

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

dations, including proposed legislation, for any necessary changes to the laws governing the beverage container redemption program to ensure the timely and successful implementation of any special commingling agreements pursuant to Title 38, section 3107, subsection 1-B and the single commingling program operated by a commingling cooperative pursuant to Title 38, section 3107, subsection 3-B. The report may include additional recommendations for changes to the laws governing the beverage container redemption program determined necessary by the department.

Sec. 42. Appropriations and allocations. The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF**

Administration - Environmental Protection 0251

Initiative: Provides funding for technology management costs associated with 3 limited-period Environmental Specialist III positions.

GENERAL FUND	2023-24	2024-25
All Other	\$8,475	\$8,475
GENERAL FUND TOTAL	\$8,475	\$8,475

Maine Environmental Protection Fund 0421

Initiative: Establishes 3 limited-period Environmental Specialist III positions and associated All Other costs beginning January 1, 2024 and ending June 7, 2025.

GENERAL FUND	2023-24	2024-25
Personal Services	\$125,582	\$280,938
All Other	\$4,089	\$4,089
GENERAL FUND TOTAL	\$129,671	\$285,027

**ENVIRONMENTAL
PROTECTION,
DEPARTMENT OF
DEPARTMENT TOTALS**

	2023-24	2024-25
GENERAL FUND	\$138,146	\$293,502
DEPARTMENT TOTAL - ALL FUNDS	\$138,146	\$293,502

Sec. 43. Effective date. That section of this Act that enacts the Maine Revised Statutes, Title 38, section 3108-A and those sections of this Act that amend Title 36, section 112, subsection 8; Title 38, section 3102, subsection 16-A; Title 38, section 3106, subsection 5; and Title 38, section 3106, subsection 6 and that section of this Act that repeals Title 38, section 3108 and that section of this Act that repeals and replaces Title 38, section 3111, subsection 3 take effect October 15, 2024.

See title page for effective date, unless otherwise indicated.

**CHAPTER 483
S.P. 835 - L.D. 2013**

**An Act to Address Abandoned
Capital Credits Held by Rural
Electrification Cooperatives**

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

Sec. 1. 33 MRSA §2061, sub-§12, as enacted by PL 2019, c. 498, §22, is amended to read:

12. Deposit or refund owed by a utility. A deposit or refund, other than an abandoned capital credit as defined in Title 35-A, section 3503, subsection 2, paragraph A, owed to a subscriber by a utility, one year after the deposit or refund becomes payable;

Sec. 2. 35-A MRSA §3503, sub-§2, as amended by PL 1999, c. 398, Pt. A, §87 and affected by §§104 and 105, is repealed and the following enacted in its place:

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

A. "Abandoned capital credit" means a deposit or refund owed to a member of a rural electrification cooperative as defined in section 3703, subsection 2 that is unclaimed by the member one year after the deposit or refund becomes payable.

B. "Governing body" means the governing body of a consumer-owned transmission and distribution utility.

Sec. 3. 35-A MRSA §3503, sub-§7 is enacted to read:

7. Abandoned capital credits. Abandoned capital credits must be used to provide assistance to low-income households in accordance with section 3214.

See title page for effective date.

**CHAPTER 484
S.P. 263 - L.D. 595**

**An Act to Establish the
Companion Animal
Sterilization Program in the
Maine Revised Statutes**

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

Sec. 1. 7 MRSA §3907, sub-§9-B is enacted to read:

9-B. Cat. "Cat" means a member of the genus and species known as *Felis catus*.

