

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**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**

C. An assessment of the effectiveness of the oxygen pump benefit and the ventilator benefit with regard to covering only those electric charges directly related to use of an oxygen pump or ventilator by the program participant; and

D. An identification of the sources of funds used for low-income assistance program benefits for the program year.

See title page for effective date.

**CHAPTER 202**

**H.P. 978 - L.D. 1523**

**An Act to Establish a Qualifying Condition Review Board to Provide Benefits to Certain Service Members**

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

**Sec. 1. 37-B MRSA §503, sub-§9**, as enacted by PL 2021, c. 37, §1, is repealed.

**Sec. 2. 37-B MRSA §504, sub-§4, ¶A-1**, as amended by PL 2021, c. 37, §2, is further amended by amending subparagraph (3) to read:

(3) "Program of general amnesty" does not include the process for upgrading a discharge for state law purposes under section 503, ~~subsection 9~~ 517.

**Sec. 3. 37-B MRSA §517** is enacted to read:

**§517. Qualifying Condition Review Board**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Board" means the Qualifying Condition Review Board established under this section.

B. "Gender identity" has the same meaning as in Title 5, section 4553, subsection 5-C.

C. "Sexual orientation" has the same meaning as in Title 5, section 4553, subsection 9-C.

D. "Veteran" means a person who served in the United States Armed Forces, the reserve components of the United States Armed Forces, the Maine National Guard or the Active Guard Reserve.

**2. Board established.** The Qualifying Condition Review Board is established to review applications submitted by veterans under this section.

**3. Board composition; terms; chair; compensation; meetings.** The director shall appoint 3 members to serve on the board. Board members must have clinical experience working with veterans who have been

discharged or are at risk of discharge based on a circumstance listed in subsection 4. Members of the board serve a term of 3 years. The director shall appoint a member to fill a vacancy on the board. The director shall designate one of the members as the chair of the board. The members of the board serve without compensation. The board shall meet at least monthly or as often as determined to be necessary by the chair of the board.

**4. Application.** A veteran who receives an other than honorable discharge may file an application for eligibility for rights, privileges and benefits granted to veterans under state law if the veteran believes the discharge characterization was based on:

A. The veteran's sexual orientation, gender identity or gender expression;

B. Conduct associated with a diagnosis of post-traumatic stress disorder or acquired brain injury; or

C. Conduct or circumstances relating to being a victim of military sexual assault.

A veteran filing an application under this section may include evidence supporting the veteran's claim that the discharge characterization was based on a reason described in this subsection.

The bureau shall prescribe an application form to be used for purposes of this subsection and make that form available on the bureau's publicly accessible website along with instructions for filing the application.

**5. Review of application.** The board shall review each application submitted and render a recommendation to the director as to whether the reason cited in the application was more likely than not the primary reason for the other than honorable discharge. The board shall review each application not later than the 30th day after the date the board receives the application and render a written recommendation to the director not later than the 30th day after the date of the review. The director shall issue a written decision not later than the 10th day after the date the director receives the board's recommendation, approving or denying the application. If the director approves the application, the veteran is eligible for rights, privileges and benefits granted to veterans under state law. A veteran aggrieved by the director's decision may file a request for reconsideration with the director not later than the 15th day after the date of the director's decision. The veteran may include supplemental documentation in support of the request for reconsideration. The director shall provide due consideration to the request for reconsideration and render a decision not later than the 10th day after the day the director receives the request for reconsideration. The director's decision with regard to the reconsideration is a final decision by the Maine Bureau of Veterans' Services and may be appealed by filing a complaint in the Superior Court.

6. Rules. The bureau may adopt rules to implement this section. Rules adopted in accordance with this subsection are routine technical rules as described under Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 203  
H.P. 1054 - L.D. 1644**

**An Act to Permit the  
Expenditure of Accumulated  
Tax Increment Revenues**

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

**Sec. 1. 30-A MRSA §5227, sub-§4** is enacted to read:

**4. Remaining funds.** This subsection governs remaining tax increment funds.

A. Any tax increment revenues remaining in the development sinking fund account established under subsection 3, paragraph A on the date the development district ends may be retained in the development sinking fund account and used only to pay debt service on bonds and notes issued under section 5231 and the financial plan.

B. Any tax increment revenues remaining in the project cost account established under subsection 3, paragraph A on the date the development district ends may be retained in the project cost account for a period of 3 years from the date the development district ends and used only to pay approved project costs that are described in the development program.

C. Any tax increment revenues remaining in the development sinking fund account or the project cost account established under subsection 3, paragraph A after the expiration of the time periods described in paragraphs A and B must be returned to the municipal or plantation general fund and a corresponding tax shift adjustment must be implemented with the Department of Administrative and Financial Services, Bureau of Revenue Services.

See title page for effective date.

**CHAPTER 204  
H.P. 1109 - L.D. 1730**

**An Act to Implement Changes  
to the Laws Relating to Judicial  
Separation and Divorce  
Regarding Preliminary  
Injunctions as Recommended  
by the Family Law Advisory  
Commission**

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

**Sec. 1. 19-A MRSA §852**, as amended by PL 2021, c. 647, Pt. B, §44 and affected by §65, is further amended to read:

**§852. Preliminary injunction, effect; attachment or trustee process**

**1. Issue Issuance of preliminary injunction by the court; service; contents; effect.** ~~In all actions for judicial separation the clerk of the court, pursuant to order of,~~ the District Court, shall issue a preliminary injunction ~~order~~ in the following manner.

A. The preliminary injunction must bear the signature or facsimile signature of the clerk, be under the seal of the court, and contain the name of the court issuing the preliminary injunction and the names of the parties ~~and state the name and address of the plaintiff's attorney.~~ If the plaintiff is represented, the preliminary injunction must also state the name and address of the plaintiff's attorney. The preliminary injunction may be obtained in blank from the clerk ~~and must be filled out by the plaintiff's attorney for a fee.~~ The plaintiff or the plaintiff's attorney is responsible for serving this shall serve the preliminary injunction, along with the summons and complaint, on the defendant along with the summons and complaint.

B. The preliminary injunction must be directed to each party to the action and must ~~contain the following orders~~ order that, unless the parties otherwise agree in writing or unless the court orders otherwise:

(1) ~~That~~ Except as specifically allowed by paragraph B-1, each party is ~~enjoined~~ prohibited from damaging, destroying, transferring, encumbering, concealing, selling or otherwise disposing of the any property of owned or claimed by either or both of the parties, except in the usual course of business or for the necessities of life, without the written consent of the parties or the permission of the court; regardless of whose name the property is in or who holds title to the property. Violations of this subparagraph include but are not limited to the following: