

# 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**

~~A. An area not used for living, sleeping, eating, cooking or sanitation, such as an unfinished basement, that is not readily accessible to children under 6 years of age;~~

~~B. A zero-bedroom dwelling unit where the living area is not separated from the sleeping area, such as a dwelling unit within a hotel, motel or seasonal or temporary lodging facility unless the unit is occupied by one or more children under 6 years of age for a period exceeding 30 days. This exemption does not apply if a child under 6 years of age resides or is expected to reside in the dwelling unit or visit the dwelling unit on a regular basis;~~

~~C. An area that is secured and inaccessible to occupants;~~

~~D. Housing for the elderly, or a dwelling unit designated exclusively for adults with disabilities. This exemption does not apply if a child under 6 years of age resides or is expected to reside in the dwelling unit or visit the dwelling unit on a regular basis; or~~

~~E. An unoccupied dwelling unit that is to be demolished because it is considered unsafe and is thus no longer habitable for occupation, as long as the dwelling unit remains unoccupied and posted as a lead hazard until demolition.~~

**Sec. 2. 38 MRSA §1292, sub-§5**, as amended by PL 1997, c. 624, §14 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

**5. Exemption.** A person who is 18 years of age or older need not obtain licensing and certification to perform lead abatement activities within a residential dwelling unit that the person owns and personally occupies, as long as a child residing in the dwelling unit has not been identified as lead-poisoned. ~~A person 18 years of age or older who owns and personally occupies a dwelling unit in which a resident child has been identified as lead-poisoned need not obtain licensing and certification to perform abatement activities within that dwelling unit, as long as the person completes any training required by the Department of Health and Human Services.~~

See title page for effective date.

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**CHAPTER 29  
H.P. 50 - L.D. 80**

**An Act to Improve Family  
Economic Security Under the  
Temporary Assistance for  
Needy Families Program**

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

**Sec. 1. 22 MRSA §3762, sub-§3, ¶B**, as corrected by RR 2021, c. 2, Pt. B, §176, is amended by repealing subparagraph (7-D), division (a) and enacting the following in its place:

(a) One hundred percent of:

(i) All earned income received for the first 3 months of employment that began while participating in TANF; or

(ii) The first 3 months of any increase in earned income received while participating in TANF.

Any month in which the disregard under this division does not increase the recipient's benefit above that which the benefit would be if the disregard in division (c) is applied does not count as a month in which earned income is disregarded under this division;

**Sec. 2. 22 MRSA §3762, sub-§3, ¶B**, as corrected by RR 2021, c. 2, Pt. B, §176, is amended by repealing subparagraph (7-D), division (b) and enacting the following in its place:

(b) Seventy-five percent of:

(i) All earned income received for the 4th to 6th months of employment that began while participating in TANF; or

(ii) The 4th to 6th months of any increase in earned income received while participating in TANF.

Any month in which the disregard under this division does not increase the recipient's benefit above that which the benefit would be if the disregard in division (c) is applied does not count as a month in which earned income is disregarded under this division;

See title page for effective date.

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**CHAPTER 30  
S.P. 53 - L.D. 114**

**An Act to Make Technical  
Amendments to Banking Laws**

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

**Sec. 1. 9-B MRSA §214, sub-§2, ¶A**, as amended by PL 2003, c. 322, §6, is further amended to read:

A. To provide for the balance of the reasonable expenses incurred to fulfill the bureau's duty pursuant to this Title, including general regulatory costs, overhead, transportation and general office and administrative expenses, except as otherwise provided in this paragraph, the superintendent shall assess each financial institution under the superintendent's supervision at the annual rate of at least 6¢ for each \$1,000 of the total of average assets, as defined by the superintendent. The frequency of assessment may coincide with the frequency of filing periodic financial reports with the bureau but may not be more frequent than quarterly. The superintendent may raise the minimum assessment rate of 6¢ for each \$1,000 of the total of average assets by ~~promulgating~~ adopting rules pursuant to section 251 at such time as economic conditions warrant such an increase. ~~In~~ Except as otherwise provided in this paragraph, in no event may the assessment be less than \$25. The superintendent may lower or suspend by rule or order any assessment specified in this paragraph or established by rule pursuant to this paragraph. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 9-B MRSA §214, sub-§2-B**, as amended by PL 2003, c. 322, §7, is further amended to read:

**2-B. Assessment on nondepository trust companies.** Nondepository ~~Except as otherwise provided in this subsection, nondepository~~ trust companies that are not affiliated with a financial institution shall pay an assessment at the annual rate of not less than \$2,000 or an amount determined by the superintendent of at least 6¢ for every \$10,000 of fiduciary assets under its management, custody or care. The superintendent may further define by rule fiduciary assets under management, custody or care or change the minimum assessment whenever economic conditions warrant such a change. The superintendent may lower or suspend by rule or order any assessment specified in this subsection or established by rule pursuant to this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. These assessments must be paid in accordance with subsection 2, paragraph B.

**Sec. 3. 9-B MRSA §223, sub-§2**, as amended by PL 2009, c. 228, §3, is further amended to read:

**2. Reports posted in offices.** Every ~~financial institution~~ limited purpose bank shall make available in all of its offices at least 10 days, but not more than 30 days, prior to the annual meeting of its stockholders, corporators ~~or~~ members or other holders of equity interests, its latest condition report or a condition report for its most recently completed fiscal year, and a report of income for the institution's most recently completed fiscal year. In addition to making available its latest

condition report or condition report for its most recently completed fiscal year, a ~~nondepository trust company~~ limited purpose bank shall make available a report of its fiduciary assets and income. Every federally insured financial institution shall post a notice in its main office that the financial institution's latest condition and income reports are available to the public upon request.

