to the department and, after receipt of the final report, the department shall provide a copy of the final report, along with any additional comments or recommendations of the department, to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters. The final report and any additional comments or recommendations of the department may be included in the report required pursuant to section 3115, subsection 3. After reviewing the final report and the department's additional comments or recommendations, if any, the committee may report out legislation relating to the final report or to the department's comments or recommendations.

G. The cooperative shall pay to the department a reasonable annual fee established by the department, not to exceed $600,000, as provided in this paragraph.

(1) On or before July 15, 2025, the cooperative shall pay to the department the annual fee under this paragraph to cover the department's costs for review of the program plan submitted by the cooperative pursuant to paragraph B and the department's costs prior to program plan implementation in its oversight of the development and implementation of the commingling program under this

subsection. The department may require the cooperative to pay a portion of the fee required under this subparagraph at the time the cooperative submits a program plan for review and approval pursuant to paragraph B to cover the department's cost for review of the program plan.

(2) On or before April 1, 2026, and annually thereafter, the cooperative shall pay to the department the annual fee under this paragraph to cover the department's costs for review of the cooperative's annual report under paragraph E and the department's costs in the previous calendar year for its oversight, administration and enforcement of the commingling program implemented under this subsection. The cooperative shall pay the fee required pursuant to this subparagraph at the time it submits the annual report required pursuant to paragraph E.

H. Reports submitted to the department under this subsection must be made available to the public on the department's publicly accessible website, except that proprietary information submitted to the department in a plan, in an amendment to a plan or pursuant to reporting requirements of this subsection that is identified by the submitter as proprietary information is confidential and must be handled by the department in the same manner as confidential information is handled under section 1310-B.

I. Beginning July 15, 2025, an initiator of deposit that is not in compliance with all applicable requirements of the single commingling program implemented pursuant to this subsection:

(1) Commits a violation of this chapter and is subject to penalties pursuant to section 3111; and

(2) Is prohibited from selling or distributing in the State any beverage container subject to the requirements of this chapter as long as the violation exists. A distributor or dealer may not sell or distribute in the State any such containers of the initiator of deposit, and the department may remove from sale any such containers of the initiator of deposit.

The department may adopt rules as necessary for the implementation of this subsection and the oversight of the cooperative and the single commingling program implemented pursuant to this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-61. PL 2023, c. 412, Pt. A, §38, under the caption "PUBLIC SAFETY, DEPARTMENT OF" in the 5th occurrence of that part relating to "Emergency Medical Services Stabilization and Sustainability Program N477," is amended by amending the initiative paragraph to read:

Initiative: Provides one-time funding for emergency medical services sustainability grants to emergency medical services entities that are nonprofit or for-profit emergency medical services training centers licensed under the Maine Revised Statutes, Title 32, chapter 2-B or to regional councils as long as the entities meet all applicable grant requirements under Title 32, section 98, subsection 4.

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

SUMMARY

Part A does the following.

Section 1 removes a cross-reference to a provision regarding energy infrastructure corridors that was repealed on July 30, 2017.

Section 2 amends cross-references to a provision regarding energy infrastructure corridors that was repealed on July 30, 2017. The section also replaces a cross-reference with a definition and removes a definition for a term that was not used.

Section 3 amends cross-references to a provision regarding energy infrastructure corridors that was repealed on July 30, 2017.

Section 4 makes a technical correction.

Section 5 corrects a cross-reference.

Section 6 corrects references to the ASPIRE TANF program. The program was changed from the ASPIRE JOBS Program in 1997.

Section 7 corrects a reference to the Bureau of Human Resources, which took over the duties of the Bureau of State Employee Health, referred to incorrectly in a provision of law as "the Bureau of Employee Health," in 1991.

Section 8 repeals a provision establishing the Interagency Review Panel. The provision setting out the panel's membership and duties overseeing the use of certain energy infrastructure corridors was repealed on July 30, 2017.

Section 9 changes the term "Director of the Bureau of Human Resources" to "State Human Resources Officer" in agreement with Public Law 2023, chapter 412, Part D, section 3.

Section 10 corrects a cross-reference and updates a term to reflect the terminology in the section that replaced the repealed section.

Section 11 replaces a missing phrase.

Section 12 removes a cross-reference to a provision regarding energy infrastructure corridors that was repealed on July 30, 2017.

Section 13 changes a cross-reference to the Aroostook Band Trust Land to Mi'kmaq Nation Trust Land in agreement with Public Law 2023, chapter 369, Part A.

Section 14 changes a reference to the Aroostook Band of Micmacs to Mi'kmaq Nation in agreement with Public Law 2023, chapter 369, Part A, section 4.

Section 15 changes a reference to the Aroostook Micmac Council to Mi'kmaq Nation Tribal Council in agreement with Public Law 2023, chapter 369, Part A.