Sec. 2. 7 MRSA §3910-B, as amended by PL 2021, c. 523, §§1 to 4, is further amended to read:

§3910-B. Companion Animal Sterilization Fund

1. Establishment. There is established the Companion Animal Sterilization Fund, an interest-bearing account and nonlapsing fund in the department, referred to in this section as "the fund." The fund receives money deposited by the Treasurer of State pursuant to Title 36, section 5284-A, revenues generated in accordance with this section, all revenue from the surcharges collected under section 3933, subsection 4, revenue received from surcharges in accordance with section 714, subsection 4 and any money contributed voluntarily to the fund. All money deposited in the fund and the earnings on that money remain in the fund to be used for the ~~spaying or neutering of companion animals owned by persons meeting income limit standards and for the spaying or neutering of a feral cat regardless of a person's income program established under section 3910-C~~ and for the necessary direct administrative and personnel costs of the department and the administrator as provided under subsection 1-A associated with the ~~management of the fund implementing and overseeing that program~~ and may not be deposited in the General Fund or any other fund except as specifically provided by law. The fund may not be charged for indirect costs under a departmental indirect cost allocation plan. As used in this section, "administrator," "overpopulation," "program," "sterilization" and "veterinary provider" have the same meanings as in section 3910-C, subsection 1.

~~**1-A. Administration of the fund.** The commissioner shall contract the administration of the fund to a suitable animal welfare organization selected through a competitive process. The contracting organization shall administer the fund. The administrator administers the fund in accordance with subsection 5 and procedures and eligibility standards established under subsection 2 section 3910-C. The contracting organization administrator may not expend more than 15% of the fund annually for administrative costs. In the event that the commissioner cannot find a suitable animal welfare organization, the department shall administer the fund.~~

~~**2. Subsidies; development of standards.** The commissioner shall develop procedures and eligibility standards for the awarding of subsidies to low income persons for the spaying or neutering of those persons' companion animals. Procedures and eligibility standards must be developed in consultation with veterinarians and representatives of humane societies and animal shelters. The commissioner shall develop procedures to pay a person, regardless of income, 100% of the cost of spaying or neutering a feral cat.~~

3. Fund-raising. The commissioner or the commissioner's authorized agent may provide for the creation, reproduction, sale, licensing and distribution and other disposal of any art or other products for the purpose of generating revenues for the fund. All money

generated from the sale of these items must be deposited into the fund.

5. Distribution of funds. Money in the fund must be distributed for the purposes of the program in accordance with this subsection.

A. The administrator shall determine if there is an overpopulation of cats or dogs and apportion available funds between sterilization for cats and dogs according to the need to control overpopulation of cats or dogs.

B. If one species under paragraph A is overpopulated, but not the other, then no more than 10% of the fund annually may be expended for sterilization for the species that is not overpopulated.

C. If there is no overpopulation of either species under paragraph A, funds must be expended according to requests for assistance with sterilization costs from eligible program applicants and participating veterinary providers with priority given to geographic areas with the greatest need for program services.

Sec. 3. 7 MRSA §3910-C is enacted to read:

§3910-C. Companion Animal Sterilization Program

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

A. "Administrator" means the entity that administers the program as provided in subsection 7.

B. "Fund" means the Companion Animal Sterilization Fund under section 3910-B.

C. "Neuter" means to castrate a male animal by removing the animal's testicles or to sterilize a male animal by a nonsurgical method approved by the federal Food and Drug Administration.

D. "Overpopulation" means a surplus of cats or dogs when compared to demand for ownership by humans as determined by the commissioner by rule.

E. "Program" means the Companion Animal Sterilization Program established under subsection 2.

F. "Spay" means to sterilize a female animal by removing the animal's ovaries or to sterilize a female animal by a nonsurgical method approved by the federal Food and Drug Administration.

G. "Spay or neuter event" means an event scheduled by a veterinary provider, including, but not limited to, a mobile clinic, a pop-up clinic or a clinic in a fixed location, during which 10 or more sterilizations are provided per day for program participants.

H. "Sterilization" means the spaying or neutering of a companion animal, a stray animal or a feral cat.

I. "Veterinary provider" means a person licensed to practice veterinary medicine under Title 32, section 4861 or an animal welfare organization that has at least one licensed veterinarian on staff and regularly provides companion animal sterilization services to the public.

2. Establishment. The Companion Animal Sterilization Program is established within the department to provide sterilization services in order to reduce:

- A. Stray and unwanted cats and dogs;
- B. Cat and dog euthanasia rates;
- C. Dog bites;
- D. Feral cats;
- E. Threats to public health and safety from rabies and other zoonotic diseases;
- F. Costs associated with community and state animal control; and
- G. Areas lacking access to veterinary care.

