

# 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.**

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**Augusta, Maine**  
**2023**

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**Sec. 3. 36 MRSA §4315, sub-§1**, as amended by PL 2007, c. 694, §9, is repealed.

**Sec. 4. 36 MRSA §4315, sub-§1-A**, as amended by PL 2007, c. 694, §9, is repealed.

**Sec. 5. 36 MRSA §4315, sub-§2**, as enacted by PL 1989, c. 214, §2, is repealed.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**Sec. 7. 36 MRSA §4315, sub-§3, ¶B**, as amended by PL 2007, c. 694, §9, is repealed.

**Sec. 8. 36 MRSA §4315, sub-§4**, as amended by PL 2007, c. 694, §9, is repealed.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

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**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

on a public way to temporarily reduce the posted speed limit of the section of the public way where the municipal or utility construction project is located when construction workers are present. The commissioner shall adopt rules to implement this subsection, including rules that at a minimum establish the criteria that must be met before the commissioner may reduce a posted speed limit. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

corporations, are not eligible to participate in the group health plan under this section.

See title page for effective date.

**CHAPTER 20**

**S.P. 169 - L.D. 362**

**An Act to Clarify Coverage for Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Under the State Employer Group Health Plan**

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

**Sec. 1. 5 MRSA §285, sub-§1, ¶K,** as amended by PL 2019, c. 424, §2, is further amended to read:

K. Any employee of a school administrative unit as defined in Title 20-A, section 1, subsection 26 or of an educational advisory organization as described in Title 30-A, section 5724, subsection 9; ~~and~~

**Sec. 2. 5 MRSA §285, sub-§1, ¶L,** as enacted by PL 2019, c. 424, §3, is amended to read:

L. Any employee of an academy approved for tuition purposes in accordance with Title 20-A, sections 2951 to 2955-; ~~and~~

**Sec. 3. 5 MRSA §285, sub-§1, ¶M** is enacted to read:

M. A retired county or municipal law enforcement officer or retired municipal firefighter who meets the requirements for coverage under subsection 11-A.

**Sec. 4. 5 MRSA §285, sub-§1-B,** as amended by PL 2019, c. 424, §4, is further amended to read:

**1-B. Ineligibility.** Except as provided in subsection 1, paragraphs K ~~and~~ L ~~and~~ M and subsection 11-A, members of the Maine Municipal Association and active employees of counties and municipalities and instrumentalities thereof, including quasi-municipal