

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

The board may admit into the record supplemental evidence offered by a respondent in response to proposed supplemental evidence offered by an appellant and the issues raised on appeal. The board may admit into the record additional evidence and analysis submitted by department staff in response to issues raised on appeal or supplemental evidence offered by an appellant, respondent or interested party. The board is not bound by the commissioner's findings of fact or conclusions of law but may adopt, modify or reverse findings of fact or conclusions of law established by the commissioner. Any changes made by the board under this paragraph must be based upon the board's review of the record, any supplemental evidence admitted by the board and any hearing held by the board;

Sec. 3. 38 MRSA §342, sub-§11-B, as amended by PL 2017, c. 137, Pt. A, §4, is further amended by amending the first blocked paragraph to read:

The commissioner may revoke or suspend a license as authorized by this subsection at any time, including during the pendency of a judicial appeal of a final decision regarding the license. For the purposes of this subsection, "license" includes any license, permit, order, approval or certification issued by the department and "licensee" means the holder of the license.

Sec. 4. 38 MRSA §344, sub-§9, as amended by PL 2011, c. 538, §4, is further amended to read:

9. License or permit renewals, amendments, revisions, condition compliance, surrenders and transfers. For purposes of this section, a request for a license or permit renewal, amendment, revision, condition compliance, surrender or transfer is considered an application that, unless specifically exempted by law, is subject to a decision by the department.

The commissioner may act on an application for a license or permit renewal, amendment, revision, condition compliance, surrender or transfer at any time, including during the pendency of a judicial appeal of a final decision regarding the license or permit.

Sec. 5. 38 MRSA §346, sub-§1, as amended by PL 2009, c. 642, Pt. B, §3, is further amended to read:

1. Appeal to Superior Court. Except as provided in subsection 4 and section 347-A, subsection 3 or 4, any person aggrieved by any order or ~~decision~~ other final action of the board or commissioner may appeal to the Superior Court. These appeals to the Superior Court must be taken in accordance with Title 5, chapter 375, subchapter 7.

Sec. 6. 38 MRSA §346, sub-§5 is enacted to read:

5. Tolling of deadlines. When a license or permit decision or other final action of the board or the commissioner is appealed to a court in accordance with this

section, the board or the commissioner may toll for the pendency of the judicial appeal the running of time for any deadline established in the license, permit or action under appeal.

See title page for effective date.

CHAPTER 140

S.P. 122 - L.D. 256

An Act to Add Electric Bicycles to the Electric Vehicle Rebate Program

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

Sec. 1. 35-A MRSA §10126, sub-§1, ¶A-1 is enacted to read:

A-1. "Electric bicycle" has the same meaning as in Title 29-A, section 101, subsection 22-B.

Sec. 2. 35-A MRSA §10126, sub-§3, as amended by PL 2021, c. 402, §3, is further amended to read:

3. Rebate program established; eligibility. In accordance with the provisions of this section, the trust shall establish and administer a program that provides rebates for the purchase or lease of electric vehicles. A person may apply for and, as resources within the fund allow, receive a rebate for an electric vehicle, subject to eligibility requirements established by the trust. Eligibility criteria for the vehicle must include that the vehicle is: a battery electric vehicle or a plug-in hybrid electric vehicle; purchased, or leased from its original equipment manufacturer or an authorized licensee of the original equipment manufacturer or a licensed automobile dealer for a term of 36 months or more, in the State; and, to the extent required by Title 29-A, chapter 5, registered in the State, ~~except that a vehicle is not eligible if it has. An automobile, as defined in Title 29-A, section 101, subsection 7, with a gross vehicle weight rating of 6,000 pounds or less, is not a truck or an off-road vehicle and is not eligible for the program if it has a manufacturer's suggested retail price greater than \$50,000.~~ To the extent funds are available, the trust may extend program eligibility to medium duty vehicles and heavy duty vehicles that are battery electric vehicles or plug-in hybrid electric vehicles and to electric bicycles. Eligibility requirements for the recipient of the rebate must include that the recipient attests to a commitment to retain ownership, whether through purchase or lease, of the eligible electric vehicle for at least 36 months from the date of purchase or lease. The trust may require a recipient of a rebate under this section who does not retain ownership of the eligible electric vehicle for at least 36 months to repay the trust up to the full amount of the rebate. If the trust extends program eligibility to electric bicycles, the trust shall limit the

