

# 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**

sell or distribute as a new manufactured product a compact fluorescent mercury-added lamp or a linear fluorescent mercury-added lamp. The prohibition in this subsection does not apply to the following:

A. A mercury-added lamp that is designed and marketed exclusively for image capture and projection, including:

- (1) Photocopying;
- (2) Printing, directly or in preprocessing;
- (3) Lithography;
- (4) Film or video projection; or
- (5) Holography;

B. A mercury-added lamp that has a high proportion of ultraviolet light emission and that:

- (1) Has ultraviolet power greater than 2 milliwatts per kilolumen;
- (2) Is designed for germicidal use, including the destruction of deoxyribonucleic acid, or DNA, that emits a peak radiation of approximately 253.7 nanometers;
- (3) Is designed and marketed exclusively for disinfection or fly trapping and from which:
  - (a) The radiation power emitted between 250 and 315 nanometers represents at least 5% of the total radiation power emitted between 250 and 800 nanometers; or
  - (b) The radiation power emitted between 315 and 400 nanometers represents at least 20% of the total radiation power emitted between 250 and 800 nanometers;
- (4) Is designed and marketed exclusively for the generation of ozone and that has the primary purpose of emitting radiation at approximately 185.1 nanometers;
- (5) Is designed and marketed exclusively for coral zooxanthellae symbiosis and from which the radiation power emitted between 400 and 480 nanometers represents at least 40% of the total radiation power emitted between 250 and 800 nanometers; or
- (6) Is designed and marketed exclusively for use in a sunlamp product, as defined in 21 Code of Federal Regulations, Section 1040.20(b)(9) as in effect on January 1, 2024;

C. A mercury-added lamp designed and marketed exclusively for use in medical or veterinary diagnosis or treatment or in a medical device;

D. A mercury-added lamp designed and marketed exclusively for use in the manufacturing or quality control of pharmaceutical products;

E. A mercury-added lamp designed and marketed exclusively for spectroscopy and photometric applications, including, but not limited to, ultraviolet-visible spectroscopy, molecular spectroscopy, atomic absorption spectroscopy, nondispersive infrared spectroscopy, Fourier transform infrared spectroscopy, medical analysis, ellipsometry, layer thickness measurement, process monitoring or environmental monitoring;

F. A mercury-added lamp designed and marketed exclusively for use by academic and research institutions for conducting research projects and experiments; or

G. A compact fluorescent mercury-added lamp that is used to replace a lamp in a motor vehicle that was manufactured on or before January 1, 2020.

The department may investigate complaints received regarding potential violations of this subsection and, as a result of those investigations, may enforce this subsection in accordance with sections 347-A and 349, but the department is not required to conduct compliance inspections of locations where mercury-added lamps or other light sources are sold or distributed, conduct outreach or education activities related to the prohibition in this subsection or engage in any other regulatory or enforcement activities related to the prohibition in this subsection.

See title page for effective date.

**CHAPTER 385**

**H.P. 643 - L.D. 1007**

**An Act to Ban the Video  
Hosting Service TikTok on All  
State-owned Devices**

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

**Whereas**, employees of the State are issued computers, cellular telephones and other necessary electronic devices to carry out their duties in their employment by the State; and

**Whereas**, certain software applications and programs such as TikTok represent a potential security risk as they may contain hidden and unknown capabilities to install spyware or otherwise compromise the integrity and security of official state communications and business that may be contained on state computers and devices; and

**Whereas**, employees of the State may have currently installed or used TikTok or other concerning software applications and programs in the absence of a policy or official restrictions against doing so; 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. 5 MRSA §20-A, sub-§4 is enacted to read:

4. TikTok ban. A computer or other electronic device owned or controlled by any branch of State Government may not be used to access, contain or download the video hosting service known as TikTok, except as necessary for life, health, safety or investigative purposes in accordance with a policy adopted by a state agency. For purposes of this section, "electronic device" has the same meaning as in Title 16, section 647, subsection 3.

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

Effective July 6, 2023.

CHAPTER 386

H.P. 221 - L.D. 347

An Act Regarding In-court Appearance Requirements for Persons Authorized to Serve Eviction Notices

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

Sec. 1. 14 MRSA §6001, sub-§7 is enacted to read:

7. Service of notice. If a notice served pursuant to this section, section 6002, section 6025 or Title 10, section 9097 is served by a person authorized to make service under section 702 or 703, that notice is admissible in evidence for the purpose of proving service occurred and the person who provided service may attend the court hearing remotely if that person is required to testify to the service of the notice.

See title page for effective date.

CHAPTER 387

S.P. 215 - L.D. 461

An Act Regarding Private Ways and Private Roads

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

Sec. 1. 23 MRSA §3101, sub-§1, ¶B, as amended by PL 2013, c. 198, §1, is further amended to read:

B. "Repairs and maintenance" does not include paving, except in locations where pavement does not exist if approved by an affirmative vote of at least 3/4 of the owners of all the parcels benefited by the private road, private way or bridge at a meeting called in accordance with subsection 2 or in locations where limited paving is demonstrated to be a cost-effective approach for fixing an erosion problem or to repair and maintain pavement existing as of July 1, 2007 for at least 8 years. "Maintenance" includes, but is not limited to, snowplowing, snow removal, sanding and ice control; grading and adding gravel and surface material; installing reclaimed asphalt or grinding existing pavement for reuse; installing, cleaning and replacing culverts; creating and maintaining ditches, drains and other storm water management infrastructure; creating and maintaining sight distances on curves and at intersections; and cutting brush, trees and vegetation in the right-of-way.

Sec. 2. 23 MRSA §3103, as amended by PL 2013, c. 198, §9, is repealed and the following enacted in its place:

§3103. Contracts for repair; reserve accounts

The owners, at a meeting held under section 3101, may by a majority vote of the owners present and voting in person or by written proxy or absentee ballot authorize:

- 1. Contract for repair. A contract for repairs or maintenance to the private road, private way or bridge by the year or for a lesser time and may raise money for that purpose pursuant to section 3101, subsection 5; and
2. Reserve account. A reserve account to be established to hold funds solely to be used for repairs and maintenance.

Sec. 3. 23 MRSA §3104, as amended by PL 2017, c. 306, §1, is further amended to read:

§3104. Penalties and process

Money recovered under sections 3102 and 3103 is for the use of the owners. In any notice of claim or process for the money's recovery, a description of the owners as owners of parcels of land benefited by the private road, private way or bridge by name, clearly describing each owner's parcel of land by the book and page number of the owner's deed as recorded in the county's registry of deeds and the private road, private way or bridge, is sufficient. If the private road, private way or bridge is shown on a plan recorded in the county's registry of deeds, the plan's recording reference is sufficient. Such process is not abated by the death of any owner or by the transfer of any owner's interest. Any money owed pursuant to section 3101, 3102 or 3103 is