

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

The initiator of the deposit may reimburse the dealer or redemption center directly or indirectly through a party with which it has entered into a commingling agreement.

B. In addition to the payment of the refund value, the initiator of the deposit under section 3103, subsection 3 shall reimburse the dealer or redemption center for the cost of handling beverage containers subject to section 3103 in an amount that equals at least 3¢ per returned container for containers picked up by the initiator before March 1, 2004, at least 3 1/2¢ for containers picked up on or after March 1, 2004 and before March 1, 2010, at least 4¢ for containers picked up on or after March 1, 2010 and before January 1, 2020 ~~and~~, at least 4 1/2¢ for containers picked up on or after January 1, 2020 ~~and before May 1, 2023, at least 5 1/2¢ for containers picked up on or after May 1, 2023 and before September 1, 2023 and at least 6¢ for containers picked up on or after September 1, 2023.~~ The initiator of the deposit may reimburse the dealer or redemption center directly or indirectly through a contracted agent or through a party with which it has entered into a commingling agreement.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Alcoholic Beverages - General Operation 0015

Initiative: Provides allocations for the State’s cost as an initiator of deposit for spirits for an increase in the reimbursement rate paid to a dealer or local redemption center of 1¢ per returned beverage container beginning May 1, 2023 and another 1/2¢ beginning September 1, 2023.

STATE ALCOHOLIC BEVERAGE FUND	2022-23	2023-24	2024-25
All Other	\$52,959	\$450,155	\$514,766
STATE ALCOHOLIC BEVERAGE FUND TOTAL	\$52,959	\$450,155	\$514,766

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

Effective May 5, 2023.

**CHAPTER 49
S.P. 93 - L.D. 189**

An Act to Include an Expanded Archery Permit in the Super Pack License Issued by the Department of Inland Fisheries and Wildlife

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

Sec. 1. 12 MRSA §11109-A, sub-§3, as amended by PL 2021, c. 599, §9, is further amended to read:

3. Harvest of ~~5~~ 6 deer. Notwithstanding section 11501, a super pack license authorizes the holder to take:

- A. One deer during either the regular open firearm season or the regular archery season or the special muzzle-loading season in accordance with sections 11401, 11403 and 11404, respectively;
- B. One deer in accordance with subsection 2-A, paragraph A; and
- C. Three antlerless deer and one deer of either sex during the special archery season in accordance with section 11402, subsection 4.

Sec. 2. 12 MRSA §11109-A, sub-§5, as amended by PL 2015, c. 245, §5, is further amended to read:

5. Fee. The fee for a super pack license is ~~\$201~~ \$207 for residents and ~~\$476~~ \$182 for a person holding 2 or more lifetime licenses.

Sec. 3. Effective date. This Act takes effect January 1, 2024.

Effective January 1, 2024.

**CHAPTER 50
H.P. 165 - L.D. 260**

An Act to Make Supplemental Allocations from the Highway 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.

TRANSPORTATION, DEPARTMENT OF

Administration 0339

Initiative: Establishes 41 positions to address project development, planning, legal, environmental, safety and human resources needs associated with the department's capital programs. Four of the positions are funded 100% Highway Fund, and the remainder are 50% Federal Expenditures Fund, 45% Highway Fund and 5% Other Special Revenue Funds. This initiative also eliminates 61.01 vacant full-time equivalent crew positions and 7 vacant positions to offset the cost of the new positions and generate additional savings to the Highway Fund. Position detail is on file with the Bureau of the Budget.

HIGHWAY FUND	2022-23	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	1.000	0.000	0.000
Personal Services	\$10,080	\$0	\$0
HIGHWAY FUND TOTAL	\$10,080	\$0	\$0

Fleet Services 0347

Initiative: Provides funding to support the operation of vehicles and equipment necessary to maintain the transportation system.

FLEET SERVICES FUND - DOT	2022-23	2023-24	2024-25
All Other	\$3,600,000	\$0	\$0
FLEET SERVICES FUND - DOT TOTAL	\$3,600,000	\$0	\$0

Fleet Services 0347

Initiative: Provides funding for increased costs of critical items, including paint, salt, culverts, guardrail parts, plow blades and vehicle parts.

