

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

3. Acknowledgment; clarification; time estimate; cost estimate. The agency or official having custody or control of a public record shall acknowledge receipt of a request made according to this section within 5 working days of receiving the request and may request clarification concerning which public record or public records are being requested. Within a reasonable time of receiving the request, the agency or official shall provide a good faith, nonbinding estimate of the time frame within which the agency or official will comply with the request, ~~as well as~~ and a cost estimate as provided in subsection 9. The agency or official shall make a good faith effort to fully respond to the request within the estimated time frame. For purposes of this subsection, the date a request is received is the date a sufficient description of the public record is received by the agency or official at the office responsible for maintaining the public record. An agency or official that receives a request for a public record that is maintained by that agency but is not maintained by the office that received the request shall forward the request to the office of the agency or official that maintains the record, without willful delay, and shall notify the requester that the request has been forwarded and that the office to which the request has been forwarded will acknowledge receipt within 5 working days of receiving the request.

Sec. 2. 1 MRSA §408-A, sub-§8, ¶C, as enacted by PL 2011, c. 662, §5, is amended to read:

C. The agency or official may charge for the actual cost to convert a public record into a form susceptible of visual or aural comprehension or into a usable format and for the actual cost of a device used to store the public record if the storage device will be given to the requester by the agency or official.

Sec. 3. 1 MRSA §408-A, sub-§9, as enacted by PL 2011, c. 662, §5, is amended to read:

9. Estimate. The agency or official having custody or control of a public record subject to a request under this section shall provide to the requester an estimate of the time ~~necessary to complete~~ frame within which the agency or official will comply with the request and of the total cost as provided by subsection 8. If the estimate of the total cost is greater than ~~\$30~~ \$50, the agency or official shall inform the requester before proceeding. If the estimate of the total cost is greater than \$100, subsection 10 applies.

See title page for effective date.

**CHAPTER 156
H.P. 794 - L.D. 1246**

An Act to Include Endangered and Threatened Species Habitat in the Definition of "Significant Wildlife Habitat" Under the Natural Resources Protection Act

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

Sec. 1. 38 MRSA §480-B, sub-§10, ¶A, as amended by PL 2009, c. 561, §37, is further amended to read:

A. The following areas to the extent that they have been mapped by the Department of Inland Fisheries and Wildlife or are within any other protected natural resource: ~~habitat, as defined by the Department of Inland Fisheries and Wildlife, for species appearing on the official state or federal list of endangered or threatened animal species;~~ high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife; and critical spawning and nursery areas for Atlantic salmon as defined by the Department of Marine Resources; and

Sec. 2. 38 MRSA §480-B, sub-§10, ¶B, as enacted by PL 2005, c. 116, §2, is amended to read:

B. Except for solely forest management activities, for which "significant wildlife habitat" is as defined and mapped in accordance with section 480-I by the Department of Inland Fisheries and Wildlife, the following areas that are defined by the Department of Inland Fisheries and Wildlife and are in conformance with criteria adopted by the Department of Environmental Protection or are within any other protected natural resource:

- (1) Significant vernal pool habitat;
- (2) High and moderate value waterfowl and wading bird habitat, including nesting and feeding areas; ~~and~~
- (3) Shorebird nesting, feeding and staging areas; and
- (4) Habitat for state endangered and state threatened species listed under Title 12, section 12803, subsection 3 that is within another protected natural resource area or that is located wholly or partly within the boundaries of a proposed project site that requires approval from;

(a) The department pursuant to this article or article 6, 7 or 8-A, except for activity or development on a residential lot that is not part of a proposed multi lot housing development; or

(b) The Maine Land Use Planning Commission pursuant to this article as provided in section 480-E-1 or, for subdivisions and nonresidential uses only, pursuant to Title 12, chapter 206-A.

Sec. 3. 38 MRSA §480-BB, first ¶, as enacted by PL 2005, c. 116, §5, is amended to read:

The Department of Inland Fisheries and Wildlife shall adopt rules that define "significant vernal pool habitat," "high and moderate value waterfowl and wading bird habitat," and "shorebird nesting, feeding and staging areas" and "habitat for state endangered and state threatened species listed under Title 12, section 12803, subsection 3" under section 480-B, subsection 10, paragraph B. The Department of Environmental Protection shall adopt rules regarding the criteria used to determine whether an area is significant vernal pool habitat, high and moderate value waterfowl and wading bird habitat or, shorebird nesting, feeding and staging areas or habitat for state endangered and state threatened species listed under Title 12, section 12803, subsection 3 under section 480-B, subsection 10, paragraph B. The rules, as applicable, must:

See title page for effective date.

CHAPTER 157

S.P. 531 - L.D. 1313

An Act to Amend the Tax Credit for Major Business Headquarters Expansions Regarding Employees' Location and Time of Hire for Purposes of the Credit

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

Sec. 1. 36 MRSA §5219-QQ, sub-§1, ¶C, as enacted by PL 2017, c. 297, §2, is amended to read:

C. "Employees based in the State" means employees that perform more than 50% of employee-related activities for the employer at the headquarters a location in the State.

Sec. 2. 36 MRSA §5219-QQ, sub-§3, ¶B, as repealed and replaced by PL 2019, c. 401, Pt. D, §2, is amended by amending subparagraph (1) to read:

(1) A credit is not allowed for any tax year during which the taxpayer does not meet or exceed the following employment targets as measured on the last day of the tax year.

(a) For each of the first 10 tax years for which the credit is claimed, there must be a total of at least 80 additional full-time employees based in the State above the certified applicant's base level of employment whose jobs were added ~~since the first day of the first tax year for which the credit was claimed~~ on or after January 1, 2018 multiplied by the number of years for which the credit has been claimed, including the tax year for which the credit is currently being claimed.

(b) For each tax year after the 10th tax year for which the credit is claimed, the taxpayer must employ a total of at least 800 additional full-time employees based in the State above the certified applicant's base level of employment whose jobs were added ~~since the first day of the first tax year for which the credit was claimed~~ on or after January 1, 2018.

Jobs for additional full-time employees that are counted for determining eligibility for the credit under one certificate of completion may not be counted for determining eligibility for the credit under a separate certificate of completion. For purposes of this paragraph, "additional full-time employees" does not include employees who are shifted to a certified applicant's headquarters in the State from an affiliated business in the State. The commissioner shall determine whether a shifting of employees has occurred. For purposes of this paragraph, "affiliated business" has the same meaning as in section 6753, subsection 1-A.

Sec. 3. 36 MRSA §5219-QQ, sub-§4, ¶A, as repealed and replaced by PL 2019, c. 401, Pt. D, §3, is amended by amending subparagraph (5) to read:

(5) The average and median wages of all additional full-time employees above the certified applicant's base level of employment in the State whose jobs were added ~~since the first day of the first tax year for which the credit was claimed~~ on or after January 1, 2018; and

Sec. 4. Retroactivity. This Act applies retroactively to January 1, 2021.

See title page for effective date.
