

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

~~must include a process for notifying the voter that if the voter moves out of the municipality, that voter's status as an ongoing absentee voter in that municipality terminates.~~ A voter may obtain assistance in completing an application for ongoing absentee voter status pursuant to subsection 5.

B. The clerk or Secretary of State shall terminate a voter's ongoing absentee voter status only upon:

- (1) The written request of the voter;
- (2) The death or disqualification of the voter;
- (3) The cancellation of the voter's registration record in the central voter registration system;
- (4) The return of an absentee ballot as undeliverable; or
- ~~(5) The failure of the voter to vote by absentee ballot for a general election; or~~
- (6) The designation of the voter's status as inactive in the central voter registration system.

This subsection does not apply to uniformed service voters or overseas voters who are covered by the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 United States Code, Section 20302 (2019).

Sec. 2. Effective date. This Act takes effect December 31, 2025.

Effective December 31, 2025.

**CHAPTER 405
H.P. 1289 - L.D. 2010**

**An Act to Correct
Inconsistencies, Conflicts and
Errors in the Laws of Maine**

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

Whereas, acts of this and previous Legislatures have resulted in certain technical inconsistencies, conflicts and errors in the laws of Maine; and

Whereas, these inconsistencies, conflicts and errors create uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary that these uncertainties and this confusion be resolved in order to prevent any injustice or hardship to the citizens of Maine; 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:

PART A

Sec. A-1. 3 MRSA §995, sub-§5, as enacted by PL 2005, c. 682, §1, is amended to read:

5. Coordination with State Auditor; complaints alleging fraud, waste, inefficiency or abuse. The director may access confidential information disclosed by the State Auditor under Title 5, section ~~244-D~~ 244-E, subsection 3 in order to ensure appropriate agency referral or coordination between agencies to respond appropriately to all complaints made under Title 5, section ~~244-D~~ 244-E.

Sec. A-2. 4 MRSA §116, first ¶, as amended by PL 2021, c. 676, Pt. B, §1, is further amended to read:

All revenue received by the Supreme Judicial Court or Superior Court, whether directly or pursuant to an agreement entered into with the Department of Administrative and Financial Services, Bureau of Revenue Services, from fines, forfeitures, penalties, fees and costs accrues to the State, except as otherwise provided under section 1057; Title 7, section 3910-A; Title 12, section 10203; Title 17, section 1015; Title 23, section 1653; Title 29-A, section 2602; and Title 34-A, section ~~1210-D~~ 1210-E, subsection ~~§ 8~~.

Sec. A-3. Effective date. That section of this Part that amends the Maine Revised Statutes, Title 4, section 116 takes effect July 1, 2023.

Sec. A-4. 4 MRSA §163, sub-§1, as amended by PL 2021, c. 676, Pt. B, §2, is further amended to read:

1. District Court funds. Except as otherwise provided by law, all fines, forfeitures, surcharges, assessments and fees collected in any division of the District Court or by the violations bureau must be paid to the clerk of that District Court, who shall deposit them in a special account in a timely manner. Once each month, the clerk shall remit the sums to the Treasurer of State, who shall credit them to the General Fund. At the same time, the clerk shall remit the sums that have been collected in accordance with section 1057; Title 5, chapter 316-A; Title 7, section 3910-A; Title 17, section 1015; Title 29-A, section 2411, subsection 7; and Title 34-A, section ~~1210-D~~ 1210-E, subsection ~~§ 8~~. Funds received by the clerk as bail in criminal cases must be deposited daily in a special account. The clerk shall deposit the funds in an interest-bearing account unless the clerk determines that it is not cost-effective to do so. Interest accrued in the account is the property of and accrues to the State. The forfeiture and setoff of bail is governed as otherwise provided by law.

Sec. A-5. Effective date. That section of this Part that amends the Maine Revised Statutes, Title 4, section 163, subsection 1 takes effect July 1, 2023.

Sec. A-6. 5 MRSA §1622, sub-§1, ¶A, as enacted by PL 2011, c. 21, §1, is amended by amending subparagraph (7) to read:

(7) For a ~~good~~ goods or a service the vendor did not provide.

Sec. A-7. 5 MRSA §1762, first ¶, as amended by PL 2021, c. 554, §3, is further amended to read:

A public improvement, as defined in this chapter, public school facility or other building or addition constructed or substantially renovated in whole or in part with public funds or using public loan guarantees, with an area in excess of 5,000 square feet, may not be constructed without having secured from the designer an evaluation of life-cycle costs, as computed by a qualified architect or engineer. The requirements of this section with respect to substantial renovation pertain only to that portion of the building being renovated. Construction may proceed only upon disclosing, for the design chosen, the life-cycle costs as determined in section 1764 and the capitalization of the initial construction costs of the facility or building. The life-cycle costs must be a primary consideration in the selection of the design. ~~As~~ At a minimum, the design must meet the energy efficiency building performance standards adopted by the Department of Public Safety in the Maine Uniform Building and Energy Code as defined in Title 10, section 9721, subsection 2.

Sec. A-8. 5 MRSA §1764, sub-§1, as amended by PL 2021, c. 554, §4, is further amended to read:

1. Bureau of General Services to adopt rules and procedures. The Bureau of General Services shall adopt rules, including energy conservation guidelines that conform ~~as~~ at a minimum to the energy efficiency building performance standards adopted by the Department of Public Safety for conducting an energy-related life-cycle costs analysis of alternative architectural or engineering designs, or both, and shall evaluate the efficiency of energy utilization for designs in the construction and lease of public improvements and public school facilities.

Sec. A-9. 5 MRSA §1831, sub-§1, as amended by PL 1989, c. 785, §3, is further amended to read:

1. Adoption of rules. ~~Every~~ A department or agency of State Government, subject to chapters 141 to 152, purchasing services or awarding grants or contracts ~~which that~~ are not subject to the authority of the Department of ~~Administration~~ Administrative and Financial Services, as defined in chapters 153 and 155, shall establish a procedure by which these services are purchased or by which grants or contracts are awarded. This procedure must be adopted in accordance with the Maine Administrative Procedure Act, ~~chapter 375~~ no

~~later than January 1, 1991~~ and must be approved by the State Purchasing Agent prior to ~~their~~ the procedure's adoption. The State Purchasing Agent shall ensure that the rules adopted under this section meet the standards of public notice, administrative review, and rights to appeal as set forth in chapter 155, subchapter ~~1-A.~~ Any ~~1-A.~~ A department or agency of State Government that does not adopt rules under this section ~~by January 1, 1991,~~ is subject to rules adopted by the State Purchasing Agent under chapter 155, subchapter ~~1-A~~ 1-A.

Sec. A-10. 5 MRSA §1831, sub-§3, as amended by PL 1985, c. 785, Pt. A, §76, is further amended to read:

3. Application. The procedure adopted by a department or agency ~~in~~ under this section may be used by the department or agency for any qualifying purchase or award of a contract or grant. ~~Nothing in this~~ This section may ~~not~~ not be construed to require the adoption of new procedures for every new purchase, contract or award. ~~Nothing in this~~ This section may ~~not~~ not be construed to require the State Purchasing Agent or the Department of ~~Administration~~ Administrative and Financial Services to approve any contract, grant or award that is not presently approved by the State Purchasing Agent or the Department of ~~Administration~~ Administrative and Financial Services under chapters 153 and 155.

Sec. A-11. 5 MRSA §4592, sub-§1, ¶C, as enacted by PL 1995, c. 393, §22, is amended to read:

C. A failure to take steps ~~that may be necessary~~ to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless, in the case of a private entity, the private entity can demonstrate that taking those steps would fundamentally alter the nature of the ~~good~~ goods, service, facility, privilege, advantage or accommodation being offered or would result in an undue burden;

Sec. A-12. 5 MRSA §4592, sub-§4, ¶B, as enacted by PL 1995, c. 393, §24, is amended to read:

B. To afford an individual or a class of individuals, on the basis of a disability or disabilities of the individual or class, directly or through contractual, licensing or other arrangements, with the opportunity to participate in or benefit from a ~~good,~~ goods or a service, facility, privilege, advantage or accommodation in a manner that is not equal to that afforded to other individuals; and

Sec. A-13. 5 MRSA §4592, sub-§4, ¶C, as enacted by PL 1995, c. 393, §24, is amended to read:

C. To provide an individual or a class of individuals, on the basis of a disability or disabilities of the individual or class, directly or through contractual, licensing or other arrangements, with a ~~good,~~ goods or a service, facility, privilege, advantage or

accommodation that is different or separate from that provided to other individuals, unless this action is necessary to provide the individual or class of individuals with a good, goods or a service, facility, privilege, advantage or accommodation or other opportunity that is as effective as that provided to others.

Sec. A-14. 5 MRSA §12004-I, sub-§49-C, as corrected by RR 2013, c. 1, §12, is amended to read:

49-C.

Inland Fisheries and Wildlife	Landowners and Sportsmen	Not Authorized	12 MRSA §10157
	<u>Land Users</u>		
	Relations Advisory Board		

Sec. A-15. 5 MRSA §17928, 2nd ¶, as enacted by PL 1997, c. 384, §8 and amended by PL 2021, c. 548, §45, is further amended to read:

A member who by election remains covered, as to qualification for benefits, under section 17924 as written prior to its amendment by Public Law 1991, chapter 887, section 7, qualifies for a disability retirement benefit on meeting the requirements of section 17924, subsection 1, ~~paragraphs C and D~~. When a member so qualified retires after approval for disability retirement by the chief executive officer in accordance with this ~~Article~~ article, the member is entitled to receive a disability retirement benefit equal to 66 2/3% of the member's average final compensation.

Sec. A-16. 5 MRSA §18252-A, sub-§1, ¶A, as amended by PL 2021, c. 90, §1 and c. 286, §3, is repealed and the following enacted in its place:

A. Except as provided by section 18252-C, a person hired by a participating local district, or rehired following a break in service, after the date on which the employer provides a plan under section 18252-B must elect at the time of initial hiring or rehiring whether to be a member under the Participating Local District Retirement Program or to be covered under a plan provided by the employer under section 18252-B.

Sec. A-17. 5 MRSA §18252-A, sub-§1, ¶B, as amended by PL 2021, c. 90, §2 and c. 286, §4, is repealed and the following enacted in its place:

B. An employee of the participating local district who is a member under the Participating Local District Retirement Program on the date on which the employer provides a plan under section 18252-B may elect to remain a member under that program or to become covered under a plan provided by the employer under section 18252-B. Except as provided by section 18252-C, a person must make an election within 90 days of the date on which the employer provides a plan under section 18252-B.

(1) If that person elects not to remain a member, the election is effective as of the first day of the month in which no contributions or pick-up contributions are made to the Participating Local District Retirement Program by that person. A person who elects not to remain a member may, at that person's discretion, withdraw accumulated contributions in accordance with section 18306-A.

Sec. A-18. 5 MRSA §18453, sub-§2, as amended by PL 2019, c. 364, §2 and c. 370, §2, is repealed and the following enacted in its place:

2. Employee Special Plan #2. Except as provided in this subsection, a retirement benefit to police officers, firefighters, sheriffs, full-time deputy sheriffs, county corrections employees, dispatchers, emergency medical services persons as defined in Title 32, section 83, subsection 12 or any other participating local district employees who have completed 20 to 25 years of creditable service, the number of years to be selected by the participating local district. A participating local district may not elect to provide retirement benefits to its dispatchers in a plan that requires less than 25 years of creditable service. For the purposes of this subsection, "county corrections employees" means employees of the county who are employed at a county jail and whose duties include contact with prisoners or juvenile detainees. The benefits are 1/2 of the member's average final compensation.

Sec. A-19. 5 MRSA §18453, sub-§3, as amended by PL 2019, c. 364, §3 and c. 370, §3, is repealed and the following enacted in its place:

3. Firefighter, Emergency Medical Services Person and Dispatcher Special Plan #1. A retirement benefit equal to 1/2 of the member's average final compensation to a firefighter, including the chief of a fire department, a dispatcher or an emergency medical services person as defined in Title 32, section 83, subsection 12, who has completed at least 25 years of creditable service in that capacity and who retires upon or after reaching 55 years of age.

Sec. A-20. 5 MRSA §18453, sub-§4, as amended by PL 2019, c. 364, §4 and c. 370, §4, is repealed and the following enacted in its place:

4. Firefighter, Emergency Medical Services Person and Dispatcher Special Plan #2. A retirement benefit to a firefighter, including the chief of a fire department, a dispatcher or an emergency medical services person as defined in Title 32, section 83, subsection 12, who has completed at least 25 years of creditable service in that capacity and who retires upon or after reaching 55 years of age. The benefits are 2/3 of the member's average final compensation.

Sec. A-21. 5 MRSA §18453, sub-§5, as amended by PL 2019, c. 364, §5 and c. 370, §5, is repealed and the following enacted in its place:

5. Firefighter, Emergency Medical Services Person and Dispatcher Special Plan #3. Except as provided in this subsection, a retirement benefit to a firefighter, including the chief of a fire department, a dispatcher or an emergency medical services person as defined in Title 32, section 83, subsection 12, who has completed 20 to 25 years of creditable service in that capacity, the number of years to be selected by the participating local district, and who retires at any age. A participating local district may not elect to provide retirement benefits to its dispatchers in a plan that requires less than 25 years of creditable service. The benefits are 2/3 of the member's average final compensation.

