

# 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**

A. Provisions for ensuring that the activity will generate only mine waste that does not have the potential to create acid rock drainage, alkali rock drainage or drainage or other discharges that could cause violations of water quality criteria or standards other than sedimentation or turbidity and will not release or expose radioactive or other materials that could endanger human health or the environment. The provisions under this paragraph must include, but are not limited to, preextraction sampling requirements;

B. Provisions for ensuring that the activity, if excluded from the requirements of this article, is subject to requirements of article 6, article 7, article 8-A or Title 12, chapter 206-A as applicable, including, but not limited to, applicable requirements and standards under those laws regarding the effect of the activity on wildlife habitat and other protected natural resources; and

C. Provisions for requiring monitoring as necessary to demonstrate compliance with applicable standards and to protect water quality and human health during and after the activity.

An activity excluded from the requirements of this article as determined by the department pursuant to this subsection is not subject to the otherwise applicable requirements of this article, the otherwise applicable rules adopted pursuant to this article, except for those rules adopted by the department pursuant to this subsection, or the fees for metallic mineral mining set forth in section 352, subsection 4-A. Rules adopted by the department pursuant to this subsection are major substantive rules, as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 5. 38 MRSA §490-NN, sub-§5** is enacted to read:

**5. Mining excise tax.** A person engaging in mining activities pursuant to this article and a person, pursuant to article 6, article 7, article 8-A or Title 12, chapter 206-A, engaging in activities described in section 490-MM, subsection 11, paragraph D following a determination by the department under subsection 4 is subject to the mining excise tax under Title 36, chapter 371. A person engaging in the activities described in section 490-MM, subsection 11, paragraphs A to C is not subject to the mining excise tax under Title 36, chapter 371.

See title page for effective date.

**CHAPTER 399  
S.P. 278 - L.D. 720**

**An Act to Expand Eligibility  
for Supervised Community  
Confinement for Prisoners with  
a Prognosis Likely to Result in  
an Incapacitating Medical  
Condition**

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

**Sec. 1. 34-A MRSA §3036-A, sub-§10**, as amended by PL 2021, c. 376, §5, is further amended to read:

**10. Terminally ill or incapacitated prisoner.** With the consent of the prisoner, the commissioner may transfer a prisoner committed to the department from a correctional facility to supervised community confinement without meeting the eligibility requirements of subsection 2, paragraphs B and C and without meeting the criteria or fulfilling the process provided for under subsection 2-A if the department's director of medical care has determined that the prisoner has a terminal or severely incapacitating medical condition or has a worsening prognosis that is likely to result in a terminal or severely incapacitating medical condition and that care outside a correctional facility is medically appropriate. Except as set out in this subsection, the prisoner must live in a hospital or other appropriate care facility, such as a nursing facility, residential care facility or a facility that is a licensed hospice program pursuant to Title 22, section 8622, approved by the commissioner. As approved by the commissioner, the prisoner may receive hospice services from an entity licensed pursuant to Title 22, chapter 1681, subchapter 1 or other care services provided by an entity approved by the commissioner and, subject to approval by the commissioner, may live at home while receiving these services. The commissioner may exempt a prisoner transferred to supervised community confinement pursuant to this subsection from any mandatory condition under subsection 3 that the commissioner determines to be inapplicable. The prisoner shall provide any information pertaining to the prisoner's medical condition or care that is requested by the commissioner at any time while the prisoner is on supervised community confinement. If the commissioner determines that the prisoner has failed to fully comply with a request or if at any time the department's director of medical care determines that the prisoner does not have a terminal or severely incapacitating medical condition or that care outside a correctional facility is not medically appropriate, the commissioner shall revoke the transfer to supervised community confinement.

**Sec. 2. 34-A MRSA §3036-A, sub-§13**, as enacted by PL 2021, c. 376, §7, is amended to read:

13. **Data tracking.** The department shall track data for all prisoners who apply for supervised community confinement and approval, denial and, if approved, completion of the program. Such data must include, but is not limited to, demographic data regarding race and ethnicity, gender, age and convictions leading to the prisoner's current incarceration. The department shall publish on its publicly accessible website the data tracked pursuant to this subsection in a manner that does not violate the confidentiality requirements of section 1216 or any other provision of state or federal law.

See title page for effective date.

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**CHAPTER 400**  
**S.P. 328 - L.D. 769**

**An Act to Reduce the Enrollment Requirement for Minor Political Parties That Seek Official Party Status**

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

**Sec. 1. 21-A MRSA §301, sub-§1, ¶E,** as amended by PL 2021, c. 335, §1, is further amended to read:

E. The party's candidate for Governor or for President received at least 5% of the total votes cast in the State for Governor or for President in the last preceding gubernatorial or presidential election or at least ~~10,000~~ 5,000 voters were enrolled in the party as of the last general election, except that a qualified party does not have to meet the requirements of this paragraph until the 2nd general election after it has qualified and thereafter.

See title page for effective date.

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**CHAPTER 401**  
**S.P. 323 - L.D. 764**

**An Act to Ensure That Effective Dates of First Special Session Direct Initiatives of Legislation Will Occur After the November 2023 Election**

**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 Constitution of Maine, Article IV, Part Third, Section 18 provides that the electors may propose to the Legislature, for its consideration, any bill, resolve or resolution by written petition, and the Maine Revised Statutes, Title 21-A, chapter 11 sets out

the procedure for such a people's direct initiative of legislation; and

**Whereas,** 4 direct initiatives were introduced during the First Special Session of the 131st Legislature; and

**Whereas,** 3 of those direct initiatives concern participation in the political process; and

**Whereas,** unless enacted by the Legislature without change, those direct initiatives will be presented to voters on the general election to be held on November 7, 2023; and

**Whereas,** participation in elections may entail "core political speech" protected by the First Amendment to the United States Constitution; and

**Whereas,** the Legislature desires to consider enacting one or more of the direct initiatives without change during the First Special Session of the 131st Legislature without affecting participation in the November general election; and

**Whereas,** the effective date of any direct initiative enacted during the First Special Session of the 131st Legislature, which is 90 days after adjournment, may occur during the November election cycle, which may result in a change to the election rules in the middle of an election and thereby affect participation in the November general election; and

**Whereas,** this Act seeks to delay the effective date of any direct initiative enacted during the First Special Session until after the November 2023 election in order to not affect participation in this election, but not to otherwise change the direct initiatives as proposed to the Legislature by the electors; 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. Effective date.** Notwithstanding any provision of law to the contrary, bills enacted during the First Special Session of the 131st Legislature that are direct initiatives of legislation pursuant to the Constitution of Maine, Article IV, Part Third, Section 18 and are identified as L.D. 1610, "An Act to Prohibit Campaign Spending by Foreign Governments and Promote an Anticorruption Amendment to the United States Constitution," L.D. 1611, "An Act to Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility," and L.D. 1772, "An Act to Require Voter Approval of Certain Borrowing by Government-controlled Entities and Utilities and to Provide Voters More Information Regarding That Borrowing," have an effective date of January 1, 2024, unless the direct initiative provides for an