Section 16 changes a reference to the Aroostook Micmac Council to Mi'kmaq Nation Tribal Council in agreement with Public Law 2023, chapter 369, Part A.

Section 17 changes a reference to the Aroostook Micmac Council to Mi'kmaq Nation Tribal Council in agreement with Public Law 2023, chapter 369, Part A.

Section 18 eliminates a reference to a provision that was repealed in 2023 and provides in its place a definition contained in the repealed provision.

Section 19 corrects a cross-reference.

Section 20 corrects a cross-reference.

Section 21 corrects a clerical error.

Section 22 corrects a conflict created by Public Law 2021, chapters 635 and 694, which affected the same provision of law, by incorporating the changes made by both laws.

Section 23 adds a new term and corrects a cross-reference consistent with recent changes made to related statutory provisions.

Section 24 corrects a conflict created by Public Law 2023, chapters 241 and 309, which affected the same provision of law, by incorporating the changes made by both laws and removing a reference to "direct care worker" that should have been removed by Public Law 2023, chapter 241 consistent with the changes made by that law.

Section 25 corrects a conflict created by Public Law 2023, chapters 241 and 309, which affected the same provision of law, by incorporating the changes made by both laws.

Section 26 corrects a conflict created by Public Law 2023, chapters 241 and 309, which affected the same provision of law, by incorporating the changes made by both laws.

Section 27 corrects a conflict created by Public Law 2023, chapters 241 and 309, which affected the same provision of law, by incorporating the changes made by both laws.

Section 28 corrects a conflict created by Public Law, chapters 241 and 309, which affected the same provision of law, by incorporating the changes made by both laws.

Section 29 corrects a conflict created by Public Law 2023, chapters 241 and 309, which affected the same provision of law, by repealing the provision.

Section 30 corrects a conflict created by Public Law 2023, chapters 241 and 309, which affected the same provision of law, by incorporating the changes made by both laws.

Section 31 corrects a conflict created by Public Law 2023, chapters 241 and 309, which affected the same provision of law, by incorporating the changes made by both laws.

Section 32 corrects a conflict created by Public Law 2023, chapters 241 and 309, which affected the same provision of law, by repealing the provision.

Section 33 corrects a conflict created by Public Law 2023, chapters 241 and 309, which affected the same provision of law, by incorporating the changes made by both laws.

Section 34 corrects a conflict created by Public Law 2023, chapters 241 and 309, which affected the same provision of law, by incorporating the changes made by both laws.

Section 35 corrects a conflict created by Public Law 2023, chapters 153 and 161, which affected the same provision of law, by incorporating the changes made by both laws.

Section 36 corrects a conflict created by Public Law 2023, chapters 154 and 161, which affected the same provision of law, by incorporating the changes made by both laws.

Section 37 corrects a conflict created by Public Law 2023, chapters 365 and 405, which affected the same provision of law, by repealing the provision and replacing it with the chapter 405 version.

Section 38 corrects a conflict created by Public Law 2023, chapters 365 and 405, which affected the same provision of law, by repealing the provision.

Section 39 corrects a conflict created by Public Law 2023, chapters 176 and 241, which affected the same provision of law, by incorporating the changes made by both laws.

Section 40 corrects a conflict created by Public Law 2023, chapters 241 and 309, which affected the same provision of law, by incorporating the changes made by both laws.

Section 41 corrects a conflict created by Public Law 2023, chapters 177 and 319, which affected the same provision of law, by incorporating the changes made by both laws.

Sections 42 and 43 remove a cross-reference to a provision regarding energy infrastructure corridors that was repealed on July 30, 2017.

Section 44 corrects gender-specific language and makes a grammatical change.

Section 45 corrects inconsistent terminology.

Section 46 corrects a cross-reference.

Section 47 makes a technical correction.

Section 48 makes a technical correction.

Section 49 corrects a conflict created by Public Law 2021, chapters 657 and 754, which affected the same provision of law, by repealing the provision.

Section 50 corrects a conflict created by Public Law 2021, chapters 657 and 754, which affected the same provision of law, by repealing the provision.

Section 51 removes a cross-reference to a provision regarding energy infrastructure corridors that was repealed on July 30, 2017.

Section 52 corrects a conflict created by Public Law 2023, chapters 92 and 161, which affected the same provision of law, by incorporating the changes made by both laws.

Section 53 corrects a cross-reference.

Section 54 makes technical corrections and a grammatical change.

Section 55 makes a technical correction.

Section 56 removes a reference to an entity that was eliminated on July 30, 2017.

Section 57 removes an obsolete cross-reference.

Section 58 corrects a conflict created by Public Law 2021, chapters 503 and 551, which affected the same provision of law, by incorporating the changes made by both laws.

Section 59 corrects a cross-reference and replaces a generic reference to the effective date of the paragraph with the actual effective date of the paragraph.

Section 60 makes a grammatical change.

Section 61 corrects a cross-reference.