**Sec. 4. 9-B MRSA §252, sub-§2, ¶C**, as repealed and replaced by PL 1977, c. 694, §159, is amended to read:

C. The superintendent may suspend or postpone action on an application after the first publication of notice pursuant to paragraph B, upon written request of the applicant or on ~~his~~ the superintendent's own initiative for good cause shown. Good cause includes a judgment by the superintendent that the bureau lacks the present capacity to adequately ensure the safety and soundness of the proposed institution or activity. The superintendent shall promptly provide notice of any suspension or postponement in the same manner and in the same publications in which the original notice of application was provided. If and when action is resumed on the application, the superintendent shall again provide notice in the same manner and in the same publications in which the preceding notices were provided.

**Sec. 5. 9-B MRSA §367-A, sub-§6**, as enacted by PL 2005, c. 83, §10, is amended to read:

**6. Mergers.** The conservator or receiver, with the approval of the superintendent, may order the merger or consolidation of any financial institution that is described in section 363-A or 365 with any other financial institution, state-chartered or federally chartered, with the consent of the other financial institution and may prescribe the mode or procedure for the merger or consolidation and the terms and conditions of the merger or consolidation. Unless limited by the conservator or receiver, the effect of the merger on various property interests and fiduciary designations of the resulting institution is the same as described for mergers subject to section 357, subsection 1.

**Sec. 6. 9-B MRSA §367-A, sub-§7** is enacted to read:

**7. Fiduciary accounts.** A conservator or receiver may terminate fiduciary positions of the financial institution, surrender property held by the financial institution as a fiduciary and settle fiduciary accounts. The conservator or receiver may release fiduciary property to one or more successor fiduciaries, and may sell one or more fiduciary accounts to one or more successor fiduciaries. Upon a sale or transfer of a financial institution's fiduciary property or a fiduciary account by a conservator or receiver, the successor fiduciary is automatically substituted without further action and without any order of any court. The conservator or receiver shall provide notice of the substitution, as far as practicable,

to each person to whom the financial institution provides periodic reports of fiduciary activity. The notice must include the name of the financial institution, the name of the successor fiduciary and the effective date of the substitution. The successor fiduciary has all of the rights, powers, duties and obligations of the transferring financial institution and is deemed to be named, nominated or appointed as fiduciary in any will, trust, court order or similar written document or instrument that names, nominates or appoints the transferring financial institution as fiduciary, whether executed before or after the substitution. The successor fiduciary has no obligations or liabilities under this chapter for any acts, actions, inactions or events occurring prior to the effective date of the substitution.

Sec. 7. 9-B MRSA §1231, as enacted by PL 1997, c. 398, Pt. J, §2, is amended to read:

§1231. General authority and purpose

A financial institution engaged in the business of banking that does not accept retail deposits and for which insurance of deposits by the FDIC is not required may be organized pursuant to chapter 31. Unless otherwise indicated in this chapter, an uninsured bank has all the powers, rights, duties and obligations as a financial institution under this Title. An uninsured bank is not a nondepository trust company or a merchant bank.

See title page for effective date.

CHAPTER 31

H.P. 180 - L.D. 282

An Act to Allow the Department of Health and Human Services to Authorize Standing Orders

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

Sec. 1. 22 MRSA §3173-K is enacted to read:

§3173-K. Standing orders

To promote public health and the health of MaineCare members, the department may authorize standing orders for the dispensing of vaccines as described in Title 32, section 13831 and nonprescription drugs as defined in Title 32, section 13702-A, subsection 20 that support access to preventive care and medically necessary services for Medicaid recipients as defined in section 3172, subsection 3; participants in the state-funded medical program for noncitizens under section 3174-FFF; elderly low-cost drug program enrollees as defined in section 254-D, subsection 1, paragraph B; qualified residents as defined in section 2681, subsection 2, paragraph F; and persons receiving benefits under the Cub Care program under section 3174-T.

A standing order must identify the eligible population as described in this section and may include other criteria such as age limitations or pharmacist instructions. The standing order remains in effect for one year, at which time the order may be renewed. The standing order must be signed by a physician licensed in this State employed by or contracted with the department or the office of MaineCare services within the department or by a licensed, MaineCare-enrolled prescriber and a department official.

See title page for effective date.

CHAPTER 32

H.P. 264 - L.D. 431

An Act to Amend the Law Regarding Foreign Subpoenas

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

Sec. 1. 14 MRSA §403, sub-§3, as enacted by PL 2019, c. 109, §1, is amended to read:

3. Requirements. A foreign subpoena submitted issued under subsection 2 must:

- A. Incorporate the terms used in the foreign subpoena; and
B. Contain or be accompanied by the names, addresses and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.

See title page for effective date.

CHAPTER 33

S.P. 240 - L.D. 569

An Act to Allow the Adjutant General to Sell the Houlton Armory

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

Sec. 1. 37-B MRSA §264, sub-§3, ¶R, as amended by PL 2019, c. 341, §12, is further amended to read:

R. The Belfast Armory, located on U.S. Route 1, Belfast, by means of a quitclaim deed as long as the purchaser agrees to indemnify and hold harmless the State from all claims, including any environmental clean-up costs that may arise in connection with the land or the buildings constituting the armory; and

Sec. 2. 37-B MRSA §264, sub-§3, ¶S, as enacted by PL 2019, c. 341, §13, is amended to read: