

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 2022 to March 30, 2023**

**FIRST SPECIAL SESSION**  
**April 5, 2023 to July 26, 2023**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NONEMERGENCY LAWS IS**  
**JUNE 29, 2023**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NONEMERGENCY LAWS IS**  
**OCTOBER 25, 2023**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2023**

lesser number of tax years starting with the year in which the land was first classified, and increased by interest at the prevailing municipal rate from the date or dates on which those amounts would have been payable; and

B. An amount computed by multiplying the amount, if any, by which the just value of the land on the date of withdrawal exceeds the 100% valuation of the land pursuant to this subchapter on the preceding April 1st by the following rates:

- (1) If the land was subject to valuation under this subchapter for 10 years or fewer prior to the date of withdrawal, the rate is 30%; and
- (2) If the land was subject to valuation under this subchapter for more than 10 years prior to the date of withdrawal, the rate is 30% reduced by one percentage point for each full year beyond 10 years that the land was subject to valuation under this subchapter prior to the date of withdrawal, except that the minimum rate is 20%.

For purposes of this subsection, just value at the time of withdrawal is the assessed just value of comparable property in the municipality adjusted by the municipality's certified assessment ratio.

**Sec. G-2. 36 MRSA §1112-C, sub-§3-A** is enacted to read:

**3-A. Farmland penalty.** If land classified as farmland under this subchapter is withdrawn from taxation under this subchapter, the assessor shall impose one of the following penalties:

A. If land is withdrawn within 10 years of a transfer from either open space tax classification under this subchapter or tree growth tax classification under subchapter 2-A, the assessor shall impose a penalty equal to the amount calculated under subsection 3; or

B. If the penalty under paragraph A does not apply, the assessor shall impose a penalty upon the owner equal to the taxes that would have been assessed on the land on the first day of April for the 5 tax years, or any lesser number of tax years starting with the year in which the land was first classified, preceding the withdrawal had that land been assessed in each of those years at its just value on the date of withdrawal less all taxes paid on that land over the preceding 5 years, or any lesser number of tax years starting with the year in which the land was first classified, and increased by interest at the prevailing municipal rate from the date or dates on which those amounts would have been payable.

For purposes of this subsection, just value at the time of withdrawal is the assessed just value of comparable property in the municipality adjusted by the municipality's certified assessment ratio.

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

Effective July 26, 2023, unless otherwise indicated.

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**CHAPTER 442**

**S.P. 311 - L.D. 753**

**An Act to Allow Retired Teachers and Educational Technicians to Be Recertified**

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

**Sec. 1. 20-A MRSA §13013, sub-§6** is enacted to read:

**6. Reissuance; retired teacher.** The commissioner may issue a professional teacher certificate to a person who is receiving a retirement benefit from the State Employee and Teacher Retirement Program established under Title 5, section 17602 and who was employed for at least 10 years by a public school, who has been receiving a retirement benefit for no more than 5 years and who, immediately prior to receiving that benefit, possessed an active professional teacher certificate in good standing that has subsequently lapsed. The professional teacher certificate must be issued with the same grades and subject areas endorsements as were issued with the active professional teacher certificate that was held by the teacher at the time of the teacher's retirement. A professional teacher certificate issued under this subsection is for the same period as specified in subsection 4 and subject to the same renewal standards as specified in subsection 5. State board rules may further govern qualifications for a professional teacher certificate issued under this subsection.

**Sec. 2. 20-A MRSA §13019-H, sub-§5** is enacted to read:

**5. Reissuance; retired educational technician.** The commissioner may issue an educational technician certificate to a person who has been receiving a retirement benefit from the State Employee and Teacher Retirement Program established under Title 5, section 17602 for no more than 5 years and who, immediately prior to receiving that benefit, possessed an active educational technician certificate in good standing that has subsequently lapsed. An educational technician certificate issued under this subsection is for the same period and subject to the same renewal standards as specified in subsection 3. State board rules may further govern qualifications for an educational technician certificate issued under this subsection.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF**

**Higher Education and Educator Support Services  
Z082**

Initiative: Provides one-time funds for software updates necessary to allow a professional teacher certificate or educational technician certificate to be reissued to a teacher or educational technician who has retired and whose certificate has lapsed.

<b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
All Other	\$10,000	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$10,000</b>	<b>\$0</b>

See title page for effective date.

**CHAPTER 443  
S.P. 314 - L.D. 756**

**An Act to Limit Changes to the  
Resource Coordination  
Agreement Between the  
Bureau of State Police and the  
Penobscot County Sheriff's  
Department and Require  
Annual Reporting Regarding  
Resource Coordination  
Agreements**

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

Sec. 1. 25 MRSA §1511 is enacted to read:

**§1511. Annual report regarding resource coordination agreements and other services**

Beginning January 1, 2024 and annually thereafter, the Bureau of State Police shall report to the joint standing committees of the Legislature having jurisdiction over criminal justice matters, transportation matters and appropriations and financial affairs regarding resource coordination agreements between the Bureau of State Police and county sheriffs' departments, including where those agreements are in place, a summary of the agreements and any changes to those agreements in the prior calendar year. The Bureau of State Police shall also provide to those joint standing committees a summary of the services provided by the State Police throughout the State. A joint standing committee may report out a bill to the Legislature based on the reports submitted to the committee pursuant to this section. As used in this section, "resource coordination agreement" means the coordination of services by the Bureau of State Police and a county sheriff to provide law enforcement services in response to requests by the public in a manner that maximizes efficiency and reduces duplication of effort.

**Sec. 2. Restriction on change to resource coordination agreement with Penobscot County**

**Sheriff's Department.** Notwithstanding any provision of law to the contrary, before December 1, 2024, the Department of Public Safety, Bureau of State Police may not change its resource coordination agreement with the Penobscot County Sheriff's Department that was in effect on May 1, 2023 unless mutually agreed upon by the Bureau of State Police and the Penobscot County Sheriff's Department. If the resource coordination agreement is changed, that change must be documented in writing and provided to the Joint Standing Committee on Criminal Justice and Public Safety, the Joint Standing Committee on Transportation and the Joint Standing Committee on Appropriations and Financial Affairs as soon as practicable after it has been mutually agreed upon by the Bureau of State Police and the Penobscot County Sheriff's Department.

As used in this section, "resource coordination agreement" has the same meaning as in the Maine Revised Statutes, Title 25, section 1511.

See title page for effective date.

**CHAPTER 444  
S.P. 432 - L.D. 1063**

**An Act to Provide Equitable  
Tax Treatment to State-  
licensed Cannabis Businesses**

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

Sec. 1. 28-B MRSA §1101, sub-§2, ¶D is enacted to read:

**D. Any funds remaining in the fund after expenditures made in accordance with paragraphs A to C must be used to fund:**

(1) The cost of the tax deductions for business expenses related to carrying on a business as a cannabis establishment or a testing facility provided pursuant to Title 36, section 5122, subsection 2, paragraph PP and Title 36, section 5200-A, subsection 2, paragraph BB. By June 1st annually, the State Tax Assessor shall determine the cost of those deductions during the prior calendar year and report that amount to the State Controller, who shall transfer that amount from the remaining funds in the fund to the General Fund; and

(2) The cost of the position in the Bureau of Revenue Services within the department to administer the tax deductions provided pursuant to Title 36, section 5122, subsection 2, paragraph PP and Title 36, section 5200-A, subsection 2, paragraph BB. By June 1st annually, the commissioner shall determine the cost of the position in the bureau to administer those