

# 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**

The commission may not select more than one proposal for participation in the pilot program.

**5. Special contract selection.** After selecting a qualifying facility for participation in the program under subsection 4, the commission shall direct the transmission and distribution utility in whose territory the qualifying facility is located to negotiate with that qualifying facility for a special contract that the commission may approve in accordance with section 703, subsection 3-A and as provided in this subsection. The commission may approve a special contract between the selected qualifying facility and the transmission and distribution utility in whose territory the proposed facility is located if the commission determines that the contract for service is necessary to make the development of the qualifying facility viable and cost-effective. The commission may approve a special contract for no more than 20 megawatts of electricity pursuant to this subsection.

**6. Wage requirements.** The owner or operator of a qualifying facility selected for the program pursuant to subsection 4 shall ensure that all persons engaged in the construction, alteration or repair of the qualifying facility, including all employees, contractors and subcontractors, are paid wages that are not less than the prevailing hourly wage for work of a similar character in the locality in which the qualifying facility is located as most recently determined by the Department of Labor, Bureau of Labor Standards in accordance with Title 26, section 1308 and in compliance with applicable requirements of the federal act and IRS production tax credit regulations.

**7. Production requirements; special contract termination.** If the commission determines that the qualifying facility selected for the program pursuant to subsection 4 is not meeting the anticipated clean hydrogen production volumes provided in its business development and management plan under subsection 3, paragraph G, the commission may order the transmission and distribution utility to terminate the special contract approved pursuant to subsection 5.

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

See title page for effective date.

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**CHAPTER 555**  
**S.P. 867 - L.D. 2039**

**An Act to Amend the Law  
Regarding the Board of the  
Finance Authority of Maine to  
Allow for the Addition of a  
Proxy Designee**

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

**Sec. 1. 10 MRSA §965, sub-§4, ¶B,** as amended by PL 1985, c. 344, §12 and PL 2011, c. 657, Pt. W, §5, is further amended to read:

B. One natural resources commissioner designated by the Governor from either the Department of Agriculture, Conservation and Forestry or the Department of Marine Resources, or that commissioner's designee; and

See title page for effective date.

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**CHAPTER 556**  
**H.P. 1326 - L.D. 2064**

**An Act to Amend the Laws  
Regarding Certain Advisory  
Councils and Boards Related to  
the Department of Marine  
Resources**

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

**Sec. 1. 12 MRSA §6024, sub-§1-A,** as amended by PL 2023, c. 207, §4, is further amended to read:

**1-A. Appointment; composition; term; compensation.** The Marine Resources Advisory Council, established by Title 5, section 12004-G, subsection 27, consists of 17 members. The chair of the Lobster Advisory Council, the chair of the Sea Urchin Zone Council ~~and~~, the chair of the Shellfish Advisory Council ~~and~~ the chair of the Aquaculture Advisory Council are ex officio members of the council. Each other member is appointed by the Governor and is subject to review by the joint standing committee of the Legislature having jurisdiction over marine resources matters and to confirmation by the Legislature. Five members must be persons who are licensed under this Part to engage in commercial harvesting activities. Those 5 members are selected by the Governor from names recommended to the Governor by groups representing commercial harvesting interests. Each member must represent a different commercial harvesting activity, except that none of those 5 members may represent lobster harvesters. The remaining ~~9~~ 8 members must include one member who

