

# 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.**

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**Augusta, Maine**  
**2023**

**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

tax collector, or other persons designated by a municipality, to collect excise taxes on vehicles and to receive applications for ~~noncommercial driver's license renewals and duplicates, nondriver identification card renewals and duplicates and~~ new registrations and renewals of registrations of motor vehicles, trailers and semitrailers. The Secretary of State may authorize a municipal agent to issue ~~renewals and duplicates of noncommercial driver's licenses, nondriver identification cards,~~ new registrations and renewals of registrations or may limit the agent's authority to the issuance of renewals only.

**Sec. 2. 29-A MRSA §201, sub-§3**, as amended by PL 2019, c. 255, §1, is further amended to read:

**3. Service fees.** Municipal agents appointed in accordance with subsection 1 may charge service fees for registrations and renewals of ~~licenses and~~ registrations as follows.

A. A municipal agent may charge an applicant a fee ~~not to exceed \$3 over the required fee for each renewal of a noncommercial driver's license or nondriver identification card issued and~~ a fee not to exceed \$5 over the required fee for each renewal of a registration issued and a fee not to exceed \$6 over the required fee for each new registration issued.

B. In a municipality in which agents are authorized to issue ~~registrations or renewals of noncommercial driver's licenses, nondriver identification cards or~~ registrations for applicants from another municipality or from an unorganized territory, the agent may charge those applicants \$1 in addition to the fees authorized by this subsection for each registration or renewal.

C. A municipal agent authorized to issue temporary registration permits may charge an applicant a fee not to exceed \$1 over the required permit fee.

D. A municipal agent authorized to process permits and decals for vehicles with gross vehicle weight in excess of 6,000 pounds may charge a fee not to exceed \$1 over the required fee for each permit or decal issued.

E. A municipal agent may charge a fee not to exceed \$1 over the required fee for the issuance of a duplicate registration, ~~duplicate noncommercial driver's license or duplicate nondriver identification card.~~

G. A municipal agent may charge an applicant a fee not to exceed ~~\$1~~ \$2 over the required fee when an applicant is requesting issuance of a set of plates designated as specialty license plates by the Secretary of State to replace previously issued plates.

H. The Secretary of State may authorize municipal agents to charge a fee not to exceed \$1 over the required fee for other transactions that the municipal agent carries out on behalf of the Secretary of State and that are not listed in this subsection.

The municipality may retain all service fees authorized in this subsection.

**Sec. 3. 29-A MRSA §456-C, sub-§4**, as enacted by PL 2007, c. 240, Pt. LLLL, §2, is amended to read:

**4. Issuance.** The Secretary of State shall issue a sportsman registration plate in ~~a number or letter sequence or~~ a combination of a number and letter sequence.

**Sec. 4. 29-A MRSA §456-D, sub-§4**, as repealed and replaced by PL 2007, c. 703, §7, is amended to read:

**4. Design.** A sponsor must submit a design for the We Support Our Troops plates to the Secretary of State for approval or modification in accordance with section 468, subsection ~~§~~ 1-B. The design must include the shape of the boundaries of the State of Maine, with an image of a curled ribbon superimposed over the shape of the State, with the words "We Support Our Troops" printed along the bottom of the plate. The Secretary of State shall provide the final design to the joint standing committee of the Legislature having jurisdiction over transportation matters prior to manufacture of the plates. The Secretary of State shall issue upon request We Support Our Troops plates that are also vanity plates. We Support Our Troops plates are issued in accordance with the provisions of this section and section 453.

**Sec. 5. 29-A MRSA §456-F, sub-§6**, as amended by PL 2011, c. 556, §3, is further amended to read:

**6. Duplicate plates.** The Secretary of State shall issue an agriculture education plate in a 3-number and 3-letter combination sequence ~~or in another sequence at the discretion of the Secretary of State.~~ Vanity plates may not duplicate vanity plates issued in another class of plate.

**Sec. 6. 29-A MRSA §468**, as amended by PL 2021, c. 216, §12, is further amended to read:

**§468. Specialty license plate**

The Secretary of State may not issue a specialty license plate until the sponsor has met all of the requirements of this section and the proposed specialty license plate legislation as required in subsection 7 is reviewed by the joint standing committee of the Legislature having jurisdiction over transportation matters and approved by the Legislature. For the purposes of this subchapter, "specialty license plate" means a specially designed registration plate that may be used in place of the regular plate and registration for fundraising purposes. The Secretary of State shall administer a specialty license plate in accordance with the following provisions.

**1. Sponsor.** A person must register with the Secretary of State and receive approval from the Secretary of State as the sponsor of a specialty license plate.

**1-A. Sponsor affiliation.** A sponsor must be affiliated with a state department that is responsible for oversight of the collection and distribution of the contributions collected under subsection 2, paragraph B and not returned pursuant to subsection 2, paragraph C, which, except as provided by subsection 2, must be deposited in an other special revenue account to provide essential services to the public. To obtain preliminary approval in subsection 1-B, the sponsor shall provide documentation to the Secretary of State identifying the state department providing oversight and that department shall submit in writing on departmental letterhead to the Secretary of State that it agrees to oversee the collection and distribution of the contributions.

**1-B. Plate design approval.** This subsection governs the plate design approval process.

A. A sponsor shall submit the documentation under subsection 1-A to the Secretary of State and obtain from the Secretary of State preliminary approval of the proposed specialty license plate design before proceeding with subsection 2.

B. Before preliminarily approving the proposed specialty license plate design, the Secretary of State shall obtain the services of a professional designer, paid by the sponsor, to format the plate to meet the Secretary of State's design requirements and standards. The Secretary of State shall consult with the Maine State Police and the Maine Turnpike Authority to evaluate the human and electronic readability of the plate design.

C. Before manufacturing the specialty license plate, the Secretary of State shall provide the final design for a specialty license plate to the joint standing committee of the Legislature having jurisdiction over transportation matters for review.

**2. Names, signatures and payment.** The Secretary of State may not manufacture an authorized specialty license plate unless the sponsor:

A. Provides to the Secretary of State a list with ~~2,000~~ 4,000 names, dated signatures and current plate numbers of supporters who have physically signed a statement on paper declaring they intend to purchase and display the specialty license plate; and

B. Collects from each supporter who signs the statement an amount of \$25 for each set of plates and provides to the Secretary of State the sum of these contributions in the amount of ~~\$50,000~~ \$100,000, which is nonrefundable; and

C. Informs each supporter that the \$25 contribution will be returned to the supporter within 90 days

if the requirements in subsection 7 are not met within one year.

The Secretary of State shall deposit the ~~\$50,000~~ \$100,000 provided under paragraph B in the Specialty License Plate Fund established under section 469.

**3-A. Credit receipts voucher.** The Secretary of State shall provide ~~2,000 credit receipts to the sponsor to provide to each supporter~~ a voucher to each of the 4,000 supporters that contributed \$25. The credit receipt voucher may be used only to obtain one set of specialty license plates.

**3-B. Registration fee.** The fee for the specialty license plate is in addition to the regular motor vehicle registration fee required by section 501 and the excise tax required by Title 36, section 1482.

**3-C. Fee; credit to funds.** This subsection governs the funding distribution for specialty license plates approved for issuance after June 30, 2024. In addition to the regular motor vehicle registration fee prescribed by law for the particular class of vehicle registered, the initial fee for the specialty license plates is \$20, which must be deposited with the Treasurer of State and credited as follows:

A. Ten dollars to the other special revenue account under subsection 1-A for purposes specified in the account description;

B. Nine dollars to the Highway Fund for administrative and production costs; and

C. One dollar to the Specialty License Plate Fund established under section 469.

**3-D. Renewal fee.** This subsection governs the funding distribution for renewals of specialty license plates after June 30, 2024. In addition to the regular motor vehicle registration fee prescribed by law for the particular class of vehicle registered, the annual renewal fee for the specialty license plates is \$15, which must be deposited with the Treasurer of State and credited as follows:

A. Ten dollars to the other special revenue account under subsection 1-A for purposes specified in the account description;

B. Four dollars to the Highway Fund for administrative and production costs; and

C. One dollar to the Specialty License Plate Fund established under section 469.

**4. Minimum number manufactured.** The Secretary of State shall manufacture a minimum of ~~2,000~~ 4,000 specialty license plates for each specialty license plate authorized under this section.

**5. Design approval.** A sponsor must submit a proposed design for a specialty license plate for approval or modification by the Secretary of State. The joint

~~standing committee of the Legislature having jurisdiction over transportation matters shall review the final design for a specialty license plate prior to manufacture of the plate.~~

**6. Numbering, lettering and duplicate plates.** ~~Except as provided in section 456-C, the~~ The Secretary of State shall issue a specialty license plate in a 3-number and 3-letter combination sequence. Plate numbers may not duplicate plates issued in another class of plate. Vanity plates may not duplicate vanity plates issued in another class of plate. This subsection does not apply to a person that holds a specialty license plate with duplicate numbers in another class of plate or a duplicate vanity plate in another class of plate issued in accordance with section 453 prior to July 1, 2023, as long as the person maintains a valid registration with that plate.

**7. Deadline for Secretary of State approval.** ~~The sponsor must submit to the Secretary of State the names, signatures, payment and proposed design for the specialty license plate by September 1st. The signatures must have been collected in-person within 2 years one year of submission to the Secretary of State. Electronically collected signatures may not be accepted. If the design is approved pursuant to subsection 5 requirements of subsections 1, 1-A, 1-B and 2 are met, the Secretary of State shall submit proposed legislation seeking authorization of the specialty license plate to the following regular session of the Legislature.~~

**8. Weight limit.** ~~Except as provided under section 456-F, subsection 7, paragraph B, a specialty license plate under this subchapter may be issued for an automobile or truck that does not exceed 26,000 pounds registered weight. After June 30, 2024, an automobile or truck that is issued a specialty license plate may not exceed 10,000 pounds registered weight.~~

**9. Limit on authorization.** ~~The Secretary of State shall retire and cease to issue any plate authorized after January 1, 2007 if the number of registrations falls below 4,000 for more than one year manage the number of approved specialty license plates in accordance with this subsection.~~

C. When a specialty license plate falls to 4,500 registrations, the Secretary of State shall notify the sponsor and the joint standing committee of the Legislature having jurisdiction over transportation matters of the Secretary of State's intent to retire and cease to issue the specialty license plate if the number of registrations falls below 4,000 for one year. The Secretary of State shall provide the sponsor with monthly updates.

D. The Secretary of State shall retire, cease to issue and replace upon renewal a specialty license plate if the number of registrations falls below 4,000 for more than one year.

E. The Secretary of State shall retire, cease to issue and replace upon renewal a specialty license plate if the entity receiving a distribution of the contributions ceases to operate or does not comply with this section.

F. When the total number of approved specialty license plates reaches 15, the Secretary of State may not approve a specialty license plate sponsor under subsection 1. The sponsor's name and affiliated state department identified pursuant to subsection 1-A must be added to a waiting list in the order of the received requests.

**10. Additional versions or classes of the specialty license plate.** ~~The Secretary of State may not issue a specialty license plate in a motorcycle, trailer or commercial vehicle class if:~~ class other than passenger plates.

A. At least 10,000 sets of the specialty plate have been issued for automobiles and pickup trucks;

B. The sponsor of the specialty plate under this subsection provides a list of 500 names for each class requested, dated signatures and current plate numbers of supporters who have signed a statement declaring they intend to purchase and display the motorcycle, trailer or commercial vehicle class of specialty license plate; and

C. The sponsor collects from each supporter who signs the statement under paragraph B a contribution of \$25 for each set of plates and provides to the Secretary of State the sum of these contributions in the amount of \$12,500, which is nonrefundable.

Upon receipt of the \$12,500 provided under paragraph C, the Secretary of State shall prepare enabling legislation and a proposed plate design for submission to the Legislature and shall deposit the \$12,500 in the Specialty License Plate Fund established under section 469.

Commercial plates issued prior to July 1, 2023 under sections 455 and 456-F are exempt from this subsection.

**11. Affiliated state department.** A sponsor shall provide to the affiliated state department identified pursuant to subsection 1-A an annual independent audit of the other special revenue account. The affiliated state department shall provide to the Secretary of State an annual audit report and an accounting of the contributions received and distributed during that reporting period. The Secretary of State shall provide the report to the joint standing committee of the Legislature having jurisdiction over transportation matters.

**Sec. 7. Resolve 2021, c. 108, §1** is repealed.

**Sec. 8. Moratorium.** The Department of the Secretary of State, Bureau of Motor Vehicles, notwithstanding the Maine Revised Statutes, Title 29-A, sections 468 and 468-A, may not approve any specialty license plate or recognition license plate sponsor to begin

the specialty license plate or recognition license plate signature gathering process, bring forth enabling legislation or otherwise initiate any new designs, redesigns or additional specialty license plates or recognition license plates, other than those already approved and enacted, until June 30, 2025.

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

Effective June 23, 2023.

**CHAPTER 272  
S.P. 37 - L.D. 45**

**An Act to Prevent Retaliatory Evictions**

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

**Sec. 1. 14 MRSA §6001, sub-§3, ¶A,** as amended by PL 2013, c. 324, §1, is further amended to read:

A. Asserted the tenant's rights pursuant to section 6015, 6016, 6021 or section 6030-D;

**Sec. 2. 14 MRSA §6001, sub-§3,** as amended by PL 2019, c. 351, §2, is further amended by amending the 2nd blocked paragraph to read:

~~No~~ A writ of possession may not issue in the absence of rebuttal of the presumption of retaliation.

See title page for effective date.

**CHAPTER 273  
S.P. 121 - L.D. 255**

**An Act Regarding Campaign Finance Reports**

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

**Sec. 1. 21-A MRSA §1017, sub-§3-A, ¶D-1,** as amended by PL 2009, c. 190, Pt. A, §5, is further amended to read:

D-1. Reports must be filed no later than 11:59 p.m. on the 42nd day before the date on which ~~a general~~ an election is held and must be complete as of the 49th day before that date, except that this report is not required for candidates for municipal office, unless required by the municipality. Certified candidates and participating candidates, as defined under section 1122, subsections 1 and 6, respectively,

are not required to file a report on the 42nd day before a primary election pursuant to this section.

See title page for effective date.

**CHAPTER 274  
H.P. 885 - L.D. 1371**

**An Act to Amend Limits on the Direct Shipment of Wine**

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

**Sec. 1. 28-A MRSA §1403-A, sub-§6,** as enacted by PL 2009, c. 373, §1, is repealed.

**Sec. 2. 28-A MRSA §1403-A, sub-§6-A** is enacted to read:

**6-A. Shipment limit.** A direct shipper may not ship a container of wine of less than 250 milliliters and may ship no more than 9,000 milliliters per shipment no more than 12 times to any one recipient address in a calendar year.

See title page for effective date.

**CHAPTER 275  
S.P. 548 - L.D. 1383**

**An Act to Regulate Insurance Carrier Prior Authorization Requirements for Rehabilitative and Habilitative Services**

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

**Sec. 1. 24-A MRSA §4304, sub-§1,** as amended by PL 2007, c. 199, Pt. B, §13, is further amended to read:

**1. Requirements for medical review or utilization review practices.** A carrier ~~must~~ shall appoint a medical director who is responsible for reviewing and approving the carrier's policies governing the clinical aspects of coverage determinations by any health plan that it offers or renews. A carrier's medical review or utilization review practices must be governed by the standard of medically necessary health care as defined in this chapter. A carrier shall provide clear written policies and procedures to providers and enrollees on how to obtain a prior authorization.

**Sec. 2. 24-A MRSA §4304-A** is enacted to read:

**§4304-A. Prior authorization for rehabilitative or habilitative services**