3. Eligibility. A person is eligible to have a companion animal, a stray animal or a feral cat sterilized under the program if the person is:

- A. At least 18 years of age and not declared as a dependent by another person for tax purposes;
- B. A resident of the State;
- C. The owner of the companion animal or the keeper of the stray animal or feral cat to be sterilized; and
- D. One of the following:
 - (1) The owner of the companion animal or the keeper of the stray animal to be sterilized and has a household income less than 133% of the federal poverty level, except that, if money is available in the fund, the department may by rule increase the household income limit for the purposes of eligibility up to 150% of the federal poverty level;
 - (2) The owner of the companion animal or the keeper of the stray animal to be sterilized participates in an income-based governmental public assistance program as determined by the department by rule; or
 - (3) The keeper of a feral cat, regardless of income.

A person determined eligible under this subsection may be issued a voucher for sterilization services under this subsection.

4. Copayment. A person who meets the eligibility requirements under subsection 3 and who receives services under the program shall submit to the administrator or the veterinary provider, whichever is applicable,

a copayment determined by the department unless the animal that is spayed or neutered is a feral cat. The department shall determine the copayment on an annual basis. The administrator may waive the copayment if the administrator determines that the copayment creates a financial hardship for the person.

5. Veterinary provider participation and payment. On an annual basis, a veterinary provider that wishes to receive payments for sterilization services under the program shall sign an agreement with the department on a form provided by the department. Under the agreement, the veterinary provider agrees to fees that may be charged for sterilization services, as established by the department, and all other program conditions and elects the manner of payment under the program in accordance with this subsection. The agreement must specify that the program only provides payments for the specific services covered under the program pursuant to subsection 6.

A veterinary provider may elect one of the following ways in which to receive payments under the program.

A. A veterinary provider may elect to receive prepayments for sterilizations in accordance with this paragraph by filing an application with the administrator requesting funding for sterilizations that the provider commits to perform in the 6-month period following the application's approval. The administrator shall provide prepayments to the veterinary provider in a single installment or in multiple installments. If the administrator provides multiple installments, any installment after the first installment must be conditioned upon the veterinary provider's provision of at least 75% of the sterilizations prepaid by the first installment and the availability of funding. A veterinary provider shall collect the copayments established under subsection 4 and provide an accounting to the administrator. The administrator may supply to the veterinary provider vouchers that allow the provider to verify in-clinic eligibility of clients.

B. A veterinary provider may elect to receive reimbursements for individual sterilizations by submitting an invoice to the administrator for the sterilization performed for a person issued a voucher by the administrator. The veterinary provider shall submit the invoice with the associated voucher after performing the sterilization.

6. Voucher reimbursement rate. The department shall establish by rule voucher reimbursement rates under the program in consultation with a statewide association of veterinarians. The reimbursement rates must cover the cost of the presterilization examination, the sterilization and a rabies vaccination. The reimbursement rate may cover additional procedures approved by the department, including feline viral rhinotracheitis, feline calicivirus and feline panleukopenia vaccinations; distemper, hepatitis, parainfluenza and

parvovirus vaccinations; and flea and tick treatment and may cover pain management and a device that prevents the cat or dog from reaching the surgical site. The owner of a companion animal or keeper of a stray animal or feral cat is responsible for the payment of any additional procedures administered by the veterinary provider that are not covered by the program.

7. Program administration. The department through a competitive selection process shall contract with a suitable animal welfare organization to administer the program. The administrator must have adequate resources and staff, or plans for adding sufficient staff, to administer the program, as determined by rule by the department. Other than the payment of administrative costs under section 3910-B, subsection 1-A, the administrator may not have any direct or indirect pecuniary interest in or receive or be eligible to receive, directly or indirectly, any benefit that may arise from a contract with the State under this section. In the event that the department is unable to contract with a suitable animal welfare organization, the department is the administrator. The administrator shall:

A. Issue a unique identifying code to a person who is determined to be eligible under subsection 3. The code must indicate the type of animal that is eligible for sterilization under the program;

