

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

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-

lature or by impeachment. In case of a vacancy occurring through death, resignation or removal, the Governor shall appoint a successor for the whole term of the member whose place that successor takes, subject to removal as provided in this section.

See title page for effective date.

**CHAPTER 55
S.P. 15 - L.D. 23**

**An Act to Limit Public Access
to or Dissemination of
Electronic Citation and
Electronic Warning
Information**

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

Sec. 1. 29-A MRSA §2601, sub-§3-A, as enacted by PL 2013, c. 112, §9, is amended to read:

3-A. Electronic Violation Summons and Complaint. Notwithstanding subsection 3, the Chief Judge of the District Court may approve for use an electronic Violation Summons and Complaint form. The electronic Violation Summons and Complaint form must include, at a minimum, an electronic or digital signature of the officer, a brief description of the alleged offense, the time and place of the alleged offense and the date on or before which the person is to file a written answer with the violations bureau. Personally identifying information that is contained in the electronic citation or the electronic warning database maintained, administered or contributed to by the Department of Public Safety, Bureau of State Police is confidential, except that personally identifying information that is contained in these databases may be shared with another criminal justice agency, delivered to the person under subsection 7 and transmitted to the violations bureau as required by subsection 9. For the purposes of this subsection, "personally identifying information" means an individual's name, residential and post office mailing addresses, date of birth and driver's license number, a vehicle registration plate number and any other information contained in a data field that may be used to identify a person.

See title page for effective date.

**CHAPTER 56
S.P. 16 - L.D. 24**

**An Act to Prohibit Certain
Open Burning Under a Red
Flag Warning and Regulate
Recreational Campfires**

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

Sec. 1. 12 MRSA §9321, sub-§1-A is enacted to read:

1-A. Red flag warning areas. The following provisions govern permits for open burning in geographic areas subject to a red flag warning.

A. Except as provided in paragraph B, the director or the director's delegate may not issue a permit or other permission for open burning to take place in a geographic area subject to a red flag warning.

B. The director or the director's delegate may issue a permit for a controlled burn on a commercially managed wild blueberry field in a geographic area subject to a red flag warning as long as the application for the permit includes a prescribed burn plan approved by the issuing authority. The permit must incorporate by reference the approved burn plan.

Sec. 2. 12 MRSA §9321, sub-§2, as amended by PL 1999, c. 547, Pt. B, §32 and affected by §80, is further amended to read:

2. Revocation. The director or the director's delegate may revoke any permit during a period of high forest fire danger or any permit ~~which~~ that results in creation of a nuisance condition without compliance with the provisions of Title 4, chapter 5 or Title 5, chapter 375. If a geographic area is subject to a red flag warning, the following provisions apply.

A. Except as provided in paragraph B, the director or the director's delegate shall revoke any permit for open burning in the geographic area during the period in which a red flag warning is in effect.

B. The director or the director's delegate is not required to revoke a permit for a controlled burn on a commercially managed wild blueberry field during the period in which a red flag warning is in effect if the permit includes an approved prescribed burn plan.

Sec. 3. 12 MRSA §9321-B is enacted to read:

§9321-B. Definitions

As used in this article, unless the context otherwise indicates, the following terms have the following meanings.