Sec. A-22. 10 MRSA §1105, sub-§1, ¶C, as amended by PL 2021, c. 175, §1, is further amended to read:

C. "Necessities" includes food for human or animal consumption; seeds; potable water; pharmaceutical products, including prescription medications; wearing apparel; shoes; building materials; gas and electricity for light, heat and power; ice; fuel of all kinds; and fertilizer and fertilizer ingredients; together with tools, utensils, implements, machinery and equipment required for the actual production or manufacture of the same. "Necessities" includes any other vital or necessary ~~good~~ goods or service except those:

- (1) Subject to continuous maximum price regulation under the provisions of any state or federal law;
- (2) As to which the State's authority is preempted; or
- (3) Furnished or provided by:
 - (a) Insurers; or
 - (b) Nonprofit hospitals, medical service organizations or health maintenance organizations authorized to transact business within the State pursuant to Title 24 and Title 24-A.

Sec. A-23. 10 MRSA §1500-G, sub-§1, as enacted by PL 2013, c. 302, §1, is amended to read:

1. False representation of authentic Indian products. A person may not offer or display for sale or sell ~~a good goods~~ goods in a manner that falsely suggests ~~it is the goods are~~ the goods are Indian-produced, ~~an Indian product products~~ an Indian product products or the ~~product products~~ product products of a particular Indian or Indian tribe or Indian arts and crafts organization in a manner that violates 25 United States Code, Section 305e.

Sec. A-24. 12 MRSA §543, sub-§1, as corrected by RR 2021, c. 2, Pt. B, §3, is amended to read:

1. Director. The executive head of the survey, referred to in this section as "the director," holds the offices of director of the survey and State Geologist. The

executive head of the survey shall personally attend to the duties of those offices so far as practicable.

Sec. A-25. 12 MRSA §6404-J, first ¶, as amended by PL 2013, c. 49, §6, is further amended to read:

The commissioner shall suspend or revoke the elver fishing license of any license holder convicted of violating section 6575 ~~or 6575-A~~.

Sec. A-26. 12 MRSA §6525-A, sub-§1, as corrected by RR 2021, c. 2, Pt. B, §56, is repealed and the following enacted in its place:

1. Setting nets or seines near weirs. A person, other than a weir owner or the weir owner's crew members, may not set or assist in setting a net or seine within 2,000 feet of the mouth of a weir that is:

- A. In operating condition;
- B. Licensed under Title 38, chapter 9; and
- C. Operated by an operator who is licensed under section 6501.

Sec. A-27. 12 MRSA §10157, as amended by PL 2015, c. 277, §2 to 8, is further amended by amending the section headnote to read:

§10157. Landowners and Sportsmen Land Users Relations Advisory Board

Sec. A-28. 12 MRSA §10157, sub-§1-A, as enacted by PL 2015, c. 277, §3, is amended to read:

1-A. Appointment and composition. The Landowners and ~~Sportsmen~~ Land Users Relations Advisory Board, referred to in this chapter as "the advisory board" and established by Title 5, section 12004-I, subsection 49-C, consists of the following members:

- A. Eleven members, appointed by the Commissioner of Inland Fisheries and Wildlife:
 - (1) One representative of a statewide small woodland owners association;
 - (2) One representative of a large landowners association;
 - (3) One representative of a statewide farmers organization;
 - (4) Three representatives ~~of sportsmen who hunt, fish or trap;~~ of sportsmen who hunt, fish or trap;
 - (5) Two representatives of outdoor recreationists;
 - (6) Two representatives of environmentalist organizations; and
 - (7) One representative of land trust organizations.

Sec. A-29. 12 MRSA §10255, sub-§3, as amended by PL 2019, c. 343, Pt. Y, §4, is further amended to read:

3. Distribution from fund. Money distributed from the fund may be used for marketing the plates and for the production and marketing of goods using the environmental plate design. After the Treasurer of State has reimbursed the Secretary of State for costs of producing and issuing environmental registration plates in accordance with Title 29-A, section 455, the Treasurer of State shall, at the end of each quarter in the fiscal year, distribute the balance in the fund as follows:

- A. Sixty percent of the balance must be deposited in the Parks General Operations Fund established in section 1825, subsection 1-A; and
- B. Forty percent of the balance must be deposited in the Maine Endangered and Nongame Wildlife Fund established in section 10253.

Sec. A-30. 12 MRSA §10353, sub-§1, ¶B, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended by amending subparagraph (1) to read:

- (1) A warden shall, when possible, while in and about the woods, caution all sportsmen participants in outdoor recreation of the danger from fires in the woods and, if possible, extinguish a fire left burning by anyone.

Sec. A-31. 12 MRSA §12503, sub-§2, as corrected by RR 2021, c. 2, Pt. A, §23, is amended to read:

2. Land used for agricultural purposes; domicile. Notwithstanding section 12501, subsection 1 and subject to all other applicable laws and rules, any resident and any member of the resident's immediate family, as long as the angler's license to fish is not under suspension or revocation, may fish without a license in open inland waters from land:

- A. To which they are legally entitled to possession;
- B. On which they are actually domiciled; and
- C. That is used exclusively for agricultural purposes.

Sec. A-32. 15 MRSA §321, sub-§2, ¶A, as enacted by PL 1983, c. 619, is amended to read:

- A. A person is charged with or convicted of a violation of Title 17-A, ~~sections~~ section 201, 202, 203, 204, 207, 207-A, 208, 208-A, 208-B, 208-C, 208-D, 208-E, 208-F, 209, 209-A, 210, 210-A, 210-B, 210-C, 211, 252, 253, 301, 302, 303, 506-A or 556;

Sec. A-33. 17 MRSA c. 3, as amended, is repealed.

Sec. A-34. 17-A MRSA §1111-B, sub-§1, ¶A, as enacted by PL 2021, c. 724, §1, is amended by amending subparagraph (17) to read:

- (17) Violation of a protection from harassment order issued pursuant to Title 5, chapter 337-A, a protective order in crimes between family members issued pursuant to Title 15, chapter 12-A or a protection from abuse order issued pursuant to Title 19-A, former chapter 101 or Title 19-A, chapter 103;

Sec. A-35. 19-A MRSA §1658, sub-§2, ¶C, as enacted by PL 2021, c. 340, §2, is amended to read:

- C. A final order, other than in a protection from abuse matter under former chapter 101 or chapter 103, that has been in effect for at least 12 months grants the petitioner exclusive parental rights and responsibilities with respect to all aspects of the child's welfare, with the exception of the right and responsibility for support, without reserving for the parent any rights to make decisions, to have access to records or to have contact with the child, and termination of the parent's parental rights and responsibilities is necessary to protect the child from serious harm or the threat of serious harm.

Sec. A-36. 20-A MRSA §1311, sub-§6, ¶E, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

- E. If a certificate of approval indicates that the state board has authorized state aid to be paid in accordance with the alternate method prescribed by former Title 20, section 3460, the total estimated amount of state aid payable on account of the school construction project described in the certificate of approval ~~shall~~ must be treated as outstanding school indebtedness for the purpose of computing the borrowing capacity of the district to finance that project by issuing its bonds or notes. State aid ~~shall~~ must be determined by applying the applicable percentage of state aid to the total estimated cost of the project, as set forth in the certificate of approval.

Sec. A-37. 20-A MRSA §1352, sub-§2, ¶C, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

- C. When a referendum is called for the purposes of approving the addition of a municipality to the district, the article ~~shall~~ must be in the form set forth in section ~~1401~~ 1465, subsection 2, ~~paragraph A 3.~~

Sec. A-38. 20-A MRSA §1352, sub-§2, ¶I, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

- I. When a referendum is called for the purpose of approving the agreement to transfer a municipality from one district to another district, the article ~~shall~~

must be the form set forth in section ~~1406~~ 1467, subsection 2.

Sec. A-39. 20-A MRSA §1462, sub-§3, as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

3. Financing assumed debts. A regional school unit shall assume the outstanding indebtedness of a school administrative unit in existence prior to the operational date of the new regional school unit for school construction projects approved for subsidy under chapter 609 and pursuant to section 1506. If a regional school unit board of directors has assumed the outstanding indebtedness of a school administrative unit in existence prior to the operational date of the new regional school unit, the directors of the regional school unit board may, notwithstanding any other statute or any provision of any trust agreement, use any sinking fund or other money set aside by the school administrative unit in existence prior to the operational date of the new regional school unit to pay off the indebtedness for which the money was dedicated. A regional school unit board of directors is not required to assume the outstanding indebtedness of a school administrative unit in existence prior to the operational date of the new regional school unit in its regional school unit for nonstate-funded projects pursuant to section 15905-A and pursuant to section ~~1481~~ 1481-A.

Sec. A-40. 20-A MRSA §1463, sub-§2, as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

2. Transfer of governing authority. The regional school unit board of directors, on the date established pursuant to subsection 1, shall assume responsibility for the management and control of the public schools and programs within the school administrative units in existence prior to the operational date of the new regional school unit that are within the regional school unit. Those school administrative units in existence prior to the operational date of the new regional school unit on the date established in subsection 1 have no further responsibility for the operation or control of the public schools and programs within the school administrative unit except those pursuant to section ~~1481~~ 1481-A.

Sec. A-41. 20-A MRSA §2404, sub-§2, ¶C, as amended by PL 2015, c. 448, §3, is further amended to read:

C. Except as provided in paragraphs G, H, and I and ~~K~~, if capacity is insufficient to enroll all students who wish to attend the school, the public charter school shall select students through a random selection process. A list maintained to fill potential vacancies may be carried over to the succeeding year.

Sec. A-42. 20-A MRSA §4805, sub-§6, as enacted by PL 1983, c. 719, §2, is amended to read:

6. National Women's History Week. National Women's History Week is the week containing March 8th, ~~in accordance with Title 1, section 122.~~

Sec. A-43. 20-A MRSA §5813, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§5813. Driver education

Students may be charged a fee for driver education as provided under section ~~4604~~ 8704.

Sec. A-44. 20-A MRSA §6601-A, as amended by PL 2021, c. 676, Pt. E, §1 and c. 719, §1, is repealed and the following enacted in its place:

§6601-A. Free or reduced-price school meals; Internet-based school meal applications

The department shall contract for the development and implementation of an Internet-based application for free or reduced-price meals under the National School Lunch Program under 7 Code of Federal Regulations, Part 210 and the School Breakfast Program under 7 Code of Federal Regulations, Part 220. The department shall make available to public schools the Internet-based application for free or reduced-price meals developed under this section on the department's publicly accessible website. The department shall make the Internet-based application in an understandable and uniform format and, to the maximum extent practicable, in a language that parents and legal guardians can understand. A public school may make the Internet-based application available for school meal applications on the public school's publicly accessible website. All public schools shall continue to distribute paper applications for school meals to all students. A public school is solely responsible for processing that school's online applications. Data submitted through the Internet-based application may not be visible to the department and must be transmitted directly to the applicable public school. All public schools shall accept data submitted through the Internet-based application.

Sec. A-45. 20-A MRSA §8457, sub-§1, as amended by PL 2019, c. 398, §26, is further amended to read:

1. General powers and duties. A cooperative board has all of the powers and duties of a school board as provided in section 1001, subsections 1, 2, 4 to 7 and 11-A to 19; section 1002; section 1256, subsections 1, 2 and 4 to 7; section 1257; ~~sections 1313 to section 1314; section 1315; section 4801; section 13201; and section 13202.~~ For such purposes, references in those sections to "school administrative unit," "administrative unit," "school unit," "unit," "school administrative district," "district," "regional school unit," "RSU," "alternative organizational structure" or "AOS" mean career and technical education region; references in those sections to "school board," "school committee," "board," "board of directors" or "directors" mean cooperative board; references in those sections to "director" mean a

member of a cooperative board; and references in those sections to "they" mean either, as appropriate in the context, cooperative board or members of the cooperative board.

Sec. A-46. 20-A MRSA §9501, sub-§2, as amended by PL 2009, c. 369, Pt. A, §29 and PL 2011, c. 286, Pt. B, §5, is further amended to read:

2. Exemptions. Educational programs related to the real estate professions that are subject to approval under Title 32, chapter ~~59~~ 114, commercial driver education schools subject to approval by the Secretary of State under Title 29-A, chapter 11, subchapter 3, schools of barbering and schools of cosmetology subject to approval by the Director of the Office of Professional and Occupational Regulation under Title 32, chapter 126, educational programs offered by any Maine nonprofit corporation, any educational programs offered by any professional or trade association primarily for the benefit of its own members and any educational institution authorized by the laws of this State to grant a degree are exempt from the requirements of this chapter.

Sec. A-47. 21-A MRSA §1062-A, sub-§1, as amended by PL 2019, c. 563, §18, is further amended to read:

1. Registration. A political action committee required to register under section 1052-A, 1053-A or 1053-B or a ballot question committee required to register under section 1053-A or ~~1056-B~~ that fails to do so or that fails to provide the information required by the commission for registration may be assessed a fine of no more than \$2,500. In assessing a fine, the commission shall consider, among other things, whether the violation was intentional, the amount of campaign and financial activity that occurred before the committee registered, whether the committee intended to conceal its campaign or financial activity and the level of experience of the committee's volunteers and staff.

Sec. A-48. 21-A MRSA §1062-A, sub-§4, as amended by PL 2019, c. 563, §19, is further amended to read:

4. Maximum penalties. The maximum penalty under this subchapter is \$10,000 for reports required under section 1053-A, ~~1056-B~~ or 1059, except that if the dollar amount of the financial activity that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount of that financial activity.

Sec. A-49. 21-A MRSA §1062-A, sub-§8-A, as amended by IB 2015, c. 1, §11, is further amended to read:

8-A. Penalties for failure to file report. The commission may assess a civil penalty for failure to file a report required by this subchapter. The maximum

penalty for failure to file a report required under ~~section 1056-B~~ or section 1059 is \$10,000 or the amount of financial activity not reported, whichever is greater.

Sec. A-50. 22 MRSA §1592, as enacted by PL 1977, c. 696, §186, is amended to read:

§1592. Discrimination for refusal

~~No~~ A person, hospital, health care facility, firm, association, corporation or educational institution, directly or indirectly, ~~by himself or another, shall~~ may not discriminate against ~~any~~ a physician, nurse or other person by refusing or withholding employment from or denying admittance, when ~~such that~~ physician, nurse or other person refuses to perform, or assist in the performance of an abortion, nor ~~shall such~~ may that refusal constitute grounds for loss of any privileges or immunities to which ~~such that~~ physician, nurse or other person would otherwise be entitled.

Sec. A-51. 22 MRSA §1722, sub-§1, ¶B, as reallocated by RR 2007, c. 2, §9, is amended by amending the first blocked paragraph to read:

For the purposes of this paragraph, a hospital's total hospital-only expenses include any item that is listed on the hospital's Medicare cost report as a subprovider, such as a psychiatric unit or rehabilitation unit, and does not include nonhospital cost centers shown on the hospital's Medicare cost report, such as home health agencies, nursing facilities, swing beds, skilled nursing facilities and hospital-owned physician practices. For purposes of this paragraph, a hospital's bad debt is as defined and reported in the hospital's Medicare cost report and as submitted to the Maine Health Data Organization pursuant to ~~Title 22~~, chapter 1683.

Sec. A-52. 22 MRSA c. 405-C, as amended, is repealed.

Sec. A-53. 22 MRSA §2061, sub-§5, as enacted by PL 2001, c. 609, §3, is amended to read:

5. Projects for program of independent housing with services not required to be licensed. If the project is for a program of independent housing with services that is not required to be licensed under this Title, the participating health care facility has agreed to comply with the requirements applicable to assisted living providers with regard to the standardized contract under section ~~7916~~ 7862 and residents' rights under section ~~7902-A~~ 7853, subsection 6 and rules adopted pursuant to those provisions. This requirement does not apply to the refinancing of an authority loan outstanding on April 1, 2002 or to a project specifically authorized under this chapter.

Sec. A-54. 22 MRSA §2164, first ¶, as corrected by RR 2021, c. 2, Pt. B, §126, is amended to read:

The Commissioner of Agriculture, Conservation and Forestry or the commissioner's duly authorized

agent must have free access at all reasonable hours to any factory, warehouse or establishment in which foods are manufactured, processed, packed or held for introduction into commerce, or to enter any vehicle being used to transport or hold such foods in commerce for the purpose of:

Sec. A-55. 22 MRSA §2164, sub-§1 is amended to read:

1. Inspection. ~~Of inspecting such~~ Inspecting the factory, warehouse, establishment or vehicle to determine if any of the provisions of this subchapter are being violated; and

Sec. A-56. 22 MRSA §2164, sub-§2 is amended to read:

2. Examination of samples. ~~To secure~~ Securing samples or specimens of ~~any~~ food after paying or offering to pay for ~~such~~ the sample.

It ~~shall be~~ is the duty of the commissioner to make or cause to be made examination of samples secured under this section to determine whether or not any provision of this subchapter is being violated.

Sec. A-57. 22 MRSA §2423-A, sub-§10, ¶E, as repealed and replaced by PL 2019, c. 331, §13 and c. 354, §5 and amended by PL 2021, c. 669, §5, is repealed and the following enacted in its place:

E. A cannabis testing facility shall obtain and must be able to produce, upon demand of the department or a municipal code enforcement officer, documentation of the facility's accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body.

Sec. A-58. 22 MRSA §2430-G, sub-§1, ¶A, as amended by PL 2021, c. 367, §16, c. 387, §§14 and 15 and c. 669, §5, is further amended by repealing subparagraph (2) and enacting the following in its place:

(2) Keep the books and records maintained by the registered caregiver, registered dispensary, cannabis testing facility or manufacturing facility for a period of 4 years; and

Sec. A-59. 22 MRSA §2519-A, as enacted by PL 1999, c. 777, §1, is amended to read:

§2519-A. Detention

If a livestock product or poultry product or a product exempted from the definitions of "livestock product" and "poultry product" or any dead, dying, disabled or diseased livestock or poultry is found by an authorized representative of the commissioner upon premises where it is held for, during or after distribution in intrastate commerce or is otherwise subject to this chapter and there is reason to believe that the product or animal is adulterated or misbranded and is useable as human food or that it has not been inspected, in violation of the

provisions of this chapter or the federal acts or the Federal Food, Drug, and Cosmetic Act, or that the product or animal has been or is intended to be distributed in violation of any of these provisions, it may be detained by a representative for a period not to exceed 30 days, pending action under section ~~2522~~ 2524-A or notification of a federal authority having jurisdiction over the product or animal. The product or animal may not be moved by a person from the place at which it is located when detained, until released by the representative. All official marks may be required by the representative to be removed from the product or animal before it is released, unless it appears to the satisfaction of the commissioner or the commissioner's designee that the product or animal is eligible to retain the marks.

Sec. A-60. 22 MRSA §2660-E, first ¶, as amended by PL 1997, c. 705, §13, is further amended to read:

In addition to fees authorized under ~~Title 22-A~~, section ~~9 210~~, the commissioner may impose an annual operation fee upon each public water system in the State.

Sec. A-61. 22 MRSA §3173-C, sub-§3, ¶F, as corrected by RR 2021, c. 2, Pt. B, §159, is amended to read:

F. Services furnished to an individual by a Health Maintenance Organization, as ~~defined~~ described in the United States Social Security Act, Section 1903(m), in which the individual is enrolled; and

Sec. A-62. 22 MRSA §3174-T, sub-§2, ¶E, as amended by PL 2001, c. 450, Pt. A, §3, is further amended to read:

E. Coverage under the Cub Care program may be purchased for children described in subparagraphs (1) and (2) for a period of up to 18 months as provided in this paragraph at a premium level that is revenue neutral and that covers the cost of the benefit and a contribution toward administrative costs no greater than the maximum level allowable under ~~COBRA~~ the Consolidated Omnibus Budget Reconciliation Act of 1985, COBRA, of the Employee Retirement Income Security Act of 1974, as amended, 29 United States Code, Sections 1161 to 1168 (Supp. 1997). The department shall adopt rules to implement this paragraph. The following children are eligible to enroll under this paragraph:

(1) A child who is enrolled under paragraph A or B and whose family income at the end of the child's 12-month enrollment term exceeds the maximum allowable income set in that paragraph; and

(2) A child who is enrolled in the Medicaid program and whose family income exceeds the limits of that program. The department shall terminate Medicaid coverage for a child who

enrolls in the Cub Care program under this subparagraph.

Sec. A-63. 22 MRSA §3178, as enacted by PL 1973, c. 790, §2, is amended to read:

§3178. Payment to conservator or guardian

If an applicant for or a recipient of aid is found by the department to be incapable of taking care of ~~himself or his~~ the applicant's or recipient's own health, welfare or money, payment shall must be made only to a legally appointed guardian or conservator for ~~his~~ the applicant's or recipient's benefit.

Sec. A-64. 22 MRSA §3203, as enacted by PL 1973, c. 790, §3, is amended to read:

§3203. Report

~~On or before February 1, 1975, and thereafter annually, on or before September 1st, the department shall submit a detailed annual report on the federal supplemental income program and the state supplemental income program to the Governor in accordance with Title 5, sections 43, 44, 45 and 46 and to the Legislative Council. The report shall must include copies of all pertinent state and federal rules and regulations, and recommendations for policy, budgetary and legislative action, and any advisory recommendations as may be recommended by the Maine Committee on Aging and the Maine Human Services Council.~~

Sec. A-65. 22 MRSA §3271, sub-§2, as enacted by PL 1973, c. 790, §3, is amended to read:

2. The department, to the extent allowed by Title XVI of the United States Social Security Act, as amended, and regulations promulgated thereunder, shall establish, ~~with the advice of the Maine Committee on Aging and the Maine Human Services Council,~~ standard levels of state supplemental income benefits for blind, disabled and elderly people. The benefits ~~shall~~ must be provided under a modified flat benefit system, and may vary by marital status, and by living arrangements to the extent allowed by Title XVI of the United States Social Security Act, as amended, and regulations promulgated thereunder. The benefits ~~shall may~~ not be based on individual budgeted need and ~~shall may~~ not vary by category or geographical area. Benefits for a couple, except as provided under section 3273, subsection 1, paragraph B, ~~shall must~~ be equal to the sum of the amount of benefit for an individual and 50% of the benefit for an individual.

Sec. A-66. 22 MRSA §4016, as enacted by PL 1983, c. 354, §4, is amended to read:

§4016. Confidentiality of employee records

Notwithstanding Title 5, section ~~554~~ 7070, subsection 2, paragraph E or any other provision of law, the confidentiality of employee records is abrogated in relation to required reporting, cooperating with the department or guardian ad litem in an investigation or

other child protective activity or giving evidence in a child protective proceeding.

Sec. A-67. 22 MRSA §4309, sub-§4, as amended by PL 2013, c. 368, Pt. OO, §8, is further amended to read:

4. Eligibility of minors who are parents. An otherwise eligible person under the age of 18 who has never married and who has a dependent child or is pregnant is eligible only if that person and child reside in a dwelling maintained by a parent or other adult relative as that parent's or relative's own home or in a foster home, ~~maternity home~~ or other adult-supervised supportive living arrangement unless:

- A. The person has no living parent or the whereabouts of both parents are unknown;
- B. No parent will permit the person to live in the parent's home;
- C. The department determines that the physical or emotional health or safety of the person or dependent child would be jeopardized if that person and dependent child lived with a parent;
- D. The individual has lived apart from both parents for a period of at least one year before the birth of any dependent child; or
- E. The department determines, in accordance with rules adopted pursuant to this section, which must be in accordance with federal regulations, that there is good cause to waive this requirement.

For the purposes of this subsection, "parent" includes legal guardian.

Sec. A-68. 22 MRSA §5304, sub-§5, as enacted by PL 1973, c. 793, §12, is repealed.

Sec. A-69. 22 MRSA §5304, sub-§6, as amended by PL 1983, c. 409, §2, is repealed.

Sec. A-70. 22 MRSA §5305, first ¶, as enacted by PL 1973, c. 793, §12, is amended to read:

State agencies shall cooperate fully with the bureau ~~and council~~ in carrying out this Part and Part 2. The bureau ~~and council~~ are is authorized to request such personnel, financial assistance, facilities and data as are reasonably required to assist the bureau ~~and council~~ to fulfill ~~their~~ the bureau's powers and duties.

Sec. A-71. 22 MRSA §5308, as amended by PL 2013, c. 368, Pt. CCCC, §6, is further amended to read:

§5308. Office of Child and Family Services

There is within the Department of Health and Human Services the Office of Child and Family Services. The office must be a separate, distinct administrative unit, ~~which may that is~~ not be integrated in any way as a part or function of any other administrative unit of the department. The office is equal in organizational level and status with other major organizational units within

the department or its successors. The office is under the immediate and full supervision of the commissioner or the chief officer of whatsoever unit succeeds the department.

It is the intent of this Part that the office ~~shall function~~ function as a central office administrative unit of the department ~~with the advice of the council~~ and that the powers, duties, authority and responsibility of the office may not be delegated, decentralized or assigned to regional, local or other units of the department, except as provided in this section, ~~and~~ section 6108 ~~and Title 5, section 464~~. Regarding any portion of this Part and Part 2 that relate to provision of services directly to eligible people through staff employed subject to the Civil Service Law by the department or other organizational units of State Government, the office may carry out its powers and duties through regional or other administrative units of the department or State Government.