electric bicycle rebates to recipients who are low-income and moderate-income individuals and to entities that serve those individuals, as determined by the trust. For a recipient to receive a rebate for the purchase of an electric bicycle under the program, the electric bicycle must serve as the recipient's principal means of commuting, as determined by the trust.

The trust shall establish the rebate amount for each eligible electric vehicle. The trust shall establish rebate amounts that it determines most effectively increase the purchase of eligible electric vehicles to advance the State's carbon reduction targets and reduce transportation-related energy costs. For each model of an eligible electric vehicle, the trust may establish different rebate amounts based on the size of the vehicle battery. The trust may establish different rebate amounts for the purpose of providing reasonable opportunity for participation in the program across different customer groups and geographic areas. The trust may establish reasonable limits on the number of rebates per vehicle or per person.

See title page for effective date.

**CHAPTER 141
H.P. 169 - L.D. 264**

**An Act to Clarify the Process
for Admission to the Bar on
Motion**

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

Sec. 1. 4 MRSA §805-A, sub-§2, ¶C, as corrected by RR 2021, c. 1, Pt. B, §23, is repealed.

Sec. 2. 4 MRSA §805-A, sub-§2, ¶D is enacted to read:

D. Establishes that the applicant has satisfied all of the other requirements under the Maine Bar Admission Rules for the board to issue a certificate of qualification.

Sec. 3. 4 MRSA §805-A, sub-§3, as corrected by RR 2021, c. 1, Pt. B, §23, is amended to read:

3. Admission within one year of passing bar examination. ~~The~~ An applicant for admission by examination must be admitted to practice within one year from the ~~time~~ date that the applicant has been notified of that applicant's passing of the bar examination. This one-year period may be ~~enlarged~~ extended by successive one-year periods by a Justice of the Supreme Judicial Court on motion for good cause shown during the period.

Sec. 4. 4 MRSA §805-A, sub-§4 is enacted to read:

4. Admission within one year of applying for admission on motion. An applicant who is an attorney admitted to practice law in a state or territory of the United States or the District of Columbia who meets the requirements for admission on motion under the Maine Bar Admission Rules must be admitted to practice within one year from the date that the board of bar examiners receives the applicant's application. This period may be extended by a 6-month period by the board of bar examiners pursuant to the regulations of the board of bar examiners and then by successive one-year periods by a Justice of the Supreme Judicial Court on motion for good cause shown during the 6-month period or any succeeding one-year period.

See title page for effective date.

**CHAPTER 142
H.P. 184 - L.D. 286**

**An Act to Authorize the Use of
Tax Increment Financing
Funds for Constructing or
Renovating Local Central
Administrative Offices**

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

Sec. 1. 30-A MRSA §5225, sub-§1, ¶C, as repealed and replaced by PL 2021, c. 676, Pt. A, §46, is amended by amending subparagraph (10) to read:

(10) Costs associated with broadband and fiber optics expansion projects, including preparation, planning, engineering and other related costs in addition to the construction costs of those projects. If an area within a municipality or plantation is unserved with respect to broadband service, as defined by the ConnectMaine Authority as provided in Title 35-A, section 9204-A, subsection 1, broadband and fiber optics expansion projects may serve residential or other nonbusiness or non-commercial areas in addition to business or commercial areas within the municipality or plantation; ~~and~~

Sec. 2. 30-A MRSA §5225, sub-§1, ¶C, as repealed and replaced by PL 2021, c. 676, Pt. A, §46, is amended by amending subparagraph (11) to read:

(11) Costs associated with the operation and financial support of:

(a) Affordable housing in the municipality or plantation to serve ongoing economic development efforts, including the further development of the downtown tax increment financing districts; and