

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 174
S.P. 161 - L.D. 354**

**An Act to Amend the Laws
Regarding the Use of Licensed
Professional Engineers on
Certain Public Works Projects**

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

Sec. 1. 32 MRSA §1254, as amended by PL 2019, c. 375, §3, is repealed and the following enacted in its place:

§1254. Public works

1. Requirement for licensed professional engineer; exception. When any department of this State or any of this State's political subdivisions or any county, city, town, township or plantation engages in construction of a public works project that involves professional engineering, the services of a licensed professional engineer must be used in the public works project unless:

A. An authorized representative of the department of this State or any of this State's political subdivisions or any county, city, town, township or plantation engaged in the construction of a public works project issues a written determination that the life, health and property of the public will be adequately protected without the services of a licensed professional engineer; and

B. The contemplated expenditure for the completed project does not exceed \$250,000.

For purposes of this subsection, the Director of the Bureau of General Services within the Department of Administrative and Financial Services is the authorized representative of a department of this State engaged in public works projects that constitute public improvements under Title 5, chapter 153.

2. Continuing authority to require licensed professional engineer. Subsection 1 may not be construed to limit the authority of a department of this State or any of this State's political subdivisions or any county, city, town, township or plantation to require the services of a licensed professional engineer for any public works project.

See title page for effective date.

**CHAPTER 175
S.P. 196 - L.D. 415**

**An Act to Allow Nonalcoholic
Sparkling Cider to Be Sold in
Maine**

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

Sec. 1. 7 MRSA §543-A, sub-§4, as amended by PL 2021, c. 111, §3, is further amended to read:

4. Exemption. Hard cider ~~is and nonalcoholic carbonated~~ cider labeled as "sparkling cider" are exempt from this section. For purposes of this subsection, "hard cider" means liquor produced by fermentation of the juice of apples or pears, including, but not limited to, flavored, sparkling or carbonated cider, that contains not less than 1/2 of 1% alcohol by volume and "liquor" has the same meaning as in Title 28-A, section 2, subsection 16.

See title page for effective date.

**CHAPTER 176
H.P. 292 - L.D. 475**

**An Act to Simplify and Clarify
the Licensing of Assisted
Housing Facilities**

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

Sec. 1. 21-A MRSA §753-B, sub-§5, as repealed and replaced by PL 2021, c. 570, §4, is amended to read:

5. Alternate method of absentee voting by residents of certain licensed facilities. Residents of certain nursing homes, residential care facilities and assisted living ~~programs~~ facilities may cast absentee ballots under the provisions of this subsection. This subsection applies to a licensed nursing home subject to the provisions of Title 22, chapter 405; a licensed level IV residential care facility subject to the provisions of Title 22, chapter 1664; and a licensed assisted living ~~program~~ facility with more than 6 beds subject to the provisions of Title 22, chapter 1664. As used in this subsection, "level IV residential care facility" means a residential care facility as defined by Title 22, section 7852, subsection 14 that has a licensed capacity of more than 6 residents.

A. The municipal clerk shall designate one time during the 30-day period prior to an election during which the municipal clerk shall be present in each facility to which this subsection applies in the municipality for the purpose of conducting absentee voting by residents of these facilities. The clerk