FLEET SERVICES FUND - DOT	2022-23	2023-24	2024-25
All Other	\$1,200,000	\$0	\$0
FLEET SERVICES FUND - DOT TOTAL	\$1,200,000	\$0	\$0

Highway and Bridge Capital 0406

Initiative: Establishes 41 positions to address project development, planning, legal, environmental, safety and human resources needs associated with the department's capital programs. Four of the positions are funded 100% Highway Fund, and the remainder are 50% Federal Expenditures Fund, 45% Highway Fund and 5% Other Special Revenue Funds. This initiative also eliminates 61.01 vacant full-time equivalent crew positions and 7 vacant positions to offset the cost of the new positions and generate additional savings to the Highway Fund. Position detail is on file with the Bureau of the Budget.

HIGHWAY FUND	2022-23	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	35.000	0.000	0.000
POSITIONS - FTE COUNT	(1.000)	0.000	0.000
Personal Services	\$104,963	\$0	\$0
HIGHWAY FUND TOTAL	\$104,963	\$0	\$0

FEDERAL EXPENDITURES FUND	2022-23	2023-24	2024-25
Personal Services	(\$507,831)	\$0	\$0
FEDERAL EXPENDITURES FUND TOTAL	(\$507,831)	\$0	\$0

OTHER SPECIAL REVENUE FUNDS	2022-23	2023-24	2024-25
Personal Services	\$636,679	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$636,679	\$0	\$0

Maintenance and Operations 0330

Initiative: Establishes 41 positions to address project development, planning, legal, environmental, safety and human resources needs associated with the department's capital programs. Four of the positions are funded 100% Highway Fund, and the remainder are 50% Federal Expenditures Fund, 45% Highway Fund and 5% Other Special Revenue Funds. This initiative also eliminates 61.01 vacant full-time equivalent crew positions and 7 vacant positions to offset the cost of the

new positions and generate additional savings to the Highway Fund. Position detail is on file with the Bureau of the Budget.

HIGHWAY FUND	2022-23	2023-24	2024-25
POSITIONS - FTE	(61.010)	0.000	0.000
COUNT			
Personal Services	(\$1,342,658)	\$0	\$0
HIGHWAY FUND TOTAL	(\$1,342,658)	\$0	\$0

Multimodal - Island Ferry Service Z016

Initiative: Provides funding to support the operation of vehicles and equipment necessary to maintain the transportation system.

ISLAND FERRY SERVICES FUND	2022-23	2023-24	2024-25
All Other	\$500,000	\$0	\$0
ISLAND FERRY SERVICES FUND TOTAL	\$500,000	\$0	\$0

Multimodal - Island Ferry Service Z016

Initiative: Establishes one Public Service Manager II position to assist with the operations of the Maine State Ferry Service.

ISLAND FERRY SERVICES FUND	2022-23	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	1.000	0.000	0.000
Personal Services	\$30,675	\$0	\$0
ISLAND FERRY SERVICES FUND TOTAL	\$30,675	\$0	\$0

Multimodal Transportation Fund Z017

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	\$243,564	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$243,564	\$0	\$0

TRANSPORTATION, DEPARTMENT OF DEPARTMENT TOTALS

	2022-23	2023-24	2024-25
HIGHWAY FUND	(\$1,227,615)	\$0	\$0
FEDERAL EXPENDITURES FUND	(\$507,831)	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$880,243	\$0	\$0

FLEET SERVICES FUND - DOT	\$4,800,000	\$0	\$0
ISLAND FERRY SERVICES FUND	\$530,675	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$4,475,472	\$0	\$0

PART B

Sec. B-1. Carrying provision; Department of Secretary of State, Administration - Motor Vehicles program. Notwithstanding any provision of law to the contrary, the State Controller shall carry forward any unexpended balances in the Personal Services and All Other line categories in the Department of the Secretary of State, Administration - Motor Vehicles program, after all financial commitments for obligations and budgetary adjustments have been made, at the end of fiscal year 2022-23 and at the end of fiscal year 2023-24 to the next fiscal year to the All Other line category in the Department of the Secretary of State, Administration - Motor Vehicles program, of which up to \$2,000,000 is to be used for the Bureau of Motor Vehicles modernization project and up to \$7,000,000 is to be used for the new license plate general issue project.

