

# 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**

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. 12 MRSA §6505-A, sub-§1-A**, as enacted by PL 2013, c. 468, §24, is amended to read:

**1-A. Licensed activity.** The holder of an elver fishing license or elver fishing license with crew may fish for, take or possess elvers. The holder of an elver fishing license or elver fishing license with crew may transport and sell within state limits elvers that the license holder has taken. The holder of an elver fishing license with crew is liable for the licensed activities under this subsection of an unlicensed crew member assisting that license holder pursuant to subsection 1-B. ~~Only the~~ The license holder to whom a tag is issued or the unlicensed crew member may empty an elver fyke net.

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

Effective May 15, 2023.

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**CHAPTER 82**

**H.P. 15 - L.D. 11**

**An Act to Strengthen  
Temporary Protections for  
Children Living in Dwellings  
with Identified Lead Hazards**

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

**Sec. 1. 22 MRSA §1321, sub-§3-A** is enacted to read:

**3-A. Notice to owner; interim controls.** The department may order the owner to implement lead exposure reduction actions or interim controls as determined by the department with reasonable notice until the owner is able to remove, replace or securely and permanently cover lead-based substances. In order to determine the effectiveness of the actions taken or interim controls, the department may inspect the dwelling, premises, residential child-occupied facility, child care facility, premises of the family child care provider or nursery school;

**Sec. 2. 22 MRSA §1322, 2nd ¶**, as amended by PL 2003, c. 421, §9, is further amended to read:

Until the owner brings any residential dwelling or premises into compliance with this Act while a tenant is occupying a dwelling unit, the owner shall move the tenant to a substitute dwelling unit upon reasonable notice. The department may, on a case-by-case basis,

waive this requirement if the department determines that the implementation of actions to reduce lead exposure or interim controls sufficiently protects the residents of the unit until full abatement is achieved. Pursuant to section 1321, subsection 3-A, the department may order the owner to implement lead exposure reduction actions or interim controls as determined by the department with reasonable notice. The owner shall pay reasonable moving expenses and any use and occupancy charges for a substitute dwelling unit that exceed the rent for the vacated dwelling unit for which the tenant remains responsible. "Substitute dwelling unit" means a dwelling unit of like or similar accommodation and in like or similar location that is lead-safe. If the tenant fails to accept the substitute dwelling unit selected by the owner while the owner is required to bring the vacated dwelling unit into compliance with this Act or the tenant fails to remain current in rent pursuant to the lease or tenancy at will under Title 14, section 6002, including the statutory period of right to cure, the owner is not obligated beyond 10 days after completion of remediation to reimburse the tenant for any expense or inconvenience other than moving expenses and any use and occupancy charges for the substitute dwelling unit selected by the owner that exceed the rent for the vacated dwelling unit.

See title page for effective date.

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**CHAPTER 83**

**H.P. 52 - L.D. 82**

**An Act to Improve Access to  
Children's Behavioral Health  
Services**

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

**Sec. 1. 34-B MRSA §1208, sub-§8**, as enacted by PL 2003, c. 673, Pt. SSS, §2, is repealed.

See title page for effective date.

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**CHAPTER 84**

**H.P. 64 - L.D. 96**

**An Act to Ensure Release of  
Relevant Background  
Investigation Material to  
Current Employers of Law  
Enforcement and Corrections  
Officers**

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

**Sec. 1. 25 MRSA §2805-B, sub-§4, ¶B**, as enacted by PL 2021, c. 256, §1, is amended to read:

B. The applicant shall sign a request that an employing agency release all employment records to a hiring agency. For the purposes of the employment application, the request form must include a waiver of any rights that the applicant has to the privacy of the employment records, including those rights related to the exchange of information resulting from a background investigation or polygraph examination under subsection 5 between the employing agency and the hiring agency. The request form must be signed by the applicant and the signature must be witnessed. The board shall adopt rules establishing a standard request and waiver form. Rules adopted pursuant to this paragraph are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 25 MRSA §2805-B, sub-§5,** as enacted by PL 2021, c. 256, §2, is amended to read:

**5. Release of the results of a background investigation or polygraph examination.** When a background investigation or polygraph examination has been performed on a law enforcement officer or corrections officer and the results indicate probable cause to believe that the officer is or has been involved in criminal activity, the head of the law enforcement agency, correctional facility or county or regional jail that conducted the investigation or examination or for whom the investigation or examination was performed shall release the results of the investigation or examination to the head of the law enforcement agency, correctional facility or county or regional jail that employs the law enforcement officer or corrections officer.

The head of the law enforcement agency, correctional facility or county or regional jail that conducted the background investigation or polygraph examination of the law enforcement officer or corrections officer, or for whom the investigation or examination was performed, is immune from civil or criminal liability for releasing information gathered during the investigation or examination to the head of the law enforcement agency, correctional facility or county or regional jail that employs the law enforcement officer or corrections officer.

See title page for effective date.

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**CHAPTER 85  
S.P. 67 - L.D. 128**

**An Act to Remove the Limit on  
Sets of Special Veterans  
Registration Plates**

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

**Sec. 1. 29-A MRSA §523, sub-§3,** as amended by PL 2017, c. 43, §2 and PL 2019, c. 377, §6, is further amended to read:

**3. Special veterans registration plates.** The Secretary of State, on application and evidence of payment of the excise tax required by Title 36, section 1482 and the registration fee required by section 501 or by section 504, subsection 1 for a vehicle with a registered gross weight over 10,000 pounds, shall issue a registration certificate and a set of special veterans registration plates to be used in lieu of regular registration plates for a vehicle with a registered gross weight of not more than 26,000 pounds to any person who has served in the United States Armed Forces and who has been honorably discharged or to a person who has served in the United States Armed Forces for at least 3 years and continues to serve. If a person who qualifies for a special veterans registration plate under this subsection is ~~the a~~ primary driver of any vehicle, the Secretary of State may issue in accordance with this section a set of special veterans registration plates for each vehicle.

Each application must be accompanied by the applicant's Armed Forces Report of Transfer or Discharge, DD Form 214, certification from the United States Veterans Administration or the appropriate branch of the United States Armed Forces verifying the applicant's military service and honorable discharge, or a letter from the Department of Defense, Veterans and Emergency Management, Maine Bureau of Veterans' Services verifying active duty military service and length of service.

The Secretary of State shall recall a special veterans registration plate of a recipient who has been less than honorably discharged from the United States Armed Forces.

All surplus revenue collected for issuance of the special registration plates is retained by the Secretary of State to maintain and support this program.

The surviving spouse of a special veteran plate recipient issued plates in accordance with this subsection may retain and display the special veteran plates as long as the surviving spouse remains unmarried. Upon remarriage, the surviving spouse may not use the special veteran plates on a motor vehicle, but may retain them as a keepsake. Upon the death of the surviving spouse, the family may retain the special veteran plates, but may not use them on a motor vehicle.

The Secretary of State may issue a special disability registration plate for veterans in accordance with section 521, subsections 1, 5, 7 and 9. The special disability registration plate for veterans must bear the International Symbol of Access.

The Secretary of State may issue a set of special veterans registration plates when the qualifying veteran is the primary driver of a company-owned vehicle if:

- A. The company is owned solely by a veteran who qualifies for a veteran plate under this section;