

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

**CHAPTER 108
S.P. 269 - L.D. 652**

**An Act to Allow the
Reinstatement of Certain
Commercial Driver's Licenses**

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

Sec. 1. 29-A MRSA §1253, sub-§2, ¶D, as amended by PL 2009, c. 447, §27, is further amended to read:

D. Protect public safety by removing from public ways a commercial driver who has:

- (1) Operated or attempted to operate a commercial vehicle while having an alcohol level of 0.04 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath;
- (2) Refused to submit to or complete a lawfully requested test to determine that driver's alcohol level; or
- (3) Operated or attempted to operate a motor vehicle while under the influence of intoxicating liquor or drugs; ~~and~~

Sec. 2. 29-A MRSA §1253, sub-§2, ¶E, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

E. Provide maximum safety on public ways; ~~and~~

Sec. 3. 29-A MRSA §1253, sub-§2, ¶F is enacted to read:

F. Allow for the reinstatement, in accordance with 49 Code of Federal Regulations, Section 383.51(a)(6) (2023), of a commercial license of any driver who has been disqualified for life from operating a commercial motor vehicle for offenses described in paragraphs (b)(1) to (b)(8) of Table 1 to 49 Code of Federal Regulations, Section 383.51 (2023).

Sec. 4. Effective date. This Act takes effect January 1, 2025.

Effective January 1, 2025.

**CHAPTER 109
S.P. 376 - L.D. 879**

**An Act to Place Restrictions on
Candidate Speech and
Clothing, Buttons and Other
Items at Voting Places**

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

Sec. 1. 21-A MRSA §682, sub-§2, as amended by PL 2019, c. 371, §21, is further amended by amending the first blocked paragraph to read:

These limitations do not prohibit a candidate from attending the voting place and orally communicating with voters as long as the candidate does not attempt to influence their vote. A candidate may not state the name of the office sought or request a person's vote, or no more than one representative of a candidate, from greeting a voter if the candidate or representative of the candidate does not state the name of the office that the candidate is seeking in that election year or wear any button, name tag, apparel or label or have or use any item or sign displaying the candidate's name or the name of the office the candidate is seeking or otherwise express support for or opposition to a party, a candidate or a ballot question.

See title page for effective date.

**CHAPTER 110
S.P. 401 - L.D. 982**

**An Act to Allow the Disclosure
of Death Certificate Data to
Hospitals and Health Care
Practitioners**

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

Sec. 1. 22 MRSA §2706, sub-§5-A is enacted to read:

5-A. Disclosure of death certificate data to hospital or health care practitioner. Death certificate data must be made available, upon request and in accordance with rules adopted by the department, to a hospital licensed under chapter 405 or a health care practitioner as defined in section 1711-C, subsection 1, paragraph F. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 111
S.P. 39 - L.D. 47**

**An Act to Amend the Law
Governing Licensing Actions of
the Emergency Medical
Services' Board**

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

Whereas, in 2019, the 129th Legislature enacted Public Law 2019, chapter 370, which gave the Emergency Medical Services' Board the authority to deny, refuse to renew or revoke an emergency medical services person's license; and

Whereas, prior to the enactment of Public Law 2019, chapter 370, the Emergency Medical Services' Board was not permitted to revoke emergency medical services licenses of emergency medical services personnel, but instead was required to request the Office of the Attorney General to file a complaint with the District Court to revoke a license; and

Whereas, language in the prior law referencing the revocation pathway through the Office of the Attorney General was not removed, which has created ambiguity; and

Whereas, it is imperative that this ambiguity be resolved as soon as possible to clarify the Emergency Medical Services' Board's authority over the licensing of emergency medical services personnel; 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. 32 MRSA §90-A, sub-§4, ¶D, as amended by PL 2001, c. 229, §7, is further amended to read:

D. Except in the specific circumstances where Title 5, section 10004 may be invoked, if the board or its staff concludes that suspension beyond the authority conferred by section 88 ~~or revocation~~ of the license is in order, the board or its staff shall request the Attorney General to file a complaint in the District Court in accordance with Title 4, chapter 5 and the Maine Administrative Procedure Act to commence either full or emergency proceedings.

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

Effective June 1, 2023.

**CHAPTER 112
H.P. 68 - L.D. 100**

**An Act to Require Annual
Financial Audits of Certain
Private Schools Approved for
Tuition Purposes**

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

Sec. 1. 20-A MRSA §2953, sub-§3 is enacted to read:

3. Annual audit required. A private school approved for tuition purposes that enrolls 60% or more publicly funded students shall, within 6 months after the end of the school's audit period, submit to the State Auditor and the commissioner satisfactory proof that the books, accounts, financial documents and reports of the school for the preceding fiscal year have been examined and found to be in a satisfactory and accurate condition with proper vouchers on file. The audit required under this subsection must be conducted by the Office of the State Auditor, a public accountant licensed to practice in the State or an individual or firm the department has determined is a competent auditor by training and experience. The department shall adopt routine technical rules as defined in Title 5, chapter 375, subchapter 2-A to implement this subsection.

See title page for effective date.

**CHAPTER 113
S.P. 75 - L.D. 146**

**An Act to Clarify Assessment
of Penalties for Tattoo Artists,
Body Piercers, Electrologists
and Micropigmentation
Practitioners and to Change
Requirements for the Approval
of Public Pool and Spa Plans**

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

Sec. 1. 22 MRSA §2662, sub-§4, as amended by PL 2007, c. 631, §4, is further amended to read:

4. Residential spa. "Residential spa" means any constructed spa, permanently installed or portable, that is used in connection with a single or multifamily residence, used by tenants of apartment buildings, owners of condominiums or members of property owners associations and available only to these residents and their private guests or used by guests of a lodging place as defined in section 2491, subsection 7-F that has 10 or fewer rooms or cottages.

Sec. 2. 22 MRSA §2665, 2nd ¶, as amended by PL 2007, c. 631, §7, is further amended to read:

~~The design criteria to be followed by the department in the review and approval is~~ Submitted plans and specifications must be sealed by a licensed professional engineer under Title 32, chapter 19 and must include a statement by the engineer indicating that the plans and specifications meet the minimum standard for all pools and the minimum standard for all spas published by the