Regarding any portion of this Part and Part 2 that relate to development, execution and monitoring of agreements, the office shall carry out its powers and duties directly with public or private, nonprofit agencies without acting through other administrative units of the department as intermediaries, except as provided in section 6108. Functions relating to agreements do not require the approval of any other unit of the department, except as the office is responsible and accountable to the commissioner ~~and except as the office shall function with the advice of the council pursuant to Title 5, section 464 and with the consent of the Maine Committee on Aging pursuant to section 5112, subsection 3~~ and except as provided by section 6108.

The office is the sole agency of State Government responsible for administration of this Part and Part 2 subject to the direction of the commissioner. The office shall fully coordinate with appropriate state agencies and fully utilize existing support services.

Sec. A-72. 22 MRSA §5309, as corrected by RR 2021, c. 2, Pt. B, §§213 to 215, is amended to read:

§5309. Director

The bureau is administered by a director.

The director ~~shall~~ must be a person qualified by training and experience with human services or by satisfactory experience of a comparable nature in the direction, organization and administration of public or private human services. The director ~~shall~~ must be immediately and fully responsible to the commissioner and ~~shall~~ may not be partially or indirectly responsible to any other official of the department.

The director shall serve full time in a position that is separate from and not integrated in any way with another position in the department. The director may not concurrently hold another title and shall perform duties

solely germane to the powers and duties pursuant to this Part and Part 2.

The director ~~shall possess~~ has full authority and responsibility for administering all the powers and duties of the bureau provided in section 5310, subject to the direction of the commissioner, ~~and with the advice of the council pursuant to section 5316, and the advice of the Maine Committee on Aging pursuant to section 5112, subsection 3~~, and except as otherwise provided in section 6108.

The director shall assume and discharge all responsibilities vested in the bureau. The director may not in any case assign to another unit of the department that is not responsible to the director any power or duty granted to the bureau by statute, or by rules or procedures adopted pursuant to this Part and Part 2.

The director may employ, subject to the Civil Service Law and within the limits of available funds, competent professional personnel and other staff necessary to carry out the purposes of this Part and Part 2. The director shall prescribe the duties of the staff and assign a sufficient number of staff full time to the bureau to achieve its powers and duties. Regarding the provision of human services by the bureau directly to eligible people, the director may arrange to house staff or assign staff who are responsible to the director to regional or other units of the department or State Government. Regarding the development, execution and monitoring of agreements, the director may not house nor assign staff to any other unit of the department or State Government. Such staff shall report solely and directly to the director. ~~The director shall assign staff to the council as provided in sections 5305 and 5315.~~

Sec. A-73. 22 MRSA §5310, first ¶, as amended by P&SL 1975, c. 90, §C, §5, is further amended to read:

The bureau shall establish in accordance with the purposes and intent of this Part and Part 2, ~~with the advice of the council and~~ subject to the direction of the commissioner, the overall planning, policy, objectives and priorities for all functions and activities relating to human services, including services to older people funded by Title IV or Title VI, or their successors or amendments or additions thereto of the United States Social Security Act, as amended, and excepting all other services to older people ~~which that~~ that are conducted or supported in the State. In order to carry out the above, the bureau ~~shall have~~ has the power and duty to:

Sec. A-74. 22 MRSA §5310, sub-§7, as amended by P&SL 1975, c. 90, §C, §5, is further amended to read:

7. Function as the organizational unit of State Government with the sole responsibility for conducting and coordinating, ~~with the advice of the council or of the committee and~~ subject to the direction of the commissioner, functions assigned to it by the commissioner,

and functions authorized by this Part and Part 2 and so much of the several Acts, amendments and successors to them enacted by the people of the State of Maine and those authorized by the United States Acts, amendments and successors to them as relate to human services, including services to older people funded by Titles IV and VI, or their successors or amendments or additions thereto of the United States Social Security Act, as amended, and excepting all other services to older people:

- A. The Priority Social Services Act of 1973 except services to older people in accordance with section 6108; and
- B. Title IV and VI, in their entirety, of the United States Social Security Act, as amended.

The bureau is designated as the single agency of State Government solely responsible for administering, subject to the direction of the commissioner, any state plans as may be required by the above Acts, and for administering programs or Acts of the State or United States relating to such human services ~~which~~ that are not the specific responsibility of another state agency under state or federal law;

Sec. A-75. 22 MRSA §5310, sub-§8, as enacted by PL 1973, c. 793, §12, is amended to read:

~~8. Assist, with the advice of the council, the Legislative and Executive Branches~~ legislative and executive branches of State Government, especially the Governor, commissioner and Bureau of the Budget, to coordinate all government efforts relating to human services, except services to older people, by:

- A. Submitting to each branch of State Government no later than September 1st of each year an annual report covering its activities for the immediately past fiscal year and future plans, ~~including reports of the committee;~~
- B. Reviewing all proposed legislation, fiscal activities, plans, policies and other administrative functions relating to ~~such~~ the human services made by or requested of all state agencies. The bureau ~~shall have~~ has the authority to submit to those bodies findings, comments and recommendations, which ~~shall be~~ are advisory. ~~Such~~ The findings and comments ~~shall~~ must recommend what modification in proposals or actions ~~shall~~ must be taken to make proposed legislation, fiscal activities and administrative activities consistent with such policies and priorities; and
- C. Making recommendations to the respective branches of State Government related to improving the quality of such human services and ~~shall consult~~ consulting with and ~~be being~~ being consulted by all responsible state agencies regarding the policies, priorities and objectives of functions related to human services;

Sec. A-76. 22 MRSA §6203, as amended by PL 1989, c. 878, Pt. A, §64, is further amended to read:

§6203. Rules; agreements

1. Rules. The department shall ~~promulgate~~ adopt such rules as may be necessary for the effective administration of adult day care pursuant to this chapter, in accordance with ~~the Maine Administrative Procedure Act~~, Title 5, chapter 375. In the development of these rules, the department shall consult with ~~the Maine Committee on Aging~~, the associations representing care facilities and area agencies on aging.

2. Agreements. In order to provide adult day care and other services, the department may enter into agreements with long-term health care facilities and community-based programs, separate and distinct from any other agreements between the department and the same facility or programs.

~~Any~~ A facility or program providing adult day care pursuant to this chapter shall enter into an agreement with the department. Each agreement ~~shall~~ must specify, among other things, the services to be provided, the fees for services, the method of payment, records to be maintained and the provisions for evaluating the services provided.

Sec. A-77. 22 MRSA §7302, sub-§5, as repealed and replaced by PL 2009, c. 652, Pt. A, §32, is amended to read:

5. In-home and community support services. "In-home and community support services" means health and social services and other assistance required to enable adults with long-term care needs to remain in their places of residence. These services include, but are not limited to, self-directed care services; medical and diagnostic services; professional nursing; physical, occupational and speech therapy; dietary and nutrition services; home health aide services; personal care assistance services; companion and attendant services; ~~handyman home repair and home maintenance~~, chore and homemaker services; respite care; hospice care; counseling services; transportation; small rent subsidies; various devices that lessen the effects of disabilities; and other appropriate and necessary social services.

Sec. A-78. 22 MRSA §7802, sub-§1-A, as amended by PL 1989, c. 400, §13 and PL 2013, c. 368, Pt. CCCC, §7, is further amended to read:

1-A. Consolidation of functions. All staff performing general licensing functions within the Office of Child and Family Services, including the out-of-home abuse and neglect investigating team when investigating pursuant to section ~~5005 8354~~, subsection ~~3~~ 2, paragraph C, ~~shall be~~ are consolidated as a single organizational unit.

Sec. A-79. 22 MRSA §8204, sub-§1, as enacted by PL 1977, c. 515, §3, is amended to read:

1. License required. ~~Any An~~ individual who operates a child placing agency ~~shall be~~ is subject to the licensing requirements of the department, as specified under this chapter and under chapter 1663. ~~Any An~~ individual who advertises ~~himself or holds himself out as or claims to perform the service of~~ placing or finding homes for children for the purpose of adoption, ~~shall be~~ is deemed to operate a child placing agency.

Sec. A-80. 22 MRSA §8204, sub-§2, as enacted by PL 1977, c. 515, §3, is amended to read:

2. License not required. ~~Any An~~ individual who does not advertise ~~himself or hold himself out as or claim to perform the service of~~ placing or finding homes for children for the purpose of adoption, but who places or assists in placing a child for adoption, ~~shall not be deemed is not considered~~ to operate a child placing agency and ~~shall is~~ is not be subject to the licensing requirements of the department, as specified under this chapter and under chapter 1663.

Sec. A-81. 22 MRSA §8602, first ¶, as enacted by PL 1987, c. 389, §5 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

The Department of Health and Human Services, in consultation with adult day care providers ~~and the Maine Committee on Aging~~, shall ~~promulgate~~ adopt rules for adult day care programs ~~which shall that~~ include, but ~~are~~ are not be limited to, rules pertaining to the health and safety of the adult clients and staff, the quality of the program provided, the administration of medication and licensing procedures.

Sec. A-82. 24 MRSA §2308-A, sub-§3, ¶B, as enacted by PL 1997, c. 344, §5, is amended by amending subparagraph (1) to read:

- (1) Title 24-A, section 222, subsections 2 to 10 and Title 24-A, section 222, subsections ~~42 13-A~~ to 18;

Sec. A-83. 24-A MRSA §721, sub-§3, as enacted by PL 1969, c. 132, §1, is amended to read:

3. Reinsurance ceded as authorized by ~~section 734 shall~~ subchapter 3 must be deducted in determining risk retained. As to surety risks, deduction ~~shall~~ must be made of the amount assumed by any authorized cosurety and the value of any security deposited, pledged or held subject to the surety's consent and for the surety's protection.

Sec. A-84. 24-A MRSA §2209, sub-§1, as enacted by PL 1997, c. 677, §3 and affected by §5, is amended to read:

1. Required notice. A regulated insurance entity or insurance support organization may not prepare or request an investigative consumer report about an insurance consumer in connection with an insurance transaction involving an application for insurance, a policy renewal, a policy reinstatement or a change in

insurance benefits unless the regulated insurance entity complies with ~~Title 10, section 1314 the federal Consumer Credit Protection Act, 15 United States Code, Section 1681d~~ and informs the consumer in writing that the consumer may request to be interviewed in connection with the preparation of the investigative consumer report.

Sec. A-85. 24-A MRSA §2328, as amended by PL 1991, c. 885, Pt. B, §10 and affected by §13, is further amended to read:

§2328. Examinations

The superintendent shall examine the affairs, transactions, accounts and records ~~of each rating organization licensed in this State as provided in section 2310,~~ of each advisory organization licensed in this State as provided in section 2321-A, and of joint underwriters and joint reinsurers as defined in section 2322-A, as often as the superintendent ~~deems~~ considers advisable, but not less frequently than once every 5 years. The examination must be conducted in the same manner and is subject to the same applicable provisions as apply to examination of insurers in chapter 3. The reasonable costs of any such examination must be paid by the organization or association so examined. In lieu of any such examination, the superintendent may accept the report of an examination made by the insurance supervisory official of another state, pursuant to the laws of such state.

If the examination of a rating organization is satisfied by acceptance of another state's report on that rating organization, the superintendent shall submit a report to the joint standing committee of the Legislature having jurisdiction over banking and insurance concerning the superintendent's analysis of that report, any deficiencies noted by the superintendent or in the other state's report and what action has been taken to correct those deficiencies.

Sec. A-86. 24-A MRSA §2482, sub-§1, as enacted by PL 2003, c. 680, §1, is amended to read:

1. Appeal to review panel appointed by commission. Not later than 30 days after the commission has given notice of a disapproved product or advertisement filed with the commission, the insurer or 3rd-party filer whose filing was disapproved may appeal the determination to a review panel appointed by the commission. The commission shall promulgate rules to establish procedures for appointing a review panel and provide for notice and hearing. An allegation that the commission, in disapproving a product or advertisement filed with the commission, acted arbitrarily, capriciously or in a manner that is an abuse of discretion or otherwise not in accordance with the law is subject to judicial review in accordance with section 2474, subsection ~~§~~ 4.

Sec. A-87. 24-A MRSA §2540, as amended by PL 1979, c. 141, is further amended to read:

§2540. "Wholesale life insurance" defined

"Wholesale life insurance" is that plan of life insurance, other than salary savings life insurance or pension trust insurance and annuities, under which individual policies are issued to the employees of any employer and where such policies are issued on the lives of not less than 3 employees at date of issue. Premiums for such policies ~~shall~~ must be paid either wholly from the employer's funds, or funds contributed by ~~him~~ the employer, or partly from such funds and partly from funds contributed by the insured employees. ~~In addition to the wholesale plans referred to in this section, wholesale life insurance may also be issued to any group of persons eligible for franchise health insurance under section 2740, subject to the terms and conditions of that section.~~

Sec. A-88. 24-A MRSA §2736-C, sub-§6, ¶A, as amended by PL 1995, c. 332, Pt. K, §1, is further amended to read:

A. Each carrier must actively market individual health plan coverage, ~~including any standardized plans defined pursuant to subsection 8,~~ to individuals in this State.

