

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTY-FIRST LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 3, 2024 to May 10, 2024**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 9, 2024**

**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**  
**2024**

**CHAPTER 507  
H.P. 1316 - L.D. 2054**

**An Act to Exclude Certain  
Operating Under the Influence  
Crimes from the Immunity  
Provisions That Are Triggered  
When Law Enforcement Is  
Called for a Suspected  
Overdose**

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

**Sec. 1. 17-A MRSA §1111-B, sub-§1, ¶A**, as amended by PL 2023, c. 178, §1; c. 316, §11; and c. 405, Pt. A, §34, is further amended by amending subparagraph (20) to read:

(20) Criminal attempt as described in section 152 to commit a crime listed in subparagraphs (1) to (18); ~~and~~

**Sec. 2. 17-A MRSA §1111-B, sub-§1, ¶A**, as amended by PL 2023, c. 178, §1; c. 316, §11; and c. 405, Pt. A, §34, is further amended by amending subparagraph (21) to read:

(21) Criminal solicitation as described in section 153 to commit a crime listed in subparagraphs (1) to (18);~~;~~

**Sec. 3. 17-A MRSA §1111-B, sub-§1, ¶A**, as amended by PL 2023, c. 178, §1; c. 316, §11; and c. 405, Pt. A, §34, is further amended by enacting a new subparagraph (22) to read:

(22) OUI as described in Title 29-A, section 2411; and

**Sec. 4. 17-A MRSA §1111-B, sub-§1, ¶A**, as amended by PL 2023, c. 178, §1; c. 316, §11; and c. 405, Pt. A, §34, is further amended by enacting a new subparagraph (23) to read:

(23) Operating or attempting to operate a watercraft under the influence as described in Title 12, section 10701, subsection 1-A, paragraph B, a snowmobile under the influence as described in Title 12, section 10701, subsection 1-A, paragraph C or an ATV under the influence as described in Title 12, section 10701, subsection 1-A, paragraph D.

See title page for effective date.

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**CHAPTER 508  
H.P. 1313 - L.D. 2051**

**An Act Regarding the Duties of  
Bail Commissioners**

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

**Sec. 1. 15 MRSA §1025-A**, as enacted by PL 2005, c. 541, §1, is amended to read:

**§1025-A. County jail employees**

If a court or bail commissioner issues an order that a defendant in custody be released, pending trial, on personal recognizance or upon execution of an unsecured appearance bond, whether or not accompanied by one or more conditions under section 1026, subsection 3, an employee of the county jail having custody of the defendant, if authorized to do so by the sheriff, may, without fee, prepare the personal recognizance or bond and take the ~~acknowledgment~~ acknowledgment of the defendant.

See title page for effective date.

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**CHAPTER 509  
H.P. 1320 - L.D. 2058**

**An Act Regarding Compliance  
with Environmental Permit  
and License Application  
Requirements**

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

**Sec. 1. 38 MRSA §344, sub-§1**, as amended by PL 1991, c. 804, Pt. B, §2 and affected by §7, is further amended to read:

**1. Acceptance and notification.** The commissioner shall notify the applicant in writing of the official date on which the application was accepted as complete for processing or the reasons the application was not accepted. If a written notice of acceptance or nonacceptance is not mailed to the applicant within 15 working days of receipt of the application, the application is deemed to be accepted as complete for processing on the 15th working day after receipt by the department. If the application is not accepted, the commissioner shall return the application to the applicant with the reasons for nonacceptance specified in writing. A reason for nonacceptance of an application may include, but is not limited to, submission of the application after the activity requiring a permit or license pursuant to this Title has begun if the applicant knowingly violated a requirement to obtain the permit or license for the activity or the applicant, within the 5 years immediately preceding

the submission of the application, violated a requirement to obtain a permit or license pursuant to this Title. Any applicant whose application has not been accepted by the commissioner shall attend a presubmission meeting with the department before resubmitting that application. The commissioner shall notify the board of all applications accepted as complete.

An application is acceptable as complete for processing if the application is properly filled out and information is provided for each of the items included on the form. Acceptance of an application as complete for review does not constitute a determination by the department on the sufficiency of that information and does not preclude the department from requesting additional information during processing.

The commissioner shall require the applicant to provide notice to the public for each application for a permit or license accepted. The commissioner shall solicit comments from the public for each application in a manner prescribed by the board in the rules.

All correspondence notifying an applicant of denial of an application by the board or commissioner must be by certified mail, return receipt requested.

See title page for effective date.

**CHAPTER 510**

**H.P. 1328 - L.D. 2066**

**An Act to Clarify Liability Under the Uncontrolled Hazardous Substance Site Law and to Waive a Fee Regarding Voluntary Response Action Plans**

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

**Sec. 1. 38 MRSA §342, sub-§15**, as amended by PL 2017, c. 92, §1 and affected by §2, is further amended by amending the 2nd blocked paragraph to read:

The fee for department assistance in submitting a voluntary response action plan under section 343-E is equal to 1% of the assessed value of the property at the time the request is submitted, except that the fee may not exceed \$15,000. The fee is waived for a voluntary response action plan submitted for a property transaction or use funded in accordance with Title 7, section 320-K, subsection 4, paragraph D.

**Sec. 2. 38 MRSA §1367**, as corrected by RR 2021, c. 2, Pt. B, §287, is amended to read:

**§1367. Liability; recovery by the State for abatement, clean-up clean-up or mitigation costs and for damages**

Each responsible party is jointly and severally liable for all costs incurred by the State resulting from hazardous substances at the site or from the acts or omissions of a responsible party with respect to those hazardous substances and each responsible party is jointly and severally liable for all costs incurred by the State for the abatement, cleanup or mitigation of the threats or hazards posed or potentially posed by an uncontrolled site, including, without limitation, all of the State's costs of acquiring property. Each responsible party also is jointly and severally liable for damages for injury to, destruction of, loss of or loss of use of natural resources of the State, the reasonable costs of assessing natural resources damages and the costs of preparing and implementing a natural resources restoration plan. The commissioner shall demand reimbursement of costs, including interest, and payment of damages to be recovered under this section. The interest rate charged may not exceed the prime rate of interest plus 4%. Interest must be computed beginning 60 days from the date of a payment demand by the commissioner. Payment must be made promptly by the responsible party or parties upon whom the demand is made. Requests for reimbursement to the Uncontrolled Sites Fund, if not paid within 30 days of demand, may be turned over to the Attorney General for collection or may be submitted to a collection agency or agent or an attorney retained by the department with the approval of the Attorney General pursuant to Title 5, section 191. The Attorney General or an attorney retained by the department may file suit in the Superior Court and, in addition to relief provided by other law, may seek punitive damages. Notwithstanding the time limits stated in this paragraph, neither a demand nor other recovery efforts against one responsible party may relieve any other responsible party of liability.

In any suit filed under this section, the State need not prove negligence in any form or matter by a defendant. The State need only prove that a defendant is a responsible party, as defined in section 1362, and the site poses or posed or potentially poses or posed a threat or hazard to the health, safety or welfare of any citizen of the State or the environment of the State, to which the acts or omissions of the defendant are or were causally related.

A person who would otherwise be a responsible party is not subject to liability cost recovery by the State for the State's abatement, clean-up or mitigation costs or for damages under this section, if the person can establish by a preponderance of the evidence that threats or hazards posed or potentially posed by an uncontrolled site, for which threats or hazards the person would otherwise be responsible, were caused solely by:

- 1. Act of God.** An act of God;
- 2. Act of war.** An act of war;
- 3. Act or omission.** An act or omission of a 3rd party who is not that person's employee or agent. A