

# 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**

of the premiums subject to tax under this section is the greater of 3% and the highest rate of taxation that applies to nonadmitted insurance premiums in the state, district or possession of the United States or province of Canada in which the insurer is incorporated. For purposes of this section, an insurance company incorporated in another country is deemed to be incorporated in the state, district or possession of the United States where it has elected to make its deposit and establish its principal agency in the United States. For all coverage placed in accordance with Title 24-A, chapter 19, the tax must be paid by the surplus lines producer. For all other nonadmitted insurance, the tax must be paid by the insured.

**Sec. 2. Retroactivity.** This Act applies retroactively to January 1, 2023.

See title page for effective date.

**CHAPTER 373**

**H.P. 1093 - L.D. 1704**

**An Act Regarding Incarcerated Individuals and Legislative Apportionment**

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

**Sec. 1. 21-A MRSA §1208** is enacted to read:

**§1208. Incarcerated persons**

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

A. "Correctional facility" has the same meaning as in Title 34-A, section 1001, subsection 6.

B. "Residence" has the same meaning as described in section 112, subsection 1.

**2. Counting incarcerated persons for apportionment.** A person whose usual residence is determined by the Federal Decennial Census to be a correctional facility in this State must be counted for apportionment under this chapter as follows.

A. If the records of the Department of Corrections show the person has a residence address in this State immediately prior to incarceration, that address must be considered that person's residence for purposes of apportionment under this chapter.

B. If the records of the Department of Corrections do not show the person's residence address immediately prior to incarceration, or show a residence address immediately prior to incarceration that is not within this State, that person may not be counted for apportionment under this chapter.

**3. Department of Corrections to provide data.** Notwithstanding any provision of law respecting confidentiality to the contrary, the Department of Corrections shall provide to the Legislative Apportionment Commission, to the extent the department possesses or has access to the data, the preincarceration residence address and other demographic data of persons who are incarcerated in a correctional facility as of 12:01 a.m. on the date of the most recent Federal Decennial Census. This demographic data must include but is not limited to the last known complete preincarceration street address of the person, the person's race, age and gender and whether the person is a veteran. The department shall provide this data within 30 days of the first meeting of the commission. The data provided by the department is not a public record and the commission shall institute measures to safeguard its confidentiality and to ensure its safekeeping upon conclusion of the commission's work.

**4. Construction.** This section may not be construed to affect the population count in any geographical area for any purposes other than apportionment.

See title page for effective date.

**CHAPTER 374**

**S.P. 751 - L.D. 1850**

**An Act Relating to Energy Storage and the State's Energy Goals**

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

**Sec. 1. 35-A MRSA §3145**, as amended by PL 2021, c. 676, Pt. A, §49, is further amended to read:

**§3145. State energy storage policy goals**

The state goal for energy storage system development is at least 300 megawatts of installed capacity located within the State by December 31, 2025 and at least 400 megawatts of installed capacity located within the State by December 31, 2030. Beginning January 1, ~~2031~~ 2024, and every 2 years thereafter, the Governor's Energy Office established in Title 2, section 9 ~~shall set~~ may reevaluate and increase the state goal for energy storage system development and report that goal to the joint standing committee of the Legislature having jurisdiction over energy and utilities matters. For the purposes of this section, "energy storage system" has the same meaning as in section 3481, subsection 6.

**Sec. 2. Maine energy storage program development.** The Governor's Energy Office, established in the Maine Revised Statutes, Title 2, section 9, referred to in this section as "the office," shall, in consultation with the Public Utilities Commission, evaluate designs for a program to procure commercially avail-