

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

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

Augusta, Maine
2023

FEDERAL EXPENDITURES	\$23,290,221	\$0	\$0
FUND TOTAL			

Office of Substance Abuse & Mental Health Srv- Medicaid Seed Z202

Initiative: Adjusts funding for the 6.2% increase in the Federal Medical Assistance Percentage based on the extension of the national public health emergency related to the COVID-19 pandemic.

GENERAL FUND	2022-23	2023-24	2024-25
All Other	(\$1,733,115)	\$0	\$0
GENERAL FUND TOTAL	(\$1,733,115)	\$0	\$0
FUND FOR A HEALTHY MAINE	2022-23	2023-24	2024-25
All Other	(\$167,767)	\$0	\$0
FUND FOR A HEALTHY MAINE TOTAL	(\$167,767)	\$0	\$0

Traumatic Brain Injury Seed Z214

Initiative: Adjusts funding for the 6.2% increase in the Federal Medical Assistance Percentage based on the extension of the national public health emergency related to the COVID-19 pandemic.

GENERAL FUND	2022-23	2023-24	2024-25
All Other	(\$15,833)	\$0	\$0
GENERAL FUND TOTAL	(\$15,833)	\$0	\$0

HEALTH AND HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTALS

	2022-23	2023-24	2024-25
GENERAL FUND	(\$156,752,586)	\$0	\$0
FEDERAL EXPENDITURES FUND	\$158,965,759	\$0	\$0
FUND FOR A HEALTHY MAINE	(\$4,154,555)	\$0	\$0
FEDERAL BLOCK GRANT FUND	\$1,941,382	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0	\$0

PART E

Sec. E-1. 38 MRSA §603-A, sub-§7-A is enacted to read:

7-A. Emergency variance. The commissioner, without hearing, may suspend any of the sulfur content requirements of subsection 2 if the commissioner finds that the expected availability of fuel that complies with

those requirements is inadequate to meet the needs of residential, commercial or industrial users in this State and that such expected unavailability constitutes an immediate threat to public health, safety or the general welfare. The commissioner shall specify in writing the period during which the suspension is in effect.

PART F

Sec. F-1. Suspension of transfers to Maine Budget Stabilization Fund. Notwithstanding any provision of law to the contrary, the requirement in the Maine Revised Statutes, Title 5, section 1535 that certain baseline General Fund revenue and other available budgeted General Fund resources that exceed the General Fund appropriation limit be transferred to the Maine Budget Stabilization Fund is suspended for the duration of fiscal year 2022-23.

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

Effective January 4, 2023.

CHAPTER 2

S.P. 105 - L.D. 205

An Act to Update the Reimbursement for Travel-related Expenses Incurred as a Result of the Performance of Legislative Duties

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 Legislature is composed of individuals representing all areas of the State and many travel long distances each day to attend legislative sessions and committee meetings; and

Whereas, many Legislators live too far from the State House to return home each day and must find lodging in the capital area to attend legislative sessions and committee meetings; and

Whereas, the housing and meal allowances paid to Legislators who attend to the business of the Legislature have not been increased since 1989; and

Whereas, the cost of housing and meals is significantly higher than the cost in 1989; and

Whereas, the mileage reimbursement rate currently paid to Legislators is 46¢ per mile; and

Whereas, the federal standard mileage reimbursement rate established by the United States Internal Revenue Service is 65.5¢ per mile; and

Whereas, the cost of gasoline has increased substantially; and

Whereas, immediate action is needed to correct these travel-related expense reimbursement shortages; 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. 3 MRSA §2, as amended by PL 2019, c. 475, §§11 and 12, is further amended by amending the section headnote to read:

§2. Salary, expenses compensation and travel travel-related expenses of Members of the Legislature and representatives of Indian tribes

Sec. 2. 3 MRSA §2, first ¶, as amended by PL 2011, c. 380, Pt. QQQQ, §1, is further amended to read:

Each member of the Senate and House of Representatives, beginning with the first Wednesday of December 2000 and thereafter, is entitled to \$10,815 in the first year and \$7,725 in the 2nd year of each biennium, except that if a Legislator who is a recipient of retirement benefits from the federal Social Security Administration files a written request with the Executive Director of the Legislative Council within one week after the biennium commences, the Legislator is entitled to \$9,270 in each year of the biennium. Each member of the Senate and the House of Representatives must receive a cost-of-living adjustment in annual legislative salary, except that the percentage increase may not exceed 5% in any year, and except that the percentage increase may not exceed 3% beginning with the fiscal year ending June 30, 2014. Beginning December 1, 2001, the salary for each legislative session must be adjusted each December 1st by the percentage change in the Consumer Price Index for the most recently concluded fiscal year; except that ~~no~~ a member of the Senate or the House of Representatives may not receive a cost-of-living adjustment in annual legislative salary for the Second Regular Session of the 124th Legislature, and except that ~~no~~ a member of the Senate or the House of Representatives may not receive a cost-of-living adjustment in annual legislative salary for the Second Regular Session of the 125th Legislature and the First Regular Session and the Second Regular Session of the 126th Legislature, and any percentage change in the Consumer Price Index for the fiscal years ending June 30, 2011, June 30, 2012 and June 30, 2013 may not be applied to the base salary. In addition, each Legislator is entitled to be paid mileage for travel at each legislative session ~~once each week at the same rate per mile to~~

and from that Legislator's place of abode ~~as state employees receive at a rate of 55¢ per mile or the federal standard mileage rate, whichever is lower~~, the mileage to be determined by the most reasonable direct route, except that Legislators may be reimbursed for tolls paid for travel on the Maine Turnpike as long as they have a receipt for payment of the tolls, such tolls to be reimbursed when Legislators use the Maine Turnpike in traveling to and from sessions of the Legislature or in performance of duly authorized committee assignments. Each Legislator is entitled to mileage on the first day of the session, and those amounts of salary and expenses at such times as the Legislature may determine during the session, and the balance at the end of the session.

