

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

SECOND SPECIAL SESSION
September 29, 2021

SECOND REGULAR SESSION
January 5, 2022 to May 9, 2022

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 29, 2021

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 8, 2022

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

Augusta, Maine
2022

board, meet qualification requirements that are in effect at the time of the new application and submit updated documentation of engineering work experience. An applicant reapplying for licensure as a professional engineer must submit 5 references, 3 of which must be from licensed professional engineers as set forth in section 1352-A and be current at the time of the new application. An applicant reapplying for certification as an engineer-intern must submit 3 references that are current at the time of the new application. An application fee may be established by rule by the board in an amount that is reasonable and necessary for its purpose.

Sec. 3. 32 MRSA §1354, as amended by PL 2019, c. 375, §16, is further amended to read:

§1354. Examinations

~~The principles and practices of engineering examinations may not be taken until the applicant has completed a period of engineering experience as set forth in section 1352-A.~~

The passing grade on any examination is established by the national council. ~~An applicant who fails to complete the application process within 5 years must reapply to the board, meet qualification requirements that are in effect at the time of the new application and present 3 new references and updated documentation of engineering work experience.~~

See title page for effective date.

CHAPTER 506
S.P. 649 - L.D. 1832

**An Act To Correct the Year of
the Expiration of the Terms of
2 County Commissioners in
Sagadahoc County**

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

Whereas, Public Law 2021, chapter 488 enacted the plan for reapportionment of the county commissioner districts as proposed by the apportionment commission; and

Whereas, the plan erroneously reversed the year of the expiration of the terms of the county commissioners of Commissioner District 2 and Commissioner District 3 in Sagadahoc County; and

Whereas, since one of the terms expires in 2022, this error needs to be corrected as soon as possible; 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:

Sec. 1. 30-A MRSA §66-C is enacted to read:

§66-C. Creation of Sagadahoc County Commissioner Districts

Sagadahoc County is divided into the following 3 districts.

1. Commissioner District Number 1. Commissioner District Number 1 consists of the minor civil divisions of Bowdoin and Topsham. The term of office of the commissioner from this district expires in 2024 and every 4 years thereafter.

2. Commissioner District Number 2. Commissioner District Number 2 consists of the minor civil divisions of Bath and Bowdoinham. The term of office of the commissioner from this district expires in 2022 and every 4 years thereafter.

3. Commissioner District Number 3. Commissioner District Number 3 consists of the minor civil divisions and unorganized territories of Arrowsic, Georgetown, Perkins Township, Phippsburg, Richmond, West Bath and Woolwich. The term of office of the commissioner from this district expires in 2024 and every 4 years thereafter.

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

Effective March 16, 2022.

CHAPTER 507
S.P. 653 - L.D. 1835

**An Act To Amend the Laws
Governing Storm Water
Management To Provide an
Exemption for Mountain Bike
Trails**

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

Whereas, multiple projects involving the construction or management of mountain bike trails of statewide significance to Maine's recreational economy may be adversely affected by delay if those trails are subject to storm water management requirements; 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:

Sec. 1. 38 MRSA §420-D, sub-§7, ¶J is enacted to read:

J. A trail does not require review pursuant to this section if:

(1) The trail is intended, constructed and managed for use by persons riding mountain bikes;

(2) The trail is generally constructed and maintained in accordance with best management practices for motorized trails established by the Department of Agriculture, Conservation and Forestry, including requirements to provide sediment and erosion control;

(3) The trail creates a treadway surface of not more than 6 feet in width; and

(4) The trail corridor does not exceed 8 feet in width.

For the purposes of this paragraph, "mountain bike" means a bicycle designed for off-road cycling and "treadway surface" means the part of a trail upon which a person travels.

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

Effective March 16, 2022.

CHAPTER 508

S.P. 654 - L.D. 1836

An Act To Amend Maine's Financial Institution Merger Statutes and Modernize Certain Sections of Title 9-B

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

Whereas, the following legislation has been submitted by the Department of Professional and Financial Regulation, Bureau of Financial Institutions to make necessary updates to the laws administered by the bureau; and

Whereas, the following legislation also includes clarification of the authority of the Superintendent of Financial Institutions to engage experts if needed to carry out regulatory functions; and

Whereas, having this legislation take effect as soon as possible will provide clarity and certainty to the regulatory functions carried out by the bureau; 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:

Sec. 1. 9-B MRSA §212, sub-§4, as amended by PL 1999, c. 184, §6, is further amended to read:

4. ~~Contracts with other state and federal regulatory agencies for regulatory functions.~~ The superintendent may employ and engage experts, and professionals or other personnel ~~of, including~~ other state and federal regulatory agencies, as may be necessary to assist the bureau in carrying out its regulatory functions. The superintendent may contract bureau staff to other state and federal agencies to assist those agencies in carrying out their regulatory functions. Contracts for services under this subsection are designated sole source contracts and are not subject to the procurement requirements of Title 5, chapter 155.

Sec. 2. 9-B MRSA §312, sub-§5, ¶B, as amended by PL 1997, c. 398, Pt. C, §7, is further amended to read:

B. The minimum amount of paid-in capital must be determined by the superintendent, but in no event may it be less than ~~\$100,000~~ \$500,000.

Sec. 3. 9-B MRSA §322, sub-§5, ¶B, as enacted by PL 1975, c. 500, §1, is amended to read:

B. The minimum amount of capital deposits ~~shall~~ must be determined by the superintendent, but in no event ~~shall~~ may it be less than ~~\$100,000~~ \$500,000.

Sec. 4. 9-B MRSA §351, sub-§3-A, as enacted by PL 2007, c. 79, §9, is amended to read:

3-A. Superintendent's approval not required. Notwithstanding subsection 3, if the surviving institution of a merger, consolidation, purchase or assumption is a federally chartered institution and the transaction is subject to approval by its federal regulator, approval by the superintendent is not required. The financial institution shall notify and provide the superintendent a copy of the application filed with the appropriate federal regulator within 3 days of filing with the federal regulator. The Maine charter of the participating financial institution terminates automatically upon completion of the merger, consolidation, purchase or assumption.

Sec. 5. 9-B MRSA §351, sub-§4, as enacted by PL 1997, c. 398, Pt. G, §1, is amended by enacting at the end a new blocked paragraph to read: