

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

Sec. 3. 22 MRSA §2147, sub-§14, as enacted by PL 2013, c. 336, §3, is amended to read:

14. Registered nurse educators. Registered nurse educators; and

Sec. 4. 22 MRSA §2147, sub-§15 is enacted to read:

15. Certified nurse practitioners. Services provided directly by certified nurse practitioners.

See title page for effective date.

CHAPTER 268

S.P. 794 - L.D. 1951

An Act Regarding Marine Finfish Aquaculture

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

Sec. 1. 12 MRSA §6072, sub-§2, ¶E, as amended by PL 2005, c. 535, §1, is further amended to read:

E. Except as provided in subsection 13-A, the lease does not result in a person being a tenant of any kind in leases covering an aggregate of more than 500 acres; ~~and~~

Sec. 2. 12 MRSA §6072, sub-§2, ¶F, as enacted by PL 1987, c. 453, §1, is amended to read:

F. No single lease may exceed 100 acres in size; and

Sec. 3. 12 MRSA §6072, sub-§2, ¶G is enacted to read:

G. A lease may not be issued for aquaculture of salmonid species if the proposed stocking density of pens in the lease area exceeds 30 kilograms per cubic meter.

See title page for effective date.

CHAPTER 269

S.P. 543 - L.D. 1378

An Act Regarding Liquor Service by Catering Services for Special Events at Licensed Wineries, Small Wineries, Breweries, Small Breweries, Distilleries and Small Distilleries

Emergency preamble. **Whereas**, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the summer season is approaching, which is the busiest time for weddings and other special events to be held at wineries, small wineries, breweries, small breweries, distilleries and small distilleries; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 28-A MRSA §1076, sub-§11 is enacted to read:

11. Provision of liquor at wineries, small wineries, breweries, small breweries, distilleries or small distilleries. A qualified catering service may provide the service of liquor at a function or event on the premises of a winery, small winery, brewery, small brewery, distillery or small distillery licensed under section 1355-A as long as the qualified catering service complies with the provisions in subsection 7. A winery, small winery, brewery, small brewery, distillery or small distillery licensed under section 1355-A may host on the premises a function or event under this section up to 4 times in a 7-day period.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 23, 2023.

CHAPTER 270

S.P. 602 - L.D. 1481

An Act Regarding Clearance for Occupancy Under the Lead Poisoning Control Act

Emergency preamble. **Whereas**, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this Act needs to take effect prior to the expiration of the 90-day period because there is a shortage of housing available in the State, which makes it difficult to find alternative housing for occupants of residential dwelling units that are undergoing lead abatement activities that require the occupants to be displaced from their units; and

Whereas, this Act authorizes the Department of Health and Human Services to waive a prohibition on renting an owner-occupied residential building of 3 dwelling units or less that has been ordered to be cleared of harmful lead-based substances and is vacant; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 22 MRSA §1322, as amended by PL 2023, c. 82, §2, is further amended to read:

§1322. Child occupants

A person may not knowingly rent a dwelling that has been posted and ordered cleared of harmful lead-based substances in accordance with section 1321, except when waived by the department in accordance with this section. In circumstances where the presence of lead-based paint or building materials is unsuspected and becomes known when the dwelling is already rented to a family with children, the family of the children may not be evicted for that reason and the owner and occupant of the dwelling must be given written notice by the department advising of the existence of lead-based substances in the dwelling and ordering that within 30 days the lead-based substances be removed, replaced or securely and permanently covered.

Until the owner brings any residential dwelling or premises into compliance with this Act while a tenant is occupying a dwelling unit, the owner shall move the tenant to a substitute dwelling unit upon reasonable notice. The department may, on a case-by-case basis, waive this requirement if the department determines that the implementation of actions to reduce lead exposure or interim controls sufficiently protects the residents of the unit until full abatement is achieved. Pursuant to section 1321, subsection 3-A, the department may order the owner to implement lead exposure reduction actions or interim controls as determined by the department with reasonable notice. The owner shall pay reasonable moving expenses and any use and occupancy charges for a substitute dwelling unit that exceed the rent for the vacated dwelling unit for which the tenant remains responsible. "Substitute dwelling unit" means a dwelling unit of like or similar accommodation and in like or similar location that is lead-safe. If the tenant fails to accept the substitute dwelling unit selected by the owner while the owner is required to bring the vacated dwelling unit into compliance with this Act or the tenant fails to remain current in rent pursuant to the lease or tenancy at will under Title 14, section 6002, including the statutory period of right to cure, the owner is not obligated beyond 10 days after completion of remediation to reimburse the tenant for any expense or inconvenience other than moving expenses and any use and occupancy charges for the substitute dwelling unit selected by the owner that exceed the rent for the vacated dwelling unit.

The department may, on a case-by-case basis, waive the prohibition on renting and permit the owner of an owner-occupied residential dwelling of 3 dwelling units or fewer for which lead-based substances have been ordered to be removed, replaced or securely and permanently covered in accordance with section 1321 to rent a vacant unit or units in that residential dwelling before full abatement of the dwelling is achieved if the department determines that residents may be sufficiently protected from lead-based substances in the dwelling.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 23, 2023.

CHAPTER 271

S.P. 738 - L.D. 1822

An Act to Amend the Specialty License Plate Laws and Extend the Moratorium on Approval of Specialty License Plates and Remove the Authority of Municipalities to Issue Driver's Licenses

Emergency preamble. **Whereas**, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the moratorium on the Department of the Secretary of State, Bureau of Motor Vehicles' approval of specialty license plates or recognition license plates expires July 14, 2023; and

Whereas, this legislation extends that moratorium until June 30, 2024; and

Whereas, without this legislation taking effect immediately, there will be a period of time when no moratorium is in effect, which is not the intended effect of this legislation; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 29-A MRSA §201, sub-§1, as amended by PL 2017, c. 229, §9, is further amended to read:

1. Appointment of agents by Secretary of State; scope of authority. With the approval of the municipal officers, the Secretary of State may appoint a municipal