

# 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**

**1. Licensed camping facility.** "Licensed camping facility" means a recreational camp, youth camp or camping area licensed under Title 22, section 2495.

**2. Recreational campfire.** "Recreational campfire" means an out-of-door fire that is used for cooking, personal warmth, light or ceremonial or aesthetic purposes and that is not a part of debris disposal. "Recreational campfire" includes a residential fire contained within an out-of-door fireplace. "Recreational campfire" does not include a portable lantern designed to emit light resulting from combustion or a stove that is used inside a structure or living accommodation.

**3. Red flag warning.** "Red flag warning" means a forecast warning issued by the United States Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service or its successor, in consultation with the bureau, that informs the public, firefighters and land management agencies that conditions are ideal for wildland fire combustion and rapid spread. A red flag warning indicates for a given geographic area, until the warning is withdrawn, that the temperature is warm, the humidity is very low and strong winds are expected and that these factors produce an increased risk of fire danger.

**Sec. 4. 12 MRSA §9324, sub-§9** is enacted to read:

**9. Recreational campfires.** A person who kindles or uses a recreational campfire, other than a licensed camping facility, may not allow the recreational campfire to exceed 3 feet in diameter on the ground at the base of the fire or 3 feet in height.

**Sec. 5. 12 MRSA §9324, sub-§10** is enacted to read:

**10. Open burning during red flag warning.** A person may not engage in open burning under section 9325, subsection 1 or 2, including a recreational campfire, in any geographic area subject to a red flag warning. Open burning without a permit under section 9325, subsection 2 is allowed at the following locations:

- A. A licensed camping facility; and
- B. Campsites under the jurisdiction of the Department of Agriculture, Conservation and Forestry or the Baxter State Park Authority, as long as the campsite and the use of out-of-door fires and charcoal and gas grills at the campsite comply with rules under section 9001-B, subsection 4.

**Sec. 6. 12 MRSA §9325, sub-§2, ¶A**, as enacted by PL 1991, c. 36, §4, is amended to read:

~~A. Recreational campfires~~ A recreational campfire kindled when the ground is covered by snow or on a frozen ~~bodies~~ body of water, as long as the recreational campfire does not exceed 3 feet in diameter on the ground at the base of the fire and does not exceed 3 feet in height;

**Sec. 7. 12 MRSA §9325, sub-§2, ¶B**, as enacted by PL 1991, c. 36, §4, is amended to read:

B. Residential use of outdoor grills and fireplaces for recreational purposes such as preparing food, as long as the fire does not exceed 3 feet in diameter in a fireplace or grill at the base of the fire and does not exceed 3 feet in height; and

See title page for effective date.

**CHAPTER 57  
S.P. 20 - L.D. 28**

**An Act to Streamline  
Rulemaking for Revisions to  
Screening Levels for the Solid  
Waste Beneficial Use Program**

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

**Sec. 1. 38 MRSA §1304, sub-§1-D** is enacted to read:

**1-D. Rules; beneficial use of solid waste.** The board may adopt or amend rules relating to the beneficial use of solid waste. Rules adopted or amended pursuant to this subsection are major substantive rules, as defined in Title 5, chapter 375, subchapter 2-A, except that rules adopting or amending screening levels for beneficial use that are derived using the standard risk protocols of the United States Environmental Protection Agency are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. PL 2011, c. 304, Pt. F, §2** is repealed.

See title page for effective date.

**CHAPTER 58  
S.P. 22 - L.D. 30**

**An Act to Increase the  
Statutory Fee for Defensive  
Driving Courses**

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

**Sec. 1. 23 MRSA §4208, first ¶**, as amended by PL 2007, c. 295, §1, is further amended to read:

The Department of Public Safety is authorized to conduct defensive driving courses for the purpose of promoting highway safety and to charge a registration fee of ~~\$35~~ \$65 to participants in the defensive driving courses conducted under the auspices of the department. The fee must be used to cover the cost of conducting the courses. Any balances remaining at the end of

the fiscal year may not lapse but must be carried forward to be used for the purposes stated in this section.

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

**PUBLIC SAFETY, DEPARTMENT OF  
Highway Safety DPS 0457**

Initiative: Provides allocations to allow expenditure of additional revenue from an increase in the registration fee for defensive driving courses.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2023-24</b>	<b>2024-25</b>
All Other	\$9,640	\$12,850
OTHER SPECIAL REVENUE FUNDS TOTAL	\$9,640	\$12,850

See title page for effective date.

**CHAPTER 59  
S.P. 28 - L.D. 36**

**An Act to Make Corrections to  
the Maine Insurance Code**

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

**Sec. 1. 24-A MRSA §220, sub-§2**, as enacted by PL 1991, c. 26, is amended to read:

**2. Response to inquiries.** All insurers and other persons required to be licensed pursuant to this Title and Title 24 shall respond to all lawful inquiries of the superintendent that relate to resolution of consumer complaints involving the licensee within 14 10 business days of receipt of the inquiry and to all other lawful follow-up inquiries of the superintendent within 30 5 business days of receipt. If a substantive response can not cannot in good faith be provided within the required time period, the person required to respond shall so advise the superintendent and provide the reason for the inability to respond. The superintendent may adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A to implement the requirements of this subsection.

**Sec. 2. 24-A MRSA §1106, sub-§4**, as amended by PL 2001, c. 524, §2, is further amended to read:

**4.** Except as otherwise expressly provided, an insurer may not invest more than 10% of its assets in the securities of any one person, other than investments eligible under the following sections:

- A. 1107 (public obligations);
- B. 1108 (obligations, stock of certain federal and international agencies); ~~and~~

C. 1120 (common trust funds, mutual funds), but as to this exception, only with the prior approval of the superintendent and only in index mutual funds in an amount up to 20% of the insurer's assets; ~~and~~

D. 1115 (stocks of subsidiaries), but only with the prior approval of the superintendent unless, with respect to investments in subsidiaries engaged in or organized to engage in the kinds of business in which the insurer may engage, the investments would not result in the aggregate net cost of the insurer's investments in all such subsidiaries exceeding 50% of its surplus as to policyholders. For the purposes of this paragraph, "net cost of the insurer's investment" means the sum of the total money or other consideration expended and obligations assumed in the acquisition or formation of a subsidiary, including all organizational expenses and contributions to capital and surplus of that subsidiary, and all amounts expended in acquiring additional common stock, preferred stock, debt obligations and other securities, and all contributions to the capital or surplus, of a subsidiary subsequent to its acquisition or formation less any returns of capital, repayments of principal and any other payments that reduce the insurer's investment in the subsidiary.

**Sec. 3. 24-A MRSA §1155**, as amended by PL 2001, c. 524, §3, is further amended to read:

**§1155. Diversification**

Investments of an insurer shall be subject to the following diversification requirements and limitations.

**1. Real estate; personal property; equity interests; subsidiaries.** Not more than 40% of the insurer's assets in aggregate amount may consist of investments described in the following ~~subdivisions~~ paragraphs:

- A. Real estate, section 1156, subsection 2, paragraph D, subparagraph (1);
- B. Personal property, section 1156, subsection 2, paragraph E;
- C. Equity interests, section 1156, subsection 2, paragraph F; and
- D. Subsidiaries, section 1157, except as provided in that section.

If, on or after the effective date of this subsection, the insurer makes investments of those types in institutions or property located within the State aggregating 1% or more of its assets, the 40% limitation in this subsection ~~shall~~ **must** be increased by an equal amount up to 45%, exclusive of those investments in institutions or property located within the State, thus providing for a maximum limit on the investments described in those ~~subdivisions~~ paragraphs of 50% of the insurer's assets.