Sec. A-89. 24-A MRSA §2736-C, sub-§9, as amended by PL 2011, c. 364, §8, is further amended to read:

9. Exemption for certain associations. The superintendent may exempt a group health insurance policy or group nonprofit hospital or medical service corporation contract issued to an association group, organized pursuant to section 2805-A, from the requirements of subsection 3, paragraph A; and subsection 6, paragraph A; ~~and subsection 8 if:~~

- A. Issuance and renewal of coverage under the policy or contract is guaranteed to all members of the association who are residents of this State and to their dependents;
- B. Rates for the association comply with the premium rate requirements of subsection 2 or are established on a nationwide basis and substantially comply with the purposes of this section, except that exempted associations may be rated separately from the carrier's other individual health plans, if any;
- C. The group's anticipated loss ratio, as defined in subsection 5, is at least 75%;
- D. The association's membership criteria do not include age, health status, medical utilization history or any other factor with a similar purpose or effect;
- E. The association's group health plan is not marketed to the general public;
- F. The association does not allow insurance agents or brokers to market association memberships, ac-

cept applications for memberships or enroll members, except when the association is an association of insurance agents or brokers organized under section 2805-A;

G. Insurance is provided as an incidental benefit of association membership and the primary purposes of the association do not include group buying or mass marketing of insurance or other goods and services; and

H. Granting an exemption to the association does not conflict with the purposes of this section.

Except for individuals with grandfathered health plans under the federal Affordable Care Act, this subsection does not apply to policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2014.

Sec. A-90. 24-A MRSA §2904, first ¶, as corrected by RR 2021, c. 1, Pt. B, §254, is amended to read:

Whenever any person, including an administrator, executor, or guardian, recovers a final judgment against any other person for any loss or damage specified in section 2903, the judgment creditor is entitled to have the insurance money applied to the satisfaction of the judgment by bringing a civil action, in the judgment creditor's own name, against the insurer to reach and apply the insurance money, if when the right of action accrued, the judgment debtor was insured against such liability and if before the recovery of the judgment the insurer had had notice of such accident, injury or damage. The insurer has the right to invoke the defenses described in this section in the proceedings. The provisions of this paragraph and section 2903 do not apply:

Sec. A-91. 24-A MRSA §3423, sub-§1, as corrected by RR 2021, c. 1, Pt. B, §281, is amended to read:

1. If a domestic stock insurer's paid-in capital stock, as represented by the aggregate par value of its outstanding capital stock, becomes impaired, or the assets of a domestic mutual insurer are less than its liabilities and the minimum amount of basic surplus required to be maintained by it under this Title for authority to transact the kinds of insurance being transacted, the superintendent shall at once determine the amount of deficiency and serve notice upon the insurer to cure the deficiency and file proof thereof with the insurer superintendent within the period specified in the notice, which period may not be less than 30 nor more than 90 days from the date of the notice. Such notice may be so served by delivery to the insurer, or by mailing to the insurer addressed to its registered office in this State.

Sec. A-92. 24-A MRSA §3871, sub-§2, as corrected by RR 2021, c. 1, Pt. B, §319, is amended to read:

2. ~~If an~~ An order to show cause why a receiver, conservator, rehabilitator or liquidator of the insurer

should not be appointed is issued while the subscriber's policy is in force or within one year after its termination.

Sec. A-93. 24-A MRSA §4128, as corrected by RR 2021, c. 1, Pt. B, §§332 to 334, is amended to read:

§4128. Licensing of agents

Insurance producers of societies must be licensed in accordance with chapter 16 ~~provided the examination requirements of chapter 16 are not applicable to any insurance producer who was in the service of a society on January 1, 1978, and provided except~~ that no insurance producer's license is required ~~of the following if:~~

1. Officer devoting substantial time to activities other than solicitation or negotiation of insurance contracts. ~~Any An~~ officer, employee or secretary of ~~any such a society or of any subordinate lodge or branch thereof who of that society~~ devotes substantially all of the officer's, employee's or secretary's time to activities other than the solicitation or negotiation of insurance contracts and ~~who~~ receives no commission or other compensation directly dependent upon the number or amount of contracts solicited or negotiated;

2. Agent devoting less than 50% of time to solicitation and procurement of insurance contracts. ~~Any An~~ agent or representative of a society ~~who~~ devotes less than 50% of the agent's or representative's time to the solicitation and procurement of insurance contracts for ~~such the~~ society. ~~Any A~~ person, who in the preceding calendar year has solicited and procured life insurance in excess of \$200,000, face amount, or, in the case of any other kind or kinds of insurance that the society may write, on the persons of more than 25 individuals and who has received or will receive a commission or other compensation ~~therefor, for the solicitation and procurement~~ is presumed to be devoting 50% of the person's time to the solicitation or procurement of insurance contracts for ~~such the~~ society; or

3. Persons who do not effect insurance. ~~Any A~~ member of a society ~~who~~ does not effect insurance and ~~whose that member's~~ solicitation or negotiation is incidental to securing new members for the member's society and ~~whose that member's~~ only remuneration consists of prizes in the form of merchandise or payments of a nominal amount.

Sec. A-94. 24-A MRSA §4381, as corrected by RR 2021, c. 1, Pt. B, §375, is amended to read:

§4381. Offsets

1. In all cases of mutual debts or mutual credits between the insurer and another person in connection with any action or proceeding under this chapter, ~~such~~ credits and debts ~~shall must~~ be set off and the balance only ~~shall be~~ allowed or paid, except as provided in subsection 2.

2. ~~No An~~ offset ~~shall be~~ is not allowed in favor of ~~any such a person where if:~~

A. The obligation of the insurer to ~~such the~~ person would not at the date of the entry of any liquidation order or otherwise, as provided in section 4376, entitle ~~such the~~ person to share as a claimant in the assets of the insurer; ~~or~~

B. The obligation of the insurer to ~~such the~~ person was purchased by or transferred to ~~such the~~ person with a view of its being used as an offset; ~~or~~

C. The obligation of ~~such the~~ person is to pay an assessment levied against the members of a mutual insurer, or against the subscribers of a reciprocal insurer, or is to pay a balance upon the subscription to the capital stock of a stock insurer.

Sec. A-95. 25 MRSA §2469, sub-§1, ¶A, as enacted by PL 2021, c. 194, §1 and affected by §3, is amended to read:

A. With an assembly that incorporates a sensor control component and an alarm notification that detects elevations in propane, natural gas or any ~~liquefied liquefied~~ petroleum gas;

Sec. A-96. 25 MRSA §2469, sub-§2, as amended by PL 2021, c. 676, Pt. D, §5, is further amended to read:

2. Fuel gas detector required. The building owner shall install, or cause to be installed, in accordance with the manufacturer's requirements at least one approved fuel gas detector in every room containing an appliance that combusts propane, natural gas or any ~~liquefied liquefied~~ petroleum gas in:

- A. Each unit in any building of multifamily occupancy;
- B. A fraternity house, sorority house or dormitory that is affiliated with an educational facility;
- C. A children's home, emergency children's shelter, children's residential care facility, shelter for homeless children or specialized children's home as defined in Title 22, section 8101, subsections 1, 2, 4, 4-A and 5, respectively;
- D. A hotel, motel or inn;
- E. A mixed use occupancy that contains a dwelling unit;
- F. Beginning January 1, 2026, a business occupancy;
- G. Beginning January 1, 2026, a mercantile occupancy; or
- H. Beginning January 1, 2026, an assembly occupancy.

Sec. A-97. 25 MRSA §2469, sub-§4, as enacted by PL 2021, c. 194, §1 and affected by §3, is amended to read:

4. **Transfer of building.** A person who, after January 1, 2022, acquires by sale or exchange a building listed in subsection 2, paragraph A shall install fuel gas detectors in accordance with subsection 2 in the acquired building within 30 days of acquisition or occupancy of the building, whichever is later, if fuel gas detectors in accordance with subsection 2 are not already present, and shall certify at the closing of the transaction that fuel gas detectors will be installed. This certification must be signed and dated by the person acquiring the building. A fuel gas detector must be installed in accordance with the manufacturer's requirements at the time of installation in each area containing an appliance fueled by propane, natural gas or ~~liquefied~~ liquefied petroleum gas. A person may not have a claim for relief against a property owner, a property purchaser, an authorized agent of a property owner or purchaser, a person in possession of real property, a closing agent or a lender for any damages resulting from the operation, maintenance or effectiveness of a fuel gas detector. Violation of this subsection does not create a defect in title.

Sec. A-98. 26 MRSA §42-A, sub-§2, ¶A, as amended by PL 1987, c. 559, Pt. B, §6, is further amended to read:

A. The development and application of a statewide safety education and training program to familiarize employers, supervisors, employees and union leaders with techniques of accident investigation and prevention, ~~including education and training assistance to employers and employees under the chemical substance identification law in sections 1715 and 1720;~~

Sec. A-99. 26 MRSA §1043, sub-§11, ¶D is repealed and the following enacted in its place:

D. Service is considered to be localized within a state if:

(1) The service is performed entirely within a state; or

(2) The service is performed both within and outside a state, but the service performed outside a state is incidental to the individual's service within the State, including service that is temporary or transitory in nature or consists of isolated transactions.

Notwithstanding any other provisions of this section, "employment" includes all service performed after January 1, 1947 by an officer or member of the crew of an American vessel on or in connection with the vessel, as long as the operating office from which the operations of the vessel operating on navigable waters within, or within and outside, the United States are ordinarily and regularly supervised, managed, directed or controlled is within the State.

Sec. A-100. 26 MRSA §1162, as amended by PL 2021, c. 456, §11, is further amended to read:

§1162. Withdrawals

Moneys must be requisitioned from the State's account in the Unemployment Trust Fund solely for the payment of benefits and for the payment of refunds pursuant to section 1043, subsection 11, paragraph F, subparagraph (2) and section 1225 in accordance with rules prescribed by the commissioner. The commissioner shall from time to time requisition from the Unemployment Trust Fund the amounts, not exceeding the amounts standing to this State's account therein, as the commissioner considers necessary for the payment of the benefits and refunds for a reasonable future period. Upon receipt thereof the Treasurer of State shall deposit the moneys in the benefit account and warrants must be issued for the payment of benefits and refunds solely from the benefit account. All warrants issued for the payment of benefits and refunds must bear the signature of the commissioner or the commissioner's duly authorized agent for that purpose. When so signed and delivered to the payee, the warrants become a check against a designated bank or trust company acting as a depository of the State Government. The commissioner is the final judge of the legality or propriety of any award of benefits, or the amount thereof, appearing in any such warrant prepared by the commissioner, subject only to the right of appeal as provided in section 1194, ~~subsections subsection 8 and 9.~~ Any balance of moneys requisitioned from the Unemployment Trust Fund that remains unclaimed or unpaid in the benefit account after the expiration of the period for which the sums were requisitioned must either be deducted from estimates for, and may be utilized for the payment of, benefits and refunds during succeeding periods or, in the discretion of the commissioner, be redeposited with the United States Secretary of the Treasury, to the credit of this State's account in the Unemployment Trust Fund, as provided in section 1161.

Sec. A-101. 26 MRSA §1285, sub-§1, ¶C, as corrected by RR 2021, c. 2, Pt. A, §93, is repealed and the following enacted in its place:

C. To execute in writing an agreement between the public employer and the bargaining agent. An agreement under this paragraph is subject to negotiation and may not exceed 2 years;

Sec. A-102. 28-A MRSA §1066-A, sub-§1, as amended by PL 1997, c. 373, §91, is further amended to read:

1. Issuance of licenses. The bureau may issue licenses under this section for the sale of malt liquor to be consumed on the premises to taverns as defined in section 2, subsection ~~16~~ 15, paragraph T-1.

Sec. A-103. 28-A MRSA §1074, as amended by PL 2021, c. 598, §6 and c. 658, §194, is repealed and the following enacted in its place:

§1074. Outdoor stadiums

1. Issuance of licenses. The bureau may issue a license under this section for the sale of malt liquor, wine and spirits for on-premises consumption to an outdoor stadium, as defined in section 2, subsection 15, paragraph M. A concessionaire or lessee may be issued a license under this section, regardless of whether it controls the premises, as long as that concessionaire or lessee complies with the notice provisions applicable to qualified catering services in section 1076, subsection 7 prior to exercising the license.

2. No sales at events for children. A licensee under this section may not sell malt liquor, wine or spirits at an outdoor stadium at any event primarily involving primary or secondary schoolchildren.

3. Conditions on sales. A licensee under this section may not sell malt liquor, wine or spirits in the spectator stands at an outdoor stadium. A licensee may sell malt liquor, wine or spirits only by the glass in plastic or paper cups.

Sec. A-104. 28-A MRSA §1355-A, sub-§5, ¶K, as enacted by PL 2021, c. 742, §1 and reallocated by RR 2021, c. 2, Pt. A, §100, is amended to read:

K. A rectifier and a holder of a distillery or small distillery license shall comply with all applicable requirements of Title 38, section ~~4612~~ 1615.

Sec. A-105. 28-A MRSA §1404, sub-§1, ¶D, as repealed by PL 2021, c. 622, §4 and amended by c. 658, §245, is repealed.

Sec. A-106. 28-A MRSA §1404, sub-§1, ¶E, as amended by PL 2021, c. 622, §4 and c. 658, §246, is repealed and the following enacted in its place:

E. On receipt of the copy of the completed purchase order form and payment for excise taxes submitted under paragraph C, the bureau shall promptly process the payment and submit copies of the completed purchase order form indicating that excise taxes have been paid to the unbonded wholesale licensee and to the certificate of approval holder with which the unbonded wholesale licensee wishes to place the order.

Sec. A-107. 28-A MRSA §1405, sub-§1, ¶C, as amended by PL 2021, c. 622, §5 and c. 658, §248, is repealed and the following enacted in its place:

C. The bonded wholesale licensee shall submit a copy of the completed purchase order form to the certificate of approval holder with which the bonded wholesale licensee wishes to place the order.

Sec. A-108. 29-A MRSA §255, sub-§1, ¶A, as enacted by PL 1995, c. 645, Pt. B, §6 and affected by §24, is amended to read:

A. The Secretary of State has received a written request along with a copy of a protection order that has been issued under Title 5, section 4654 or 4655; Title 15, section 321; Title ~~19~~ 19-A, section ~~765~~ 4108 or ~~766~~ 4110; or Title 22, chapter 1071 to protect the requestor from harassment or abuse; or

Sec. A-109. 30-A MRSA §1601, 2nd ¶, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

This section does not apply to sections ~~1602~~ and section 1603 and section 1606, subsection 1.

Sec. A-110. 30-A MRSA §1603, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§1603. Contracts subject to cancellation or suspension

Except for contracts made under section ~~1602~~ 1606, subsection 1, any contract for the employment of prisoners made by the county commissioners with any person, firm or corporation, ~~shall~~ must be made subject to the right of the county commissioners to withdraw, cancel or suspend the contract in whole or in part.

Sec. A-111. 30-A MRSA §1658, 2nd ¶, as amended by PL 2021, c. 676, Pt. B, §3, is further amended to read:

The county commissioners may purchase, lease, contract or enter into agreements for the use of facilities to house minimum security prisoners who have been sentenced to the county jail. These prisoners must be involved in restitution, work or educational release, or rehabilitative programs. The funds to purchase, lease or contract for these facilities and to provide any programs in these facilities may be taken from the funds received by the counties pursuant to Title 34-A, section ~~1210-D~~ 1210-E. Any facilities used to house prisoners pursuant to the authority granted by this section are subject to standards established by the Department of Corrections pursuant to Title 34-A, section 1208-A.

Sec. A-112. Effective date. That section of this Part that amends the Maine Revised Statutes, Title 30-A, section 1658 takes effect July 1, 2023.

Sec. A-113. 30-A MRSA §1671, sub-§3, ¶A, as amended by PL 2015, c. 329, Pt. A, §18, is further amended to read:

A. Developing and adopting a mission statement ~~consistent with the purposes of the State Board of Corrections under Title 34-A, section 1801;~~

Sec. A-114. 32 MRSA §83, sub-§5, as enacted by PL 1983, c. 693, §2, is further amended to read:

5. Ambulance service. "Ambulance service" means any person, persons or organization ~~which that~~ holds itself out to be a provider of transportation of ill or injured persons or ~~which that~~ routinely provides transportation for ill or injured persons. For the purposes of this chapter, the Maine Army National Guard, the Maine Air National Guard and the United States Armed Forces ~~shall are~~ not be considered ambulance services. ~~It~~ "Ambulance service" does not mean a person, persons or an organization ~~which that~~ transports ill or injured persons for reasons not connected with their illness or injury. ~~It~~ "Ambulance service" does not mean a nursing home licensed under Title 22, chapter 405, a ~~boarding home residential care facility or assisted living program~~ licensed under Title 22, chapter ~~1665~~ 1664, a children's home licensed under Title 22, chapter 1669, or similar residential facility when transporting its own residents or those of another similarly licensed facility when those residents do not require emergency medical treatment.

Sec. A-115. 32 MRSA §2561, as amended by PL 2019, c. 627, Pt. B, §10, is further amended to read:

§2561. Membership; qualifications; tenure; vacancies

The Board of Osteopathic Licensure, as established by Title 5, section 12004-A, subsection 29, and in this chapter called the "board," consists of 11 members appointed by the Governor. Members must be residents of this State. Six members must be graduates of a school or college of osteopathic medicine approved by the American Osteopathic Association and must have been, at the time of appointment, actively engaged in the practice of the profession of osteopathic medicine in the State for a continuous period of at least 5 years preceding their appointment to the board. Two members must be physician assistants licensed under this chapter who have been actively engaged in the profession of physician assistant in this State for at least 5 years preceding appointment to the board. Three members must be public members. Consumer groups may submit nominations to the Governor for the members to be appointed to represent the interest of consumers. A full term of appointment is for 5 years. Appointment of members must comply with Title 10, section ~~60~~ 8009. A member of the board may be removed from office for cause by the Governor.

Sec. A-116. 32 MRSA §3302, sub-§1, as amended by PL 2017, c. 210, Pt. D, §3, is further amended to read:

1. License required. A license is required for any individual who is engaged in plumbing or performing plumbing installations. ~~No~~ A license is not required for any activity for which a permit is not required under Title ~~30~~ 30-A, section ~~3223~~ or its successor ~~4215~~. This section does not apply to the following:

A. Plumbing by regular employees of public utilities as defined in Title 35-A, section 102, when working as such;

B. Plumbing by oil burner technicians, duly licensed under chapter 139, and propane and natural gas installers, licensed under chapter 139, except that this exception only applies to hot and cold water connections to existing piping in the same room where the installation is taking place and does not apply beyond any existing branch connection supplying water;

C. Plumbing by a person in a single-family residence occupied or to be occupied by that person as that person's bona fide personal abode as long as the installation conforms with board laws and rules; and

D. Plumbing by a pump installer who is duly licensed pursuant to section 4700-1, subsection 2, except that this exception is limited to installing piping from the cold water distribution pipe at the pressure tank's main shut-off valve to the existing water supply piping as long as the piping is located in the same room as the tank, the length of the piping is no longer than 15 feet and the piping does not extend beyond any existing branches. Such plumbing must conform to the board's laws and rules.

Sec. A-117. 33 MRSA §1952, as amended by PL 2019, c. 496, §§1 to 3 and repealed by c. 498, §21, is repealed.

Sec. A-118. 33 MRSA §1953, as amended by PL 2019, c. 496, §4 and repealed by c. 498, §21, is repealed.

Sec. A-119. 33 MRSA §1959, as amended by PL 2019, c. 496, §5 and repealed by c. 498, §21, is repealed.

Sec. A-120. 33 MRSA §1979, as amended by PL 2019, c. 496, §6 and repealed by c. 498, §21, is repealed.

Sec. A-121. 34-A MRSA §1214, sub-§1, as amended by PL 2021, c. 676, Pt. B, §4, is further amended to read:

1. Establishment. The Office of Victim Services, referred to in this section as the "office," is established within the department to advocate for compliance by the department, any correctional facility, any detention facility, community corrections as defined in section ~~1210-D~~ 1210-E, subsection 2 1, paragraph A or any contract agency with all laws, administrative rules and institutional and other policies relating to the rights and dignity of victims.

Sec. A-122. 34-A MRSA §1214, sub-§3, ¶B, as amended by PL 2021, c. 676, Pt. B, §5, is further amended to read:

B. Intercede on behalf of victims with officials of the department, any correctional facility, any detention facility, community corrections as defined in section ~~1210-D~~ 1210-E, subsection 2 1, paragraph A or any contract agency or assist these persons in the resolution of victim-related issues;

Sec. A-123. Effective date. Those sections of this Part that amend the Maine Revised Statutes, Title 34-A, section 1214, subsection 1 and subsection 3, paragraph B take effect July 1, 2023.

Sec. A-124. 35-A MRSA §1316, as amended by PL 2021, c. 659, §§5 to 9 and c. 702, §4, is repealed and the following enacted in its place:

§1316. Testimony presented by employees of public utilities, competitive electricity providers, affiliated interests or utility contractors to legislative committees, the Public Utilities Commission and the Public Advocate

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

A. "Employee" means a person who currently performs or formerly performed a service for wages or other remuneration under a contract of hire, expressed or implied, for a public utility, competitive electricity provider, affiliated interest or utility contractor.

A-1. "Affiliated interest" has the same meaning as in section 707, subsection 1, paragraph A.

B. "Employer" means a public utility, competitive electricity provider, affiliated interest or utility contractor licensed to do business in this State with one or more employees.

C. "Legislative committee" means a joint standing committee or a joint select committee of the Legislature, a task force, commission or council or any other committee established by the Legislature and composed wholly or partly of Legislators for the purpose of conducting legislative business.

D. "Own time" means an employee's vacation or personal time, earned as a condition of employment.

E. "Utility contractor" means a person that provides goods or services to a public utility or competitive electricity provider.

2. Right of employees to provide testimony. Employees have the right to represent themselves and to testify before or provide information to a legislative committee, the commission or the Public Advocate on their own time. An employee who complies with this section may not be denied the right to testify before or provide information to a legislative committee, the commission or the Public Advocate.

2-A. Right of utility contractors to provide testimony. A utility contractor has the right to testify before or provide information to a legislative committee, the commission or the Public Advocate.

3. Discharge of, threats to or discrimination against employees for testimony presented to legislative committees, the commission or the Public Advocate. A supervisor may not discharge, threaten or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location or privileges of employment because the employee, in compliance with this section, in good faith testifies before or provides information to a legislative committee, the commission or the Public Advocate regarding the operation of the business of a public utility or competitive electricity provider or because the employee brings the subject matter of the testimony or information to the attention of a person having supervisory authority.

This subsection does not apply to an employee who has testified before or provided information to a legislative committee, the commission or the Public Advocate unless the employee has first brought the subject matter of the testimony or information in writing to the attention of a person having supervisory authority with the employer and has allowed the employer a reasonable time to address the subject matter of the testimony or information. If appropriate, the employer shall respond in writing.

4. Exceptions. The protections created in subsections 3 and 9 do not apply to testimony or information that, upon reasonable inquiry by the employee or utility contractor, would be found to be false.

5. Civil actions for injunctive relief or other remedies by employees. An employee who alleges a violation of rights under this section and who has made reasonable efforts to exhaust all grievance procedures, as provided for in the contract of employment or that otherwise may be available at the employee's place of employment, may bring a civil action, including an action for injunctive relief, within 90 days after the occurrence of that alleged violation or after the grievance procedure or similar process terminates. The action may be brought in the Superior Court for the county where the alleged violation occurred, the county where the complainant resides or the county where the person against whom the civil complaint is filed resides. An employee must establish each element of the employee's case by a preponderance of the evidence.

5-A. Civil actions for injunctive relief or other remedies by utility contractors. A utility contractor that alleges a violation of rights under this section may bring a civil action, including an action for injunctive relief, within 90 days after the occurrence of that alleged violation. The action may be brought in the Superior Court for the county where the alleged violation occurred, the county where the complainant resides or the

county where the person against whom the civil complaint is filed resides. A utility contractor must establish each element of the utility contractor's case by a preponderance of the evidence.

6. Remedies ordered by court. A court, in rendering a judgment in an action brought pursuant to this section, may order reinstatement of the employee, the payment of back wages, full reinstatement of fringe benefits and seniority rights or any combination of these remedies. If an employee or utility contractor is the prevailing party, a court shall award the employee or utility contractor all or a portion of the costs of litigation, including reasonable attorney's fees and witness fees.

7. Agreements. This section does not diminish or impair the rights of a person under any collective bargaining agreement. A public utility, competitive electricity provider or affiliated interest may not enter into an agreement preventing employees from exercising their rights to testify before or provide information to a legislative committee, the commission or the Public Advocate pursuant to this section.

8. Jury trial; common-law rights. Any action brought under this section may be heard by a jury. Nothing in this section derogates any common-law rights of an employee or employer.

9. Contracts with utility contractors. If a utility contractor, in compliance with this section and in good faith, testifies before or provides information to a legislative committee, the commission or the Public Advocate, a public utility or competitive electricity provider may not respond to such action by the utility contractor by:

A. Terminating or threatening to terminate a contract with the utility contractor; or

B. Harming or threatening to harm the utility contractor financially.

10. Notice of rights required. A public utility and a competitive electricity provider shall notify the public utility's and the competitive electricity provider's employees, affiliated interests and utility contractors of their rights under this section.

11. Penalties. The commission may impose penalties for violations of this section. This subsection does not apply in the case of an employee of a utility contractor alleging a violation under subsection 3.

12. Rulemaking. The commission may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-125. 35-A MRSA §2503, sub-§18, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

18. Rights of applicable licensing authority. Nothing in Title ~~30~~ 30-A, section ~~2451~~ 3008, subsection

~~1, paragraph H, 5~~ impairs the rights of the applicable licensing authority.