PART C

Sec. C-1. 23 MRSA §4206, sub-§1, ¶O, as amended by PL 2021, c. 66, §2, is further amended to read:

O. To bring before the joint standing committee of the Legislature having jurisdiction over transportation matters for review and approval any proposal that would alter the current land use, ownership or jurisdiction of lands owned by the State within the Port of Searsport presently under the jurisdiction of the department; ~~and~~

Sec. C-2. 23 MRSA §4206, sub-§1, ¶P, as enacted by PL 2021, c. 66, §3, is amended to read:

P. To enter into agreements and cooperate with the United States Department of Transportation or any other appropriate federal agency as provided in 23 United States Code, Sections 325 to 327 and as authorized under the federal Moving Ahead for Progress in the 21st Century Act, the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and the federal National Environmental Policy Act of 1969. Pursuant to such an agreement, the commissioner may assume certain responsibilities of the Secretary of the United States Department of Transportation and take any other actions as required by any such agreement or by such federal laws.

(1) The commissioner may adopt any rules necessary to implement an agreement pursuant to this paragraph and carry out any duties imposed under such an agreement. Rules

adopted pursuant to this subparagraph are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

(2) The commissioner may make expenditures of money in connection with an agreement authorized under this paragraph from any funds of the department that are available to the commissioner.

(3) Notwithstanding Title 14, chapter 741, sovereign immunity from civil suit in federal court is waived consistent with 23 United States Code, Sections 326 and 327 and limited to the compliance, discharge or enforcement of a responsibility assumed by the department under this paragraph. This subparagraph applies only to actions that are authorized under this paragraph and does not create liability that exceeds the liability created under 23 United States Code, Sections 325 to 327; and

Sec. C-3. 23 MRSA §4206, sub-§1, ¶Q is enacted to read:

Q. To implement a program to enhance the skills of the department's transportation workers and ferry service workers. The program must provide that employees in these classifications who participate in training and who demonstrate they have achieved competencies prescribed by the commissioner may progress immediately to the next level in these classification series.

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

Effective May 5, 2023.

**CHAPTER 51
S.P. 132 - L.D. 311**

An Act to Delay the Repeal of the Law Governing the Sale of Pari-Mutuel Pools for Simulcast Harness Racing

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

Whereas, this bill delays the repeal of the provision of law governing the sale of pari-mutuel pools and common pari-mutuel pools for simulcast races; and

Whereas, it is important that this legislation take effect immediately in order for these changes to be in place before the beginning of the next harness racing 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. 8 MRSA §275-B, sub-§3, as enacted by PL 2021, c. 406, §3, is amended by amending the 2nd blocked paragraph to read:

This subsection is repealed January 1, ~~2024~~ 2026.

Sec. 2. 8 MRSA §278 is amended to read:

§278. Minors

~~No~~ A minor, whether attending a race or employed in any manner on or about a ~~race track~~ racetrack, shall ~~may not~~ be permitted to participate in any pari-mutuel pool or be admitted to any pari-mutuel ~~enclosure~~ sales area.

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

Effective May 8, 2023.

**CHAPTER 52
H.P. 16 - L.D. 12**

An Act to Amend the Laws Governing Severance Pay to Cover More Types of Employers and Include More Workers

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

Sec. 1. 26 MRSA §625-B, sub-§1, ¶A, as amended by PL 2015, c. 417, §1, is further amended to read:

A. "Covered establishment" means any ~~industrial or commercial~~ facility or part thereof that employs or has employed at any time in the preceding 12-month period 100 or more persons.

Sec. 2. 26 MRSA §625-B, sub-§1, ¶A-1, as enacted by PL 2015, c. 417, §1, is amended to read:

A-1. "Closing" means the permanent shutdown of ~~industrial or commercial~~ operations at a covered establishment. A closing may occur due to relocation, or termination or consolidation of the employer's business.

Sec. 3. 26 MRSA §625-B, sub-§1, ¶F, as enacted by PL 1979, c. 663, §157, is amended to read: