

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

2. Patients and caregivers. The number of qualifying patients and registered caregivers approved in each county;

3. Suspensions or revocations. The number of registry identification cards suspended or revoked;

4. Medical providers. The number of medical providers providing written certifications for qualifying patients;

5. Dispensaries, manufacturing facilities and testing facilities. The number of registered dispensaries, manufacturing facilities and cannabis testing facilities approved in each county;

6. Officers, directors and assistants. The number of officers, directors and assistants of registered caregivers and registered dispensaries, manufacturing facilities and cannabis testing facilities;

7. Medical Use of Cannabis Fund. The revenue and expenses of the Medical Use of Cannabis Fund established in section 2430; and

8. Sales tax revenue. The sales tax revenue from the sale of cannabis for medical use deposited into the General Fund for the current and prior fiscal years.

See title page for effective date.

**CHAPTER 366
H.P. 592 - L.D. 945**

An Act to Allow Maine Families to Increase Their Savings by Changing the Asset Limits for Eligibility for the Temporary Assistance for Needy Families Program

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

Sec. 1. 22 MRSA §3762, sub-§3, ¶A, as enacted by PL 1997, c. 530, Pt. A, §16, is amended to read:

A. The department shall adopt rules as necessary to implement and administer the program. The rules must include eligibility criteria, budgeting process, benefit calculation and confidentiality. For the purpose of determining eligibility for TANF, the department shall impose an asset limit of \$10,000 per family and must exempt from the asset limit one vehicle for each licensed driver in the family. The confidentiality rules must ensure that confidentiality is maintained for TANF recipients at least to the same extent that confidentiality was maintained for families in the Aid to Families with Dependent Children program unless otherwise required by federal law or regulation.

Sec. 2. 22 MRSA §3762, sub-§11, as enacted by PL 1997, c. 530, Pt. A, §16, is amended to read:

11. Treatment of lump sum income. For the purpose of determining eligibility for ~~and the amount of~~ assistance under TANF, the department shall treat any nonrecurring lump sum income received by a family ~~in accordance with this subsection~~ as an asset, and not as ~~income, in the month the lump sum payment is received.~~ To the extent that any nonrecurring lump sum income remains after the month it was received, the department shall continue to consider the income as an asset in accordance with this section.

A. Nonrecurring lump sum income includes, but is not limited to, personal injury awards, lottery winnings, inheritances and similar nonrecurring forms of income. It does not include income earmarked by the payor for particular expenses such as awards or insurance proceeds earmarked for medical expenses, attorney's fees or the replacement of lost property. Proceeds from the conversion of a nonliquid asset to a liquid asset must be treated as an asset and not as nonrecurring lump sum income.

B. ~~Up to \$10,000 of nonrecurring lump sum income must be disregarded as income and excluded as an asset if used for the following purposes within 30 days of its receipt:~~

- ~~(1) Deposit in a separate identifiable account, approved by the department. Withdrawals from such an account may only be for the purposes identified in subparagraphs (2) to (6) and paragraph C;~~
- ~~(2) Expenses for education or job training to attend an accredited or approved postsecondary education or training institution;~~
- ~~(3) The purchase or repair of a home that is the family's principal residence;~~
- ~~(4) The purchase or repair of a vehicle used for transportation to work or to attend an education or training program;~~
- ~~(5) Capital to start a small business for any family member 18 years of age or older; or~~
- ~~(6) Placement in a family development account authorized by state law, to the extent that the total balance of such an account remains below \$10,000.~~

~~C. The department shall disregard from income and exclude as an asset nonrecurring lump sum income used within 30 days of receipt or money withdrawn from an account established pursuant to paragraph B, subparagraph (1) or (6), if it is used for the purposes stated in paragraph B, subparagraphs (2) to (6) or to meet the following needs:~~

~~(1) Health care costs of a household member that are medically necessary and that are not covered by public or private insurance;~~

~~(2) To address an emergency that may cause the loss of shelter, employment or other basic necessities; or~~

~~(3) To address other essential family needs approved by the department.~~

~~D. Nonrecurring lump sum income in excess of the asset limit established in the TANF program that is used for purposes other than those enumerated in paragraphs B or C and nonrecurring lump sum income in excess of \$10,000 plus that asset limit must be counted as income and cause the household to be disqualified from receiving TANF assistance under this chapter. The household is disqualified for a period of months calculated by dividing the income countable under this paragraph by the standard of need established by the department for the household.~~

See title page for effective date.

CHAPTER 367

H.P. 655 - L.D. 1019

An Act Regarding Water Testing Related to Storage Facilities

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

Sec. 1. 23 MRSA §652, sub-§2, as amended by PL 1987, c. 769, Pt. A, §84 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

2. Private water supplies. In the event an owner of land adjacent to a state or state aid highway ~~conceives or hydrogeologically downgradient from a state-owned salt storage facility~~ suspects that a private water supply on that land has been destroyed or rendered unfit for human consumption by the department constructing, reconstructing or maintaining ~~the a state or state aid highway or storing salt in a state-owned salt storage facility,~~ such the owner may apply in writing to the department for a determination of the alleged cause and assessment of the damage and, if ~~such~~ the claim is founded on construction, the owner shall present ~~such~~ the application within 24 months after the completion date of the work as that date appears in the records of the department.

The application ~~shall~~ must set forth the name and address of the owner, the owner's source of title, the location of the property, a description of the damage, the cause to which the damage is attributed and the name and address of any lien holder.

A. If the department determines that it did not cause the alleged damage to ~~such~~ the water supply, a copy of the determination ~~shall~~ must be served by registered or certified mail or by personal service as required for service of a summons on a complaint in the Superior Court.

B. If the department determines that any damage to the privately owned water supply was caused by the department constructing, reconstructing or maintaining the highway or storing salt, a copy of the determination ~~shall~~ must be served by registered or certified mail or by personal service as required for service of a summons on a complaint in the Superior Court and the department shall set forth an offer of settlement ~~which shall be either that offers:~~

- (1) To replace the water supply; ~~or~~
- (2) To repair the damage to the water supply; ~~or~~
- (3) To pay a designated sum of money; or
- (4) To purchase the realty served by the water supply in the event the cost of repair or replacement of the water supply exceeds the appraisal value of the realty.

C. The department may issue rules and regulations in accordance with standards of the Department of Health and Human Services and the United States Department of Health and Human Services, Public Health Service regarding water potability for the determination of the degree of contamination, pollution or fitness for domestic use.

D. The department shall in its determination consider the necessity for installation or replacement of piping, tanks, pumps, heating systems or other related fixtures. ~~The Department of Transportation shall~~ department may not condition installation or replacement on the owner giving possession or title of any privately owned piping, tanks, pumps, heating systems or other related fixtures on ~~his~~ the land to any agency of this State, unless agreed to by the property owner.

E. If the department is unable to settle at what it ~~deems~~ determines to be a reasonable settlement, the department or owner may apply to the State Claims Commission in writing for a determination of the alleged cause and assessment of the damage. The proceedings ~~shall~~ are then ~~be~~ the same as in condemnation cases.

F. This subsection ~~shall~~ does not apply to private water supplies after June 26, 1969 where the location does not allow for or provide for adequate surface drainage.