Sec. A-126. 35-A MRSA §3206-A, sub-§2, as enacted by PL 1999, c. 398, Pt. G, §4, is amended by amending the first blocked paragraph to read:

If the commission orders a divestiture pursuant to this subsection, the distribution utility must complete the divestiture within 12 months of the order to divest, unless the commission grants an extension. Upon application by the distribution utility, the commission may grant an extension for the purpose of permitting the utility to complete a divestiture that has been initiated in good faith but not finalized within the 12-month period. The commission shall oversee and approve a divestiture in accordance with rules adopted pursuant to section 3204, subsection 4.

Sec. A-127. 36 MRSA c. 109, as amended, is repealed.

Sec. A-128. 37 MRSA c. 5, as amended, is repealed.

Sec. A-129. 37 MRSA c. 7, as amended, is repealed.

Sec. A-130. 37 MRSA c. 9, as amended, is repealed.

Sec. A-131. 37-B MRSA §796, sub-§3, as enacted by PL 1989, c. 464, §3, is amended to read:

3. Revised data sheets. Within 3 months after the discovery of new information about a hazardous chemical or extremely hazardous substance identified in the data sheet required by subsection 1, ~~paragraph A~~ or within 3 months after obtaining a hazardous chemical or extremely hazardous substance for which reporting is required by subsection 1, ~~paragraph A~~, the owner or operator of a facility shall prepare and submit a revised data sheet or a revised list of chemicals for which data sheets are available that meets the requirements of subsection 1, ~~paragraph A~~ and contains the new information to the local emergency planning committee, the commission, and the fire department having jurisdiction over the facility.

Sec. A-132. 38 MRSA §440, 3rd ¶, as amended by PL 1987, c. 737, Pt. C, §§86 and 106 and PL 1989, c. 6; c. 9, §2 and c. 104, Pt. C, §§8 and 10, is further amended to read:

Zoning ordinances adopted or extended pursuant to this section need not depend upon the existence of a zoning ordinance for all of the land and water area within a municipality, despite the provisions of Title 30-A, section ~~4503, 4352~~ to the contrary, provided such ordinances are except that an ordinance is required for entrance of the municipality into the Federal Flood Insurance Program. Ordinances or amendments adopted by authority of this section shall may not extend beyond

an area greater than that necessary to comply with the requirements of the Federal Flood Insurance Program.

Sec. A-133. 38 MRSA §440, 4th ¶, as amended by PL 1989, c. 403, §9, is further amended to read:

Zoning ordinances adopted or amended pursuant to this section ~~shall~~ **must** designate as a resource protection zone or its equivalent, as defined in the guidelines adopted pursuant to section 438-A, subsection 1, all areas within the floodway of the 100-year flood plain along rivers and in the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps. This provision does not apply to areas zoned for general development or its equivalent, as defined in the guidelines adopted pursuant to section 438-A, subsection 1, as of ~~the effective date of this paragraph July 16, 1986,~~ or within areas designated by ordinances as densely developed. The determination of which areas are densely developed ~~shall~~ **must** be based on a finding that, as of ~~the effective date of this paragraph July 16, 1986,~~ existing development meets the definition in former section 436, subsection 3.

Sec. A-134. 38 MRSA §480-U, sub-§2, ¶D, as enacted by PL 1991, c. 214, §2, is amended by amending subparagraph (1) to read:

(1) The cranberries must be cultivated in accordance with organic production standards established in ~~Title 7, section 551, subsection 2 and section 553, subsection 1, paragraph A~~ the rules and regulations of the United States Department of Agriculture, Agricultural Marketing Service's National Organic Program.

Sec. A-135. 38 MRSA §555, as amended by PL 1997, c. 424, Pt. B, §8, is further amended to read:

§555. Budget approval

The commissioner shall submit budget recommendations for disbursements from the fund in accordance with section 551, subsection 5, paragraphs A, C, F and H for each biennium. The budget must be submitted as part of the unified current services budget legislation in accordance with Title 5, sections 1663 to 1666. The State Controller shall authorize expenditures therefrom as approved by the commissioner. Expenditures pursuant to section 551, subsection 5, paragraphs B, D, ~~and E and G~~ and E may be made as authorized by the State Controller following approval by the commissioner.

Sec. A-136. 38 MRSA §704 is amended to read:

§704. Trial; costs

When ~~any such an~~ answer is filed pursuant to section 703 and an issue in fact or in law is joined, it ~~shall~~

must be decided as similar issues are decided at common law. If judgment is for the defendant, ~~he shall the defendant is entitled to recover his the defendant's~~ costs.

Sec. A-137. 38 MRSA §718 is amended to read:

§718. --offer of increased compensation

The owner of the mill, dam or canal may within ~~said month~~ the time provided in section 717 offer in writing to the owner of the land injured, an increase of compensation for the future. If the owner of the land does not agree to accept it, but brings a new complaint for the purpose of increasing it, ~~he recovers no the owner of the land may not recover~~ costs unless ~~he that owner~~ obtains an increase greater than the offer.

Sec. A-138. 38 MRSA §719 is amended to read:

§719. --offer to accept less compensation

The owner of the land injured may within ~~said month~~ the time provided in section 717 offer in writing to the owner of the mill, dam or canal to accept a reduced compensation for the future. If the owner of the mill, dam or canal declines to pay it, and brings a new complaint to obtain a reduction, ~~he shall the owner of the mill, dam or canal may not recover no~~ costs, unless ~~such the~~ the compensation is reduced to a sum less than what was offered.

Sec. A-139. 38 MRSA §727 is amended to read:

§727. If complaint abates, rights preserved by new complaint

If ~~such a~~ such a complaint referenced in section 725 or 726 is abated or defeated for want of form, or if, after a verdict for the plaintiff, judgment is reversed, ~~he the plaintiff~~ the plaintiff may bring a new complaint at any time within one year ~~thereafter~~ and thereon recover the damages sustained during the 3 years preceding the institution of the first complaint, or at any time afterwards.

Sec. A-140. 38 MRSA §963, sub-§1, ¶A, as corrected by RR 2021, c. 2, Pt. B, §259, is amended to read:

A. Application of the performance standard to the land or water area in question will result in undue hardship to the applicant, ~~provided that hardship to the applicant, provided except that hardship shall~~ may not be construed to include hardship:

(1) ~~Any hardship attributable~~ Attributable to any act, course of conduct or failure to act of the applicant or the applicant's predecessor in interest beginning with the owner of record on the effective date of this chapter or of a performance standard adopted pursuant ~~thereto~~ to this chapter from which a variance is sought; or

(2) ~~Any hardship that~~ That is not unique to the petitioner's land;

Sec. A-141. 38 MRSA §974 is amended to read:

§974. Right of owner to search for lost logs

The owner of ~~such~~ logs, masts or spars referred to in section 971 or the owner's agent may at any time, ~~by himself or his agent,~~ enter in a peaceable manner upon any mill, mill-brow, boom or raft of logs or other timber in search of ~~such that~~ lost property. Whoever willfully prevents or obstructs ~~such a search for that lost property~~ forfeits for each offense not less than \$20 nor more than \$50, to the person by whom or on whose account ~~such~~ the entry was claimed, to be recovered in a civil action.

Sec. A-142. 38 MRSA §1104, sub-§2, ¶C, as enacted by PL 1981, c. 466, §3, is amended to read:

C. The trustee against whom the recall petition is filed ~~shall be~~ is a candidate at the special election without nomination, unless ~~he~~ the trustee resigns within 10 days after the original filing of the petition. ~~There shall be no A primary~~ may not be held. Candidates for the office may be nominated under the usual procedure of nomination for a primary election by filing nomination papers, not later than 5 p.m., 4 weeks preceding the election and have their names placed on the ballot at the special election.

Sec. A-143. 39-A MRSA §201, sub-§3-A, ¶B, as amended by PL 2021, c. 629, §2, is further amended to read:

B. The employee is a law enforcement officer, corrections officer, E-9-1-1 dispatcher, firefighter or emergency medical services person and is diagnosed by an allopathic physician or an osteopathic physician licensed under Title 32, chapter 48 or chapter 36, respectively, with a specialization in psychiatry or a psychologist licensed under Title 32, chapter 56 as having post-traumatic stress disorder that resulted from work stress, that the work stress was extraordinary and unusual compared with that experienced by the average employee and the work stress and not some other source of stress was the predominant cause of the post-traumatic stress disorder, in which case the post-traumatic stress disorder is presumed to have arisen out of and in the course of the worker's employment. This presumption may be rebutted by clear and convincing evidence to the contrary. For purposes of this paragraph, "law enforcement officer," "corrections officer," "firefighter" and "emergency medical services person" have the same meaning as in section 328-A, subsection 1. For the purposes of this paragraph, "E-9-1-1 dispatcher" means a person who receives calls made to the E-9-1-1 system and dispatches emergency services. "E-9-1-1 dispatcher"

includes an emergency medical dispatcher as defined in Title 32, chapter 2-B, section 85-A, subsection 1, paragraph D.

Each time the Legislature amends this paragraph to provide for a rebuttable presumption for a new category of employees, the board shall submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters no later than the January 1st after the 5th year of the addition of the category of employees and no later than the January 1st after the 10th year of the addition of the category of employees. The reports must include an analysis of the number of claims brought under this paragraph, the portion of those claims that resulted in a settlement or award of benefits and the effect of the provisions of this paragraph on costs to the State and its subdivisions. The Department of Administrative and Financial Services, Bureau of Human Resources and the Department of Public Safety shall assist the board in developing the reports, and the board shall seek the input of an association ~~the whose membership whose~~ consists exclusively of counties, municipalities and other political or administrative subdivisions in the development of the report.

This paragraph is repealed October 1, 2025.

Sec. A-144. 39-A MRSA §308, sub-§2, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

2. Employment status reports. At the previous employer's request, any person receiving compensation under this Act who has not returned to that person's previous employment must submit quarterly employment status reports to that employer. The report is due 90 days after the date of injury, or after the filing of the report under subsection ~~3 1,~~ and every 90 days thereafter. The report must be in a form prescribed by the board and must indicate whether the employee has been employed, changed employment or performed any services for compensation during the previous 90 days, the nature of the employment or services, the name and address of the employer or person for whom the services were performed and any other information that the board by rule may require. Any employer requesting a quarterly report under this subsection must provide the employee with the prescribed form at least 15 days prior to the date on which it is due.

Sec. A-145. PL 2019, c. 650, §20, amending clause is amended to read:

Sec. 20. 29-A MRSA §2390, sub-§1, as amended by PL 2017, c. 165, §10 and c. 229, §34, is further amended ~~by amending the first paragraph~~ to read:

Sec. A-146. PL 2021, c. 528, §10 is amended to read:

Sec. 10. Maine Veterans' Homes; Caribou and Machias locations. Notwithstanding any decision of the Board of Trustees of the Maine Veterans' Homes prior to the effective date of this section, the Maine Veterans' Homes located in Caribou and Machias may not be closed until the Board of Trustees of the Maine Veterans' Homes submits a report under the Maine Revised Statutes, Title 37-B, section 611 that includes a proposal to close those homes and the process required under Title 37-B, section 612 has been followed.

Sec. A-147. PL 2021, c. 688, §3 is amended to read:

Sec. 3. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 26, section ~~3702~~ 3802, subsection 5, initial appointments to the Essential Support Workforce Advisory Committee must be staggered as follows:

1. One member appointed by the President of the Senate must be appointed for a one-year term; one member must be appointed for a 2-year term; and 3 members must be appointed for 3-year terms; and
2. One member appointed by the Speaker of the House must be appointed for a one-year term; one member must be appointed for a 2-year term; and 3 members must be appointed for 3-year terms.

PART B

Sec. B-1. 14 MRSA §8813 is enacted to read:

§8813. Recognition of judgments under prior law

An action taken between August 8, 2022 and January 1, 2023 to recognize a foreign judgment that would have been valid under former chapter 753 is valid. For purposes of this section, "foreign judgment" has the same meaning as in former section 8502, subsection 2.

Sec. B-2. 14 MRSA §8913 is enacted to read:

§8913. Recognition of judgments under prior law

An action taken between August 8, 2022 and January 1, 2023 to recognize a foreign judgment that would have been valid under former chapter 753 is valid. For purposes of this section, "foreign judgment" has the same meaning as in former section 8502, subsection 2.

PART C

Sec. C-1. 5 MRSA §1642, sub-§3, as repealed and replaced by PL 1985, c. 96 and amended by PL 1997, c. 530, Pt. A, §34, is further amended to read:

3. Income supplementation programs. "Income supplementation programs" means programs designed to supplement the income of a person or family and includes Temporary Assistance for Needy Families, ~~food stamps~~ the Supplemental Nutrition Assistance Program,

food distribution, general assistance, supplemental security income or any other income related program utilizing state-administered funds.

