

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

citizens into account and must be responsive to them; and

Sec. 4. 23 MRSA §73, sub-§3, ¶H is enacted to read:

H. Ensure opportunity for public input whenever the Department of Transportation or the Maine Turnpike Authority plans to install a solar energy project that will involve the disturbance of more than 1,000 square feet of land area. The department or the authority shall hold a public hearing in the municipality where the solar energy project is to be located.

See title page for effective date.

CHAPTER 178
S.P. 361 - L.D. 864

An Act to Clarify Provisions of
the Maine Good Samaritan
Law

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

Sec. 1. 17-A MRSA §1111-B, sub-§1, ¶A, as enacted by PL 2021, c. 724, §1, is amended by amending subparagraph (11) to read:

(11) Endangering the welfare of a child as described in section 554, subsection 1, paragraph A;

See title page for effective date.

CHAPTER 179
H.P. 559 - L.D. 903

An Act to Establish Parity in
Tipping Laws for Restaurant
Workers

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

Sec. 1. 26 MRSA §664, sub-§2, ¶D, as enacted by PL 2017, c. 272, §1, is amended to read:

D. That all tips received by the affected employee must be retained by the employee, except for a valid tip pooling arrangement limited to employees who customarily and regularly receive tips in accordance with subsection 2-A;

Sec. 2. 26 MRSA §664, sub-§2-A, as amended by PL 2019, c. 10, §1, is further amended to read:

2-A. Tip pooling. This section may not be construed to prohibit an employer from establishing a valid tip pooling arrangement only among service employees

that does not violate the federal Fair Labor Standards Act of 1938 and regulations made pursuant to that Act as long as:

A. The tip pooling arrangement is only among service employees when the employer uses the tip credit under subsection 2; or

B. The tip pooling arrangement is among a group of employees when the employer pays all employees in the group the minimum hourly wage and does not use the tip credit under subsection 2. An employer may not receive tips from such a tip pool and may not allow supervisors and managers to receive tips from the tip pool.

See title page for effective date.

CHAPTER 180
S.P. 391 - L.D. 920

An Act Regarding Temporary
Transfers of Elver Fishing
Quotas for Medical Reasons

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

Sec. 1. 12 MRSA §6575-L, sub-§1, as corrected by RR 2015, c. 1, §5, is amended to read:

1. Temporary medical transfer requested prior to March 1st. Notwithstanding section 6505-A, subsection 3-A, the commissioner may authorize a temporary medical transfer that permits the holder of an elver fishing license issued under section 6505-A to transfer the entire remaining annual quota allocated to that person at the time the request is made to another person holding an elver fishing license issued under section 6505-A if the following criteria are met:

A. The transferor reported elver landings in the prior fishing year; and

B. The transferor is unable to fish the quota allocated to the transferor because the transferor has experienced a substantial illness or medical condition. The transferor shall provide the commissioner with documentation from a physician describing the substantial illness or medical condition; and

C. The transferor requests a temporary medical transfer in writing before March 1st of the fishing year for which it is being requested, except that the commissioner may adopt rules that provide a method for authorizing a temporary medical transfer requested after March 1st to address emergency medical conditions.

The commissioner may adopt rules that provide that a transferor may choose to retain the income and tax burden from the sale of the transferor's transferred quota or

that the transferor may choose to allow the license holder receiving the transferor's quota to retain the income and assume the tax burden of the sale of the transferred quota.

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 181
H.P. 594 - L.D. 947**

**An Act to Support the
Distribution of Free Summer
Lunches for Children**

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

Sec. 1. 20-A MRSA §6602, sub-§5, as amended by PL 2011, c. 379, §6, is further amended to read:

5. Rules. The commissioner shall adopt or amend, with the state board's approval, rules under this subchapter, including rules about the qualifications of food service programs' personnel and rules to implement the federal summer food service program for children under subsection 1, paragraph C. To the extent allowed under federal law, rules adopted under this subchapter must allow for the greatest amount of flexibility in meal times and packaging of meals to send home with students.

See title page for effective date.

**CHAPTER 182
S.P. 434 - L.D. 1065**

**An Act to Improve the
Telecommunications Relay
Services Council by Reducing
Its Membership and Allowing
for the Hiring of an Executive
Director**

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

Sec. 1. 35-A MRSA §8704, sub-§1, as amended by PL 2017, c. 408, §6, is further amended to read:

1. Membership. The council consists of ~~42~~ 11 voting members as follows:

A. The Director of the Division for the Deaf, Hard of Hearing and Late Deafened, Bureau of Rehabilitation Services, Department of Labor, or a designee;

B. The chair of the Commission for the Deaf, Hard of Hearing and Late Deafened established by Title 5, section 12004-J, subsection 17, or a designee;

C. One member from the Public Utilities Commission, appointed by the commissioners;

C-1. One member from the Maine Connectivity Authority, as established in Title 5, section 12004-G, subsection 33-H, appointed by the president of the authority;

D. One member from the office of the Public Advocate, appointed by the Public Advocate; and

E. ~~Eight~~ Six members appointed by the Governor as follows:

(1) One member from the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf;

(2) One member from a statewide association for the deaf;

(3) One member from a disability rights organization in this State;

(4) One member from the largest incumbent local exchange carrier providing telecommunications relay service in this State; and

~~(5) One member of a telephone association in this State, except that the representative under this subparagraph may not be a representative of the carrier under subparagraph (4);~~

(6) Two members from the general public who use telecommunications devices for the deaf that operate in connection with telecommunications relay services as their primary means of telecommunications; and

~~(7) One member representing a company that provides telecommunications relay services through the Internet, wireless telecommunications or cable telecommunications.~~

The executive director shall serve as a nonvoting member of the council in accordance with subsection 3-A, paragraph E.

Sec. 2. 35-A MRSA §8704, sub-§3-A is enacted to read:

3-A. Executive director. The council shall, within its allowable annual budget established by subsection 6, hire a part-time executive director to assist in carrying out the powers and duties of the council. The executive director shall:

A. Assist in the preparation and submission of the budget of the council required pursuant to subsection 6;

B. Prepare and submit the report required pursuant to subsection 8;