

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

Notwithstanding any provision of law to the contrary, at the close of fiscal year 2022-23, and in addition to any amount authorized to be transferred in fiscal year 2023-24 following the bond retirement, the Maine Municipal Bond Bank shall transfer \$14,910,476 from the Liquor Operation Revenue Fund established in the Maine Revised Statutes, Title 30-A, section 6054 to the unappropriated surplus of the General Fund. The State Controller shall transfer those funds to the TransCap Trust Fund established in Title 30-A, section 6006-G to the unappropriated surplus of the General Fund.

PART R

Sec. R-1. 39-A MRSA §154, sub-§6, ¶A, as amended by PL 2015, c. 469, §1, is further amended to read:

A. The assessments levied under this section may not be designed to produce more than \$10,000,000 ~~beginning in the 2008-09 fiscal year, more than \$10,400,000 beginning in the 2009-10 fiscal year, more than \$10,800,000 beginning in the 2010-11 fiscal year, more than \$11,200,000 beginning in the 2011-12 fiscal year or more than \$13,000,000 beginning in the 2017-18 fiscal year~~ \$14,700,000 beginning in the 2023-24 fiscal year. Assessments collected that exceed the ~~applicable~~ limit by a margin of more than 10% must be used to reduce the assessment that is paid by insured employers pursuant to subsection 3. Any amount collected above the board's allocated budget and within the 10% margin must be used to create a reserve of up to 1/4 of the board's annual budget.

PART S

Sec. S-1. Designation as unclaimed property. Notwithstanding any provision of law to the contrary, for purposes of the COVID Disaster Relief Payment Program under Public Law 2021, chapter 398, Part HHHH, relief payment checks that remain undeposited on January 1, 2023 are to be treated as unclaimed property, not subject to the notice and receipt provisions established in the Maine Revised Statutes, Title 33, section 2101 as applied to those checks. The Treasurer of State shall use the unclaimed property systems to find the proper recipients of those checks as quickly as possible.

PART T

Sec. T-1. Transfer from General Fund unappropriated surplus; Maine Commission on Indigent Legal Services. Notwithstanding any provision of law to the contrary, on or before June 30, 2024, the State Controller shall transfer \$9,246,702 from the unappropriated surplus of the General Fund to the Maine Commission on Indigent Legal Services program, Other Special Revenue Funds account. Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer

\$9,279,076 from the unappropriated surplus of the General Fund to the Maine Commission on Indigent Legal Services program, Other Special Revenue Funds account.

Sec. T-2. Transfer from General Fund unappropriated surplus; Maine Commission on Indigent Legal Services. Notwithstanding any provision of law to the contrary, on or before June 30, 2024, the State Controller shall transfer \$12,506,910 from the unappropriated surplus of the General Fund to the Maine Commission on Indigent Legal Services program, Other Special Revenue Funds account. Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$12,506,910 from the unappropriated surplus of the General Fund to the Maine Commission on Indigent Legal Services program, Other Special Revenue Funds account.

See title page for effective date.

CHAPTER 18

H.P. 183 - L.D. 285

An Act to Remove the Requirement for Wild Blueberry Transportation Permits

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 Wild Blueberry Commission of Maine, representing the State's wild blueberry industry, has determined that theft of wild blueberries from fields is no longer a significant concern because of the food traceability requirements imposed by the federal Food and Drug Administration's Food Safety Modernization Act; and

Whereas, removing the permits currently required for transporting wild blueberries would reduce the paperwork burden on farmers and businesses that transport wild blueberries in the State for the upcoming growing season; 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. 36 MRSA §4302, sub-§5, as amended by PL 1997, c. 511, §9, is repealed.

Sec. 2. 36 MRSA §4314, as amended by PL 2007, c. 694, §§6 to 8, is further amended by amending the section headnote to read:

§4314. Permit Permission required

Sec. 3. 36 MRSA §4315, sub-§1, as amended by PL 2007, c. 694, §9, is repealed.

Sec. 4. 36 MRSA §4315, sub-§1-A, as amended by PL 2007, c. 694, §9, is repealed.

Sec. 5. 36 MRSA §4315, sub-§2, as enacted by PL 1989, c. 214, §2, is repealed.

Sec. 6. 36 MRSA §4315, sub-§3, ¶A, as amended by PL 2007, c. 694, §9, is further amended to read:

A. ~~Except as provided in subsection 4, a~~ A person who transports wild blueberries in violation of this section commits:

- (1) A Class E crime; or
- (2) A Class D crime if the person has 2 or more prior convictions under this paragraph.

~~A violation under this paragraph is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.~~

Sec. 7. 36 MRSA §4315, sub-§3, ¶B, as amended by PL 2007, c. 694, §9, is repealed.

Sec. 8. 36 MRSA §4315, sub-§4, as amended by PL 2007, c. 694, §9, is repealed.

Sec. 9. 36 MRSA §4316, sub-§1, as amended by PL 2019, c. 222, §4 and affected by §7, is further amended to read:

1. Record keeping required. A shipper or processor who transports or receives wild blueberries shall keep a permanent record of each lot or load of wild blueberries. The record must include the name of the driver of the vehicle used to deliver the wild blueberries, the date of delivery, the delivery point, ~~a copy of the transportation permit, the driver's license number,~~ the total pounds of wild blueberries delivered, the origin of the delivery and, if the origin is a location in the State, the name and address of the grower or seller and the grower's or seller's certificate number if the grower or seller is certified under section 4305.

Sec. 10. 36 MRSA §4316, sub-§2, as amended by PL 2007, c. 694, §10, is repealed.

Sec. 11. 36 MRSA §4316, sub-§3, as amended by PL 2007, c. 694, §10, is further amended to read:

3. Violation; civil. The failure to keep the permanent records of wild blueberries transported or received as required in this section, ~~failure to inspect the transportation permit of a driver of a vehicle used to deliver wild blueberries~~ or any other violation of this section is a civil violation punishable by a fine of not more than

\$5,000 for a first-time violation and punishable by a fine of not more than \$10,000 when the person is found to have committed a prior civil violation of this section within the prior 5 years.

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

Effective April 3, 2023.

CHAPTER 19

S.P. 23 - L.D. 31

**An Act to Allow the
Commissioner of
Transportation to Reduce
Speed Limits at Construction
Sites with Input from
Municipalities and Utilities**

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

Sec. 1. 29-A MRSA §2073, sub-§1, as amended by PL 2013, c. 107, §1, is further amended to read:

1. Authority to regulate. Except as provided in section 2075, ~~subsection~~ subsections 2 and 2-A and notwithstanding section 2074, subsection 1, the Commissioner of Transportation, with the approval of the Chief of the State Police, may:

- A. Restrict the maximum rate of speed on a public way where a speed limit will minimize the danger of accident, promote the free flow of traffic, conserve motor fuel or respond to changes in federal laws;
- B. Increase the maximum rate of speed on a public way where higher speeds are warranted to promote the normal and reasonable movement of traffic; or
- C. Make an adjustment of maximum rates of speed. An adjustment under this paragraph is exempt from the provisions of the Maine Administrative Procedure Act.

The commissioner may not set maximums that exceed 60 miles per hour or, on the interstate system or other divided controlled-access highways, 75 miles per hour.

The commissioner may not set maximums for the Maine Turnpike.

Sec. 2. 29-A MRSA §2075, sub-§2-A is enacted to read:

2-A. Public ways under construction; municipal and utility construction activities. The Commissioner of Transportation may implement the guidance of a municipality or utility engaging in a construction project