

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

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:

F. "Relocation" means the removal of all or substantially all of industrial or commercial operations in a covered establishment to a new location, within or without the State of Maine, 100 or more miles distant from its original location.

See title page for effective date.

**CHAPTER 53
H.P. 17 - L.D. 13**

**An Act to Define "Mail" in the
Employment Security Law to
Include Electronic Notification
and to Extend the Appeal
Times for Claimants**

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

Sec. 1. 26 MRSA §1043, sub-§31 is enacted to read:

31. Mail. "Mail" includes delivery by United States Postal Service, private carrier or electronic mail.

Sec. 2. 26 MRSA §1052 is enacted to read:

§1052. Method of mail for required notices

The bureau may not send a notice to an individual as required under this chapter exclusively by electronic mail without first allowing the individual the opportunity to elect to receive that notice exclusively by electronic mail.

Sec. 3. 26 MRSA §1194, sub-§2, as amended by PL 2021, c. 456, §24, is further amended by amending the 3rd blocked paragraph to read:

The deputy shall promptly notify the claimant and any other interested party of the determinations and reasons for the determinations. Subject to subsection 11, unless the claimant or any such interested party, within ~~45~~ 30 calendar days after that notification was mailed to the claimant's last known address, files an appeal from that determination, that determination is final, except that the period within which an appeal may be filed may be extended, for a period not to exceed an additional ~~45~~ 30 calendar days, for good cause shown. If new evidence or pertinent facts that would alter that determination become known to the deputy prior to the date that determination becomes final, a redetermination is authorized, but that redetermination must be mailed before the original determination becomes final.

Sec. 4. 26 MRSA §1194, sub-§2, as amended by PL 2021, c. 456, §24, is further amended by amending the 6th blocked paragraph to read:

If, during the period a claimant is receiving benefits, new information or a new issue arises concerning the claimant's eligibility for benefits or which affects the

claimant's weekly benefit amount, benefits may not be withheld until a determination is made on the issue. Before a determination is made, written notice must be mailed to the claimant and other interested parties, which must include the issue to be decided, the law upon which it is based, any factual allegations known to the bureau, the right to a fact-finding interview, the date and location of the scheduled interview and the conduct of the interview and appeal. ~~The~~ Any fact-finding interview must be scheduled not less than ~~5~~ 7 calendar days nor more than 14 calendar days after the notice is mailed. The bureau shall include in the notice a statement notifying the claimant that any benefits paid prior to the determination may be an overpayment under applicable law and recoverable by the bureau if it is later determined that the claimant was not entitled to the benefits. If the claimant does not appear for the scheduled interview, the deputy shall make a determination on the basis of available evidence. The deputy shall make a prompt determination of the issue based solely on any written statements of interested parties filed with the bureau before the interview, together with the evidence presented by interested parties who personally participated in the interview by telephone or e-mail or other electronic means. Upon request and notice to all parties at the interview, the deputy may accept corroborative documentary evidence after the interview. In no other case may the deputy base a decision on evidence received after the interview has been held.

See title page for effective date.

**CHAPTER 54
H.P. 21 - L.D. 17**

**An Act to Amend the
Membership Requirements of
the State Claims Commission**

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

Sec. 1. 23 MRSA §152, first ¶, as amended by PL 1999, c. 185, §2, is further amended to read:

The State Claims Commission, established by Title 5, section 12004-B, subsection 5, consists of 5 members. Four of the members must be appointed by the Governor, 2 of whom must ~~be~~ have been qualified appraisers certified as general real estate appraisers pursuant to Title 32, chapter 124 within the 5 years prior to the date of appointment and 2 of whom must be attorneys-at-law. The Governor shall designate one of the attorneys-at-law to be chair. The members of the commission appointed by the Governor shall serve for terms of 4 years. They must be sworn, and for inefficiency, willful neglect of duty or for malfeasance in office may, after notice and hearing, be removed by the Governor on the address of both branches of the Legis-