B. Issue a group of vouchers to a veterinary provider to be used at a spay or neuter event for persons determined eligible in accordance with subsection 3. Vouchers under this paragraph are valid for no more than 120 days from the date of issuance unless extended by the administrator;

C. Maintain a phone line and a voice mail system and ensure that calls and messages are returned within 10 business days;

D. Procure veterinary provider participation agreements under subsection 5 and maintain relationships with veterinary providers;

E. Maintain a list of participating veterinary providers;

F. Except as provided under subsection 5, paragraph A, verify individual owner or keeper eligibility for the program;

G. Establish a process for spay or neuter events that ensures that participating veterinary providers are verifying owner or keeper eligibility for the program;

H. Dispense payment to veterinary providers in a timely manner once an application for payment is approved or an invoice for services is received and verified;

I. Collect and review progress reports from veterinary providers, including, but not limited to, specific vouchers redeemed, fund expenditures,

money remaining in the fund, changes needed for additional funding installments pursuant to subsection 5, paragraph A and accounting for copayments under subsection 4 paid directly to veterinary providers; and

J. Report quarterly to the commissioner on program progress including reconciliation of all funding, vouchers issued and redeemed, participating veterinary providers' progress, number of funding applications, number and type of sterilizations performed, geographic distribution of owners and keepers participating in the program, funds dispersed and fund balance.

8. Rules. The department shall adopt rules necessary to implement this section. Notwithstanding Title 5, section 8071, subsection 2, rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

Animal Welfare Fund 0946

Initiative: Provides funding for one part-time Senior Planner position and associated costs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.500	0.500
Personal Services	\$24,109	\$25,435
All Other	\$5,230	\$5,230
OTHER SPECIAL REVENUE FUNDS TOTAL	\$29,339	\$30,665

DACF Administration 0401

Initiative: Provides funding for the technology management costs associated with a position.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$585	\$586
OTHER SPECIAL REVENUE FUNDS TOTAL	\$585	\$586

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

DEPARTMENT TOTALS	2023-24	2024-25
OTHER SPECIAL REVENUE FUNDS	\$29,924	\$31,251

DEPARTMENT TOTAL -	\$29,924	\$31,251
ALL FUNDS		

See title page for effective date.

CHAPTER 485
S.P. 642 - L.D. 1625

**An Act to Update Criminal
Indictment Procedures and
Expand the Provision of
Counsel to Certain Indigent
Defendants**

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

Sec. 1. 15 MRSA §810, as amended by P&SL 1975, c. 147, Pt. C, §14, is repealed and the following enacted in its place:

§810. Copy of indictment furnished; assignment of counsel

1. Copy of indictment furnished. The clerk shall, without charge, furnish to any person indicted for a crime a copy of the indictment unless the indictment is sealed.

2. Assignment of counsel before arraignment. Before arraignment, competent defense counsel must be assigned by the court unless waived by the accused after being fully advised of the accused's rights by the court if the court determines that the accused is indigent and the accused is charged with murder or a Class A, B or C crime, except when the accused has not had an initial appearance on the complaint.

3. Assignment of counsel at arraignment. Competent defense counsel must be assigned by the court unless waived by the accused after being fully advised of the accused's rights by the court if the court determines that the accused is indigent and that:

- A. There is a risk upon conviction that the accused may be sentenced to a term of imprisonment;
- B. The accused has a physical, mental or emotional disability preventing the accused from fairly participating in the criminal proceeding without counsel; or
- C. The accused is a noncitizen for whom the criminal proceeding poses a risk of adverse immigration consequences.

See title page for effective date.

CHAPTER 486
S.P. 817 - L.D. 1988

**An Act to Provide Critical
Matching Funds for Child
Care Services on the Northern
Maine Community College
Campus**

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

Sec. 1. Appropriations and allocations. The following appropriations and allocations are made.

COMMUNITY COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE MAINE

Maine Community College System - Board of Trustees 0556

Initiative: Provides one-time funds to match funds provided for child care services on the Northern Maine Community College campus.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$1,000,000
GENERAL FUND TOTAL	\$0	\$1,000,000

See title page for effective date.