is listed on the saltwater recreational fishing registry established in section 6312 and does not hold a state marine harvesting license, one public member, one member who is a member of a federally recognized Indian nation, tribe or band in the State, 4 persons who hold a nonharvesting-related license under this Part, ~~and one person representing recreational saltwater anglers and one person representing the aquaculture industry.~~ The Governor shall select the person to represent the aquaculture industry from among the names recommended by the aquaculture industry. The Governor shall select the member who is a member of a federally recognized Indian nation, tribe or band in the State based on the joint recommendation of the tribal governments of the Mi'kmaq Nation, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at Motahkomikuk, the Passamaquoddy Tribe at Sipayik and the Penobscot Nation. If the tribal governments do not make a unanimous joint recommendation, the Governor shall appoint a member of a federally recognized Indian nation, tribe or band in the State and rotate the appointment among members of each federally recognized Indian nation, tribe or band in the State. The composition of the council must reflect a ~~geographical~~ geographic distribution along the coast. All appointed members are appointed for a term of 3 years, except a vacancy must be filled in the same manner as an original member for the unexpired portion of the term. An appointed member may not serve for more than 2 consecutive terms. Appointed members serve until their successors are appointed. The chair of the Lobster Advisory Council, the chair of the Sea Urchin Zone Council ~~and~~, the chair of the Shellfish Advisory Council ~~and the chair of the Aquaculture Advisory Council~~ shall serve until a new chair of the Lobster Advisory Council, a new chair of the Sea Urchin Zone Council ~~or~~, a new chair of the Shellfish Advisory Council or a new chair of the Aquaculture Advisory Council, respectively, is chosen. Members are compensated as provided in Title 5, chapter 379.

**Sec. 2. 12 MRSA §6080**, as repealed by PL 2011, c. 344, §19 and reenacted by c. 598, §9, is amended to read:

**§6080. Aquaculture Advisory Council**

**1. Appointment; composition.** The Aquaculture Advisory Council, referred to in this section as ~~the "council"~~ "the council" and established by Title 5, section 12004-I, subsection 57-C, consists of ~~5~~ 7 members who are appointed by the commissioner as follows. ~~The commissioner or the commissioner's designee is a non-voting, ex officio member of the council. The commissioner shall appoint 4 members from the State's aquaculture industry. No more than 2 of the appointed members may represent similar segments of the State's aquaculture industry.~~

A. The commissioner shall appoint at least 5 and up to 6 members from the aquaculture industry. In making appointments under this paragraph, the

commissioner shall ensure geographic representation as well as representation of multiple sectors of the aquaculture industry and representation of businesses operating at different scales within the aquaculture industry.

B. The commissioner shall appoint one member who is a member of the public with expertise in matters related to the work of the council. If the number of members appointed pursuant to paragraph A is fewer than 6, then the commissioner shall appoint one additional member who is a member of the public with expertise in matters related to the work of the council.

In making appointments, the commissioner may consider nominations from the council and from associations representing the interests of persons involved in the aquaculture industry.

**2. Term.** Council members serve for 3 years and continue serving until a successor is duly appointed and qualified. A member may not serve more than 2 consecutive terms. In the case of a vacancy, the commissioner shall promptly fill the vacancy.

**3. Purpose.** The council shall make recommendations to the commissioner ~~and the joint standing committee of the Legislature having jurisdiction over marine resources matters concerning expenditures from the Aquaculture Management Fund for the purposes described under section 6072-D and concerning other matters of interest to the aquaculture industry.~~

A. Matters of interest to the aquaculture industry, including, but not limited to, the leasing and licensing process, seed source, animal health, gear, compliance and research; and

B. Expenditures from the Aquaculture Management Fund for the purposes described in section 6072-D, subsection 4.

The council shall bring forward to the commissioner matters of concern to the aquaculture industry and assist the commissioner with the dissemination of information to members of the aquaculture industry.

~~**4. Chair and officers**~~ **Officers.** ~~The officers of the council annually shall choose one of its members to serve as chair for a one year term. The council may select other officers and designate their duties are the chair and vice-chair. The term of the officers is one year. The council shall elect a member of the council for each officer position at the first regular meeting of each year.~~

**5. Meetings.** The council shall meet at least ~~once~~ twice each year, and the meetings may not be held within the same quarter. It may also meet at other times at the call of the chair ~~or the chair's designee~~ or the commissioner ~~or the commissioner's designee~~. The council may conduct a meeting by means of a conference call linking 2 or more members of the council.