Sec. 3. 3 MRSA §2, 4th ¶, as corrected by RR 2001, c. 2, Pt. A, §1, is amended to read:

Except as provided in this section, each member of the Senate and House of Representatives is entitled to the travel-related expenses of a meal allowance in the amount of ~~\$32~~ \$50 and a housing allowance in the amount of ~~\$38~~ \$70 for each day in attendance at sessions of the Legislature and for each day the member occupies overnight accommodations away from home either immediately preceding or immediately following attendance at daily sessions of the Legislature. The presiding officers may establish reasonable policies regarding allowances for meals and overnight accommodations for the day immediately preceding the session, which may include policies regarding whether an allowance is paid, whether the full amount or a portion of the statutory allowance is paid and whether receipts are required. In lieu of the meal and housing allowance, each member is entitled to a daily meal allowance in the amount of ~~\$32~~ \$50 and actual daily mileage allowances ~~in an amount up to but not exceeding \$38 per day~~. Each member of the Senate also receives an annual allowance for constituent services in the amount of \$2,000, \$1,300 in January and \$700 in the month following adjournment of the regular session. Each member of the House of Representatives also receives an annual allowance for constituent services in the amount of \$1,500, \$1,005 in January and \$495 in the month following adjournment of the regular session. Notwithstanding this section, during the first regular session of each legislative biennium, a member of the Senate or the House of Representatives may elect to receive the first payment of the annual allowance for constituent services in December following convening of the Legislature by notifying the Executive Director of the Legislative Council in the manner prescribed by the executive director. The Executive Director of the Legislative Council shall inform Legislators of the choice available for payment of the allowance for constituent services in the first year of the legislative biennium and of any tax implications associated with exercising that choice.

Sec. 4. 3 MRSA §2, 9th ¶, as amended by PL 2009, c. 636, Pt. A, §2, is further amended to read:

The member of the Penobscot Indian Nation, the member of the Passamaquoddy Indian Tribe and, beginning with the Second Regular Session of the 125th Legislature, the member of the Houlton Band of Maliseet Indians elected to represent their tribes at the Legislature are entitled to receive a salary equal to the salary of members of the Senate and the House of Representatives, including a cost-of-living adjustment, for each regular session and an allowance for meals, constituent service, housing and travel allowances for travel-related expenses, which are housing, meals, mileage and tolls, to the same extent as members of the House of Representatives for attendance at each legislative session or authorized committee meeting. For the duration of any special session of the Legislature, they are entitled to receive the same per diem payment and allowances, including housing, meal and travel travel-related expenses, which are housing, meals, mileage and tolls, as any member of the Senate and House of Representatives.

Sec. 5. 3 MRSA §2, 11th ¶, as amended by PL 1989, c. 501, Pt. O, §5; c. 600, Pt. B, §§9 and 10; and c. 878, Pt. D, §§14 and 15, is further amended to read:

The President of the Senate, the Speaker of the House of Representatives, the floor leaders and their assistants and members of a committee, with the approval of the President of the Senate or the Speaker of the House of Representatives as to members of a committee, may also meet on days when the Legislature is not in daily session at any convenient location within the State. Each member of the Senate and House of Representatives shall is entitled to receive \$55 for every day's attendance when meetings or daily sessions are held, and the travel-related expenses of a meal allowance in the amount of ~~\$32~~ \$50 and a housing allowance whereby actual lodging expenses will be reimbursed at the single-room rate, provided that as long as a receipt is submitted to the Executive Director of the Legislative Council for each day in attendance at such meetings or daily sessions and for each day that member occupies overnight accommodations away from home either immediately preceding or immediately following attendance at daily sessions of the Legislature and actual daily mileage allowances which shall be paid at the same rate paid to state employees at the rate of 55¢ per mile or the federal standard mileage rate, whichever is lower. In lieu of the meal and housing allowance, each member shall be entitled to a daily meal allowance in the amount of ~~\$32~~ \$50 and actual daily mileage allowances.

Sec. 6. Funding. The Executive Director of the Legislative Council shall identify savings in legislative accounts sufficient to offset the costs that are associated with the implementation of this Act. The executive director shall include appropriate amounts associated with the implementation of this Act in future budget submissions.

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

Effective February 13, 2023.

CHAPTER 3

H.P. 127 - L.D. 206

An Act to Make Supplemental Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2023

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 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; 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. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Adult Use Cannabis Public Health and Safety Fund and Municipal Opt-In Fund Z263

Initiative: Adjusts funding to bring allocations in line with projected available resources for fiscal year 2022-23.

OTHER SPECIAL REVENUE FUNDS	2022-23	2023-24	2024-25
All Other	\$658,933	\$0	\$0