Sec. C-2. 7 MRSA §412, sub-§2, as enacted by PL 1977, c. 505, is amended to read:

2. Practical information. Prepare practical information concerning the establishment and operation of various methods of direct-marketing, including promotion, advertisement, management, ~~food stamp~~ Supplemental Nutrition Assistance Program purchases and liability insurance;

Sec. C-3. 19-A MRSA §2001, sub-§5, ¶G, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2 and amended by PL 1997, c. 530, Pt. A, §34, is further amended to read:

G. Gross income does not include the amount of money received from means-tested public assistance programs, including, but not limited to, Temporary Assistance for Needy Families, supplemental security income, ~~food stamps~~ the Supplemental Nutrition Assistance Program and general assistance.

Sec. C-4. 19-A MRSA §2154, sub-§8, as enacted by PL 1997, c. 537, §39 and affected by §62, is amended to read:

8. Use of new hire information. The department shall use the information it receives under this section to locate persons and identify sources of income for purposes of:

- A. Establishing, enforcing and modifying child support obligations;
- B. Collecting overpayments of public assistance and overissue of ~~food stamps~~ Supplemental Nutrition Assistance Program benefits when benefits are no longer being paid; and
- C. Determining eligibility and enforcing eligibility rules for cash assistance, ~~food stamps~~ Supplemental Nutrition Assistance Program benefits, Medicaid and other benefit programs funded or administered by the department.

Sec. C-5. 22 MRSA §21, sub-§5, as enacted by PL 1995, c. 675, §1, is repealed.

Sec. C-6. 22 MRSA §21, sub-§10, as amended by PL 2017, c. 284, Pt. NNNNNNN, §4, is further amended to read:

10. Program. "Program" means ~~the food stamps~~ SNAP or the Medicaid program or another program.

Sec. C-7. 22 MRSA §21, sub-§11, as amended by PL 2017, c. 284, Pt. NNNNNNN, §4, is further amended to read:

11. Recipient. "Recipient" means a recipient of benefits under ~~the food stamp~~ SNAP or ~~the Medicaid programs~~ program or another program.

Sec. C-8. 22 MRSA §21, sub-§11-B is enacted to read:

11-B. Supplemental Nutrition Assistance Program or SNAP. "Supplemental Nutrition Assistance Program" or "SNAP" means the Supplemental Nutrition Assistance Program established pursuant to section 3104.

Sec. C-9. 22 MRSA §42, sub-§8, ¶A, as amended by PL 2019, c. 343, Pt. YY, §2, is further amended to read:

A. The Office of MaineCare Services is authorized to adopt rules that have retroactive application when necessary to maximize available federal revenue sources, specifically regarding the federal Medicaid program, or to conform to the state Medicaid plan as filed with the Federal Government. The Bureau of Family Independence is authorized to adopt rules in the MaineCare program, Temporary Assistance for Needy Families program and ~~food stamp programs~~ Supplemental Nutrition Assistance Program that have retroactive application to comply with federal requirements or to conform to the state Medicaid plan as filed with the Federal Government.

Sec. C-10. 22 MRSA §42, sub-§8, ¶C, as enacted by PL 2003, c. 612, §1, is amended to read:

C. For any benefits or services in the MaineCare program, Temporary Assistance for Needy Families program or ~~food stamp programs~~ Supplemental Nutrition Assistance Program that beneficiaries have received prior to the date of adoption of retroactive rules adopted pursuant to this subsection, such rules may not reduce or otherwise negatively affect the reimbursement or other payments, benefits or services that those beneficiaries are entitled to have covered or paid under the previously applicable rules. The reimbursement or other payments, benefits or services under the amended rules must be equal to or greater than under the rules previously in effect.

Sec. C-11. 22 MRSA §42, sub-§8, ¶D, as enacted by PL 2003, c. 612, §1, is amended to read:

D. This subsection does not give the department the authority to adopt retroactively any rule that has an adverse financial impact on any MaineCare provider or member, Temporary Assistance for Needy Families program or ~~food stamp~~ Supplemental Nutrition Assistance Program recipient or the beneficiary or recipient of any other program administered by the department. Specific statutory authority is required for adoption of a retroactive rule that has an adverse financial impact on any MaineCare

provider or member, Temporary Assistance for Needy Families program or ~~food stamp~~ Supplemental Nutrition Assistance Program recipient or the beneficiary or recipient of any other program administered by the department.

Sec. C-12. 22 MRSA §3811, sub-§4, as corrected by RR 2015, c. 1, §22, is amended to read:

4. Program benefits. "Program benefits" means money payments or food coupons issued by the department pursuant to an application for benefits made by an individual to Aid to Families with Dependent Children established in former chapter 1053, the ~~food stamp program~~ Supplemental Nutrition Assistance Program established in chapter 851 or the Temporary Assistance for Needy Families program established in chapter 1053-B, or money payments or vouchers issued by a municipal general assistance program established pursuant to chapter 1161, or payments for medical services issued by the department pursuant to the MaineCare program established pursuant to chapter 855.

Sec. C-13. 22 MRSA §3825, sub-§1, ¶C is enacted to read:

C. "SNAP" means the Supplemental Nutrition Assistance Program established under chapter 851.

Sec. C-14. 22 MRSA §3825, sub-§2, as enacted by PL 2001, c. 551, §2, is amended to read:

2. TANF and food stamps SNAP. To the extent allowable by federal law, a TANF or ~~food stamp~~ SNAP overpayment may not be collected from a person who was a minor dependent in the household at the time the overpayment accrued.

Sec. C-15. 22 MRSA §5304, sub-§11, ¶C, as enacted by PL 1973, c. 793, §12, is amended to read:

C. Any income maintenance, income supplement, public assistance, general assistance, welfare, or donated food program or ~~food stamp program~~ the Supplemental Nutrition Assistance Program.

Sec. C-16. 26 MRSA §1191, sub-§9, ¶D, as enacted by PL 1995, c. 554, §1, is amended to read:

D. Amounts may be deducted and withheld under this subsection only after amounts are deducted and withheld for any overpayments, child support obligations, ~~food stamp~~ Supplemental Nutrition Assistance Program overissues or any other amounts required to be deducted and withheld under this chapter.

PART D

Sec. D-1. 35-A MRSA §307, as amended by PL 2023, c. 145, §1 and repealed and replaced by c. 168, §1, is repealed and the following enacted in its place:

§307. Changes in schedules; notice; suspension; rate increase limit

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

A. "Final determination of the public utility's revenue requirement" means a decision by the commission on the merits of a public utility's request after consideration of at least the public utility's direct case in support of its request.

B. "General increase in rates" means a change in a rate, toll or charge of a public utility, the effect of which is to increase the annual operating revenue of the public utility by more than 1%. "General increase in rates" does not include a rate change made for the sole purpose of implementing a gas cost adjustment rate pursuant to section 4703 or a rate change made for the sole purpose of implementing an energy conservation adjustment rate pursuant to section 3154.

2. Notice requirements. A public utility may not change a schedule, including a schedule of joint rates, unless the public utility provides notice to the commission 30 days prior to the time the changes are to take effect. The public utility must indicate all proposed changes on the schedule in effect at the time notice is provided. For good cause shown, the commission may allow changes after less than the notice specified in this subsection or modify the requirements of this section and section 308 with respect to publishing, posting and filing of a schedule, either in a particular instance or by rule applicable to a special circumstance or condition.

At the commission's discretion, the commission may require the information relating to changes described in this subsection to be filed in a general increase in rates at the same time as the schedules are filed. The commission may require a public utility whose gross revenues exceed \$5,000,000 annually to notify the commission not more than 2 months in advance of filing a general increase in rates under this section that a filing is planned and to disclose the approximate amount of the increase and the approximate rate of return and include a general statement of the major issues that might be presented and the approximate rate of return the utility would be seeking.

3. Suspension pending investigation. Pending an investigation and order pursuant to section 310, subsection 1, at any time within the period preceding the effective date of the schedule, the commission may suspend the operation of the schedule or any part of the schedule by filing with the schedule and delivering to the public utility affected a statement of its reasons for the suspension. The suspension may not be for a period longer than 12 months from the effective date of the order of suspension unless:

A. All parties agree to extend the suspension beyond 12 months; or

B. The commission determines that the party seeking the extension would be unreasonably disadvantaged because of circumstances beyond that party's control unless the extension were granted, as long as the party prior to the request for extension had prosecuted its case in good faith and with due diligence.

4. General rate increase case limitation. A public utility may not file a schedule for a general increase in rates pursuant to this section within one year of a prior filing for a general increase in rates pursuant to this section, unless the proceeding initiated by a prior filing was terminated without a final determination of the public utility's revenue requirement or with approval of the commission. The limitation of this subsection does not prevent a public utility, at any time, from notifying the commission in advance, either voluntarily or in accordance with a commission requirement under this section, of plans by the public utility to file a general increase in rates.

Nothing in this subsection may be construed to limit a public utility's right, at any time, to petition pursuant to section 1322 for temporary rate relief.

5. General rate increase notice requirement. A public utility seeking a general increase in rates shall send a notice of the increase to its customers by either first-class mail or the method by which the customer receives bills from the utility. The commission shall prepare the notice in consultation with the utility. If, after the notice of the general increase in rates is sent, the utility seeks a rate increase greater than what was stated in the notice, the utility shall promptly notify the commission. If the utility demonstrates good cause, the commission may allow the utility to seek an increase greater than what was stated in the notice subject to reasonable conditions established by the commission, including, but not limited to, requiring the utility to send a new notice to its customers describing the revised proposed increase.

PART E

Sec. E-1. 15 MRSA §1026, sub-§3, ¶B-1, as enacted by PL 2021, c. 397, §4, is amended by amending subparagraph (2) to read:

(2) That was committed against a family or household member as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 ~~6~~, paragraphs A to E or a dating partner as defined in Title 19-A, section ~~4002~~ 4102, subsection ~~3-A~~ 4;

Sec. E-2. 15 MRSA §1026, sub-§3, ¶B-1, as enacted by PL 2021, c. 397, §4, is amended by amending subparagraph (3) to read:

(3) That is a violation of a condition of release committed while the defendant is released on bail for a charge that involves: a violation of

Title 17-A, chapter 11; a crime against a family or household member as defined in Title 19-A, section ~~4002~~ 4102, subsection 4 6, paragraphs A to E; or a crime against a dating partner as defined in Title 19-A, section ~~4002~~ 4102, subsection ~~3-A~~ 4;

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

Effective July 10, 2023, unless otherwise indicated.

CHAPTER 406

H.P. 1299 - L.D. 2017

An Act to Fund Collective Bargaining Agreements with Executive Branch Employees

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

Whereas, certain obligations and expenses incident to the operation of state employee collective bargaining agreements will become due and payable immediately; and

Whereas, it is the responsibility of the Legislature to act upon those portions of collective bargaining agreements negotiated by the executive branch that require legislative action; and

Whereas, the Governor and the Legislature share a desire to address in a timely manner the needs of certain state employees excluded from collective bargaining units; 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. Adjustment of salary schedules for fiscal years 2023-24 and 2024-25. The salary schedules for the executive branch employees in bargaining units represented by the American Federation of State, County and Municipal Employees, the Maine State Troopers Association, the Maine State Law Enforcement Association, the Maine Service Employees Association, the Fraternal Order of Police and any other certified bargaining representative for an executive branch bargaining unit must be adjusted consistent with the terms of any agreements ratified by December 31, 2023.

Sec. 2. New, temporary and seasonal employees; similar and equitable treatment. The Governor is authorized to grant similar and equitable treatment consistent with this Act for employees in classifications included in bargaining units subject to collective bargaining agreements described in section 5 of this Act who are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraph F.

Sec. 3. Confidential employees; similar and equitable treatment. The Governor is authorized to grant similar and equitable treatment consistent with this Act for confidential employees. For the purposes of this section, "confidential employees" means those employees within the executive branch, including probationary employees, who are in positions excluded from collective bargaining units pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraphs B, C, D, I and J.

Sec. 4. Employee salaries subject to Governor's adjustment or approval. The Governor is authorized to grant similar and equitable treatment consistent with this Act for those unclassified employees whose salaries are subject to the Governor's adjustment or approval.

Sec. 5. Costs to General Fund and Highway Fund. Costs to the General Fund and Highway Fund must be provided wholly or in part through a transfer of Personal Services appropriations within and between departments and agencies from the Salary Plan program, General Fund account in the Department of Administrative and Financial Services in an amount not to exceed \$99,000,000 in total for the fiscal years ending June 30, 2024 and June 30, 2025 to implement the economic terms of the most recent collective bargaining agreements made from July 2023 to December 2023 by the State and the American Federation of State, County and Municipal Employees, the Maine State Troopers Association, the Maine State Law Enforcement Association, the Maine Service Employees Association, the Fraternal Order of Police and any other certified bargaining representative for an executive branch bargaining unit, to provide equitable treatment of employees excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraph F and, notwithstanding Title 26, section 979-D, subsection 1, paragraph E, subparagraph (3), to implement equitable adjustments for confidential employees.

Sec. 6. Transfer of Personal Services appropriations between programs and departments; General Fund. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law to the contrary, available balances in the General Fund for Personal Services in fiscal year 2023-24 and fiscal year 2024-25 may be transferred by financial order between programs and departments within the