7. Compensation. Council members are entitled to expenses according to Title 5, chapter 379, which are paid from the Aquaculture Management Fund established in section 6072-D.

**Sec. 3. 12 MRSA §6465, sub-§2**, as amended by PL 2021, c. 491, §3, is further amended to read:

**2. Research, education and development board.** The commissioner shall appoint a research, education and development board and consult with the board regarding the expenditures from the fund. The board is composed of ~~one member from each of the following organizations~~ the following individuals:

- ~~A. A statewide association representing the interests of persons who harvest lobster commercially;~~
- ~~B. An association representing the interests of persons who harvest lobster commercially in Washington and Hancock counties;~~
- ~~C. A southern Maine association representing the interests of persons who harvest lobster commercially;~~
- ~~D. A statewide import-export lobster dealers' association;~~
- ~~E. A statewide lobster pound owners' association;~~
- ~~F. A statewide lobster processors' association;~~
- ~~G. The Maine Lobster Marketing Collaborative under section 6455-A;~~
- ~~H. The Lobster Advisory Council established by Title 5, section 12004-I, subsection 58; and~~
- ~~I. An international lobster institute. This member must be a resident of the State.~~
- J. Three individuals representing the interests of persons who harvest lobster commercially. These individuals must reflect a geographic distribution along the coast of the State;
- K. Three individuals representing the interests of persons who hold wholesale seafood licenses with lobster permits;
- L. One individual representing the Maine Lobster Marketing Collaborative under section 6455-A;
- M. One individual representing the Lobster Advisory Council established by Title 5, section 12004-I, subsection 58; and
- N. One individual who has expertise in lobster science.

Members are entitled to compensation according to Title 5, chapter 379.

See title page for effective date.

**CHAPTER 557  
H.P. 1381 - L.D. 2161**

**An Act to Make Technical Corrections to the Maine Juvenile Code, the Maine Criminal Code and the Intelligence and Investigative Record Information Act**

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

**Sec. 1. 15 MRSA §3010, sub-§3**, as enacted by PL 2021, c. 365, §9 and affected by §37, is amended to read:

**3. Juvenile history record information pertaining to adjudications.** Notwithstanding subsection 2, if a juvenile has been adjudicated as having committed a juvenile crime that would constitute murder or a Class A, B or C crime if the juvenile adjudicated were an adult, then that adjudication and any resulting disposition imposed, but no other related juvenile history record information, may be disclosed publicly. Any adjudication and related disposition sealed pursuant to section 3308-C, subsection 10 is not subject to public disclosure pursuant to this subsection.

**Sec. 2. 15 MRSA §3308-C, sub-§10, ¶E**, as amended by PL 2021, c. 701, §1, is further amended to read:

E. Notice of the court's order certifying its granting of the juvenile's petition to seal juvenile case records pursuant to paragraph B or notice of the court's order of automatic sealing pursuant to paragraph C must be provided to the Department of Public Safety, Bureau of State Police, State Bureau of Identification if the adjudication is for a juvenile crime the ~~criminal records~~ juvenile history record information of which are is maintained by the State Bureau of Identification pursuant to Title 25, section 1541. Notice of the order may be sent by electronic transmission. The State Bureau of Identification or the appropriate agency upon receipt of the notice shall promptly update its records relating to each of the juvenile adjudications included in the notice. For purposes of this paragraph, "juvenile history record information" has the same meaning as in section 3010, subsection 1, paragraph E.

**Sec. 3. 16 MRSA §805-A, sub-§2**, as enacted by PL 2023, c. 235, §3, is repealed.

**Sec. 4. 17-A MRSA §1604, sub-§5, ¶B**, as amended by PL 2023, c. 316, §12 and c. 455, §3, is further amended to read:

B. If the State pleads and proves that, at the time any crime under chapter 9, 11, 12, 13, 27 or 35;