

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.

Augusta, Maine
2024

**CHAPTER 569
H.P. 1425 - L.D. 2222**

**An Act Establishing a State
Calendar for the State of
Maine**

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

Sec. 1. 5 MRSA §90-H is enacted to read:

§90-H. State calendar

The Secretary of State or the secretary's designee shall establish a state calendar that includes important religious days and holidays of residents of the State and citizens of the United States.

1. Purpose of state calendar; limitation. The state calendar must be established to assist state agencies when scheduling events involving members of the public. Notwithstanding any provision of law to the contrary, inclusion on the state calendar does not establish a paid holiday for an employee of the State or an employee of a private entity.

2. Administration. By April 15, 2034, and every 10 years thereafter, the Secretary of State or the secretary's designee shall review and update the state calendar in consultation with persons representing the Christian, Muslim and Jewish faith communities, other religious traditions practicing in the State, immigrants in the State, the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations, as established in section 12004-J, subsection 19, and the federally recognized Indian nations, tribes and bands located in the State.

3. Distribution. The Secretary of State or the secretary's designee shall distribute no later than June 1st the state calendar for the next calendar year to all state agencies. The Secretary of State shall post the calendar on the publicly accessible website of the office of the Secretary of State.

See title page for effective date.

**CHAPTER 570
H.P. 1433 - L.D. 2234**

**An Act to Require Telephone
Solicitors to Use the Reassigned
Numbers Database**

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

Sec. 1. 10 MRSA §1499-B, sub-§1, ¶D-2 is enacted to read:

D-2. "Reassigned numbers database" means a database created and maintained by the Federal Communications Commission that identifies whether a telephone number has been reassigned.

Sec. 2. 10 MRSA §1499-B, sub-§6, as amended by PL 2007, c. 489, §3, is further amended to read:

6. Telephone solicitation violations. It is a violation of this section for a telephone solicitor to initiate a telephone sales call to a consumer if that consumer's telephone number has been on the national or state do-not-call registry, established by the Federal Trade Commission, for at least 3 months prior to the date the call is made or to fail to use the reassigned numbers database to verify that a consumer's telephone number has not been reassigned prior to initiating a telephone sales call to that consumer. A telephone solicitor is not liable for violating this section if the telephone solicitor can demonstrate that:

A. As part of the telephone solicitor's routine business practice, the telephone solicitor has established and implemented written procedures to comply with this section;

B. As part of the telephone solicitor's routine business practice, the telephone solicitor has trained its personnel, and any entity assisting in its compliance, in the procedures established pursuant to paragraph A;

C. As part of the telephone solicitor's routine business practice, the telephone solicitor or another person acting on behalf of the telephone solicitor has recorded and maintained a list of telephone numbers the telephone solicitor may not contact;

D. As part of the telephone solicitor's routine business practice, the telephone solicitor uses a process to prevent telemarketing to any telephone number on any list established pursuant to paragraph C or on the national do-not-call registry, employing a version of the national do-not-call registry obtained from the Federal Trade Commission no more than 31 days prior to the date any call is made, and maintains records documenting this process;

E. As part of the telephone solicitor's routine business practice, the telephone solicitor or another person acting on behalf of the telephone solicitor monitors and enforces compliance with the procedures established pursuant to paragraph A; ~~and~~

E-1. As part of the telephone solicitor's routine business practice, the telephone solicitor or another person acting on behalf of the telephone solicitor uses the reassigned numbers database to verify that a consumer's telephone number has not been reassigned prior to initiating a telephone sales call to that consumer; and

F. Any subsequent call otherwise violating this section is the result of error.

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CHAPTER 571

S.P. 966 - L.D. 2244

An Act to Implement the Recommendations of the Department of the Secretary of State, Bureau of Motor Vehicles' Motor Vehicle Dealer Display Area and Licensing Requirements Working Group

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

Sec. 1. 29-A MRSA §851, sub-§4, ¶C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

C. With an improved display area of not less than ~~5,000~~ 3,500 square feet in or immediately adjoining it;

See title page for effective date.

CHAPTER 572

S.P. 967 - L.D. 2245

An Act to Clarify the Definition of "Underground Facility" and Reduce Administrative Burdens Under the So-called Dig Safe Law

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

Sec. 1. 23 MRSA §3360-A, sub-§1, ¶E, as amended by PL 2019, c. 592, §1, is further amended to read:

E. "Underground facility" means any item of personal property buried or placed below ground for use in connection with the storage or conveyance of water, sewage, electronic, telephonic or telegraphic communications, electric energy, oil, gas, liquefied propane gas or other substances and including, but not limited to, pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, appurtenances and those parts of poles below ground. ~~Except for liquefied propane gas distribution systems that have underground pipes, "underground facility" does not include liquefied propane gas distribution systems that are not included~~

~~within the scope of 49 Code of Federal Regulations, Part 192. "Underground facility" does not include highway drainage culverts or under drains;~~

(1) Highway drainage culverts or under drains; or

(2) Liquefied propane gas distribution systems that have underground pipes located on a residential lot if:

(a) The residential lot has no more than one structure connected by underground pipes to a liquefied propane gas distribution system;

(b) The structure that is connected by underground pipes to a liquefied propane gas distribution system contains no more than 2 dwelling units; and

(c) The liquefied propane gas tank is located 25 feet or less from that structure.

Sec. 2. 23 MRSA §3360-A, sub-§1, ¶F, as amended by PL 2001, c. 577, §3, is further amended to read:

F. "Underground facility operator" means the owner or operator of any underground facility, other than an underground oil storage facility as defined in Title 38, section 562-A, subsection 21 or an airport aviation fuel hydrant piping system, used in furnishing electric, telephone, telegraph, gas, petroleum transportation, liquefied propane gas or cable television service. "Underground facility operator" does not include a municipality or a public utility with fewer than 5 full-time employees or fewer than 300 customers or a person that owns underground facilities on its own property for commercial or residential purposes.

Sec. 3. Public Utilities Commission; rules.

The Public Utilities Commission shall initiate rulemaking to amend its rule Chapter 895: Underground Facility Damage Prevention Requirements to reduce the administrative burdens for underground facility operators as defined in the Maine Revised Statutes, Title 23, section 3360-A, subsection 1, paragraph F. Notwithstanding Title 23, section 3360-A, subsection 13, rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.