

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 622
H.P. 1202 - L.D. 1877**

**An Act to Reduce the Number
of Children Living in Deep
Poverty by Adjusting
Assistance for Low-income
Families**

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

Sec. 1. 22 MRSA §3769-C, sub-§1, ¶C, as enacted by PL 2017, c. 284, Pt. NNNNNNN, §11, is amended to read:

C. Beginning October 1, ~~2017~~ 2024, the department shall increase the maximum amount of monthly TANF assistance by an amount equal to 20% of the maximum payments that were in effect on January 1, ~~2017~~ 2024 and shall increase the standard of need to maintain the same differential between the maximum payment and the standard of need that was in effect on January 1, ~~2017~~ 2024.

Sec. 2. 22 MRSA §3769-C, sub-§1, ¶D, as enacted by PL 2017, c. 284, Pt. NNNNNNN, §11, is amended to read:

D. Beginning October 1, ~~2018~~ 2024 and for each year thereafter, the department shall increase the maximum amount of monthly TANF assistance by an amount equal to the increase, if any, in the cost of living and shall increase the standard of need to maintain the same differential between the maximum payment and the standard of need that was in effect on January 1, ~~2017~~ 2024. The increase in the cost of living for each year must equal the percentage increase, if any, in the federal supplemental security income program for that year.

See title page for effective date.

**CHAPTER 623
S.P. 971 - L.D. 2253**

**An Act to Authorize a
Stop-work Order Regarding an
Activity That Is Creating an
Immediate and Substantial
Adverse Impact to a Protected
Natural Resource**

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

Sec. 1. 12 MRSA §685-C, sub-§8-A is enacted to read:

8-A. Stop-work order. In accordance with the commission's delegated authority under Title 38, sections 480-E-1 and 480-R and notwithstanding any provision of law to the contrary, if the director of the commission finds that an activity located wholly within the jurisdiction of the commission is being performed in a manner that violates a law administered by the commission, a rule adopted by the commission or a term or condition of a permit or order issued by the commission and that the activity is creating an immediate and substantial adverse impact to a protected natural resource, as determined by the director, the director may issue a stop-work order pursuant to this subsection requiring the cessation of the activity in whole or in part. As used in this subsection, "protected natural resource" has the same meaning as in Title 38, section 480-B, subsection 8.

A. A stop-work order under this subsection must be in writing and must identify:

- (1) The portion of the activity that must immediately cease;
- (2) The law, rule or term or condition of the permit or order that the activity violates;
- (3) The protected natural resource that is being substantially adversely impacted by the activity;
- (4) The duration for which the activity must be ceased;
- (5) The conditions under which the activity may resume, which must include, at a minimum, identification of the corrective actions necessary to restore the protected natural resource or remediate or abate the substantial adverse impacts to the protected natural resource from the activity and to prevent any further adverse impacts to the protected natural resource from the activity. Prior to the resumption of the activity subject to the stop-work order, the commission shall conduct a site inspection to assess compliance with the conditions and requirements of the order; and
- (6) The process by which the person to whom the order is directed may respond to the order, or request that the director rescind or modify the order, while the order is in effect.

B. The director shall deliver a stop-work order under this subsection to the person responsible for the activity or, if delivery cannot be made to that person, to that person's employee, contractor or agent or to the owner of the property on which the activity is occurring. The director shall also notify the town, plantation or, in the case of a township, the county commissioners of the county in which the activity is occurring regarding the issuance of the stop-work order.

(1) Upon delivery of the stop-work order, the person to whom the order is directed shall comply with the order and immediately cease the activity subject to the order.

(2) Upon the written request of the person to whom the stop-work order is directed, the director may rescind or modify the order while the order is in effect.

(3) The issuance of a stop-work order or the modification of an order by the director may be appealed by the person to whom the order is directed to the Superior Court pursuant to the Maine Administrative Procedure Act. If the issuance or modification of the stop-work order is appealed to the Superior Court by the person to whom the order is directed, the order remains in effect and enforceable during the pendency of the appeal, except as otherwise provided in the order or by the director or as ordered by the Superior Court.

C. If the activity subject to a stop-work order under this subsection is occurring under a permit or order issued by the commission, the duration of the stop-work order may not exceed 2 weeks from the date of issuance of the stop-work order. If the person to whom the stop-work order is directed does not satisfy the conditions set forth in the stop-work order for the resumption of the activity, as determined by the director, the director may extend the stop-work order for an additional time period, not to exceed 4 weeks, necessary to satisfy those conditions.

D. A person who violates a stop-work order issued under this subsection is subject to a civil penalty of up to \$5,000 per day, per violation of the order, payable to the State and recoverable in a civil action, in addition to any other penalties that may be imposed by the commission by law.

E. Nothing in this subsection limits the commission's authority to pursue other administrative or enforcement actions relating to the activities described in a stop-work order issued under this subsection.

Sec. 2. 38 MRSA §347-A, sub-§3-A is enacted to read:

3-A. Stop-work order. Notwithstanding any provision of law to the contrary, if the commissioner finds that an activity is being performed in a manner that violates this Title, a rule adopted pursuant to this Title or a term or condition of a license, permit or order issued by the board or the department and that the activity is creating an immediate and substantial adverse impact to a protected natural resource, as determined by the department, the commissioner may issue a stop-work order pursuant to this subsection requiring the cessation

of the activity in whole or in part. As used in this subsection, "protected natural resource" has the same meaning as in section 480-B, subsection 8.

A. A stop-work order under this subsection must be in writing and must identify:

(1) The portion of the activity that must immediately cease;

(2) The law, rule or term or condition of the license, permit or order that the activity violates;

(3) The protected natural resource that is being substantially adversely impacted by the activity;

(4) The duration for which the activity must be ceased;

(5) The conditions under which the activity may resume, which must include, at a minimum, identification of the corrective actions necessary to restore the protected natural resource or remediate or abate the substantial adverse impacts to the protected natural resource from the activity and to prevent any further adverse impacts to the protected natural resource from the activity. Prior to the resumption of the activity subject to the stop-work order, the department shall conduct a site inspection to assess compliance with the conditions and requirements of the order; and

(6) The process by which the person to whom the order is directed may respond to the order, or request that the commissioner rescind or modify the order, while the order is in effect.

B. The commissioner shall deliver a stop-work order under this subsection to the person responsible for the activity or, if delivery cannot be made to that person, to that person's employee, contractor or agent or to the owner of the property on which the activity is occurring. The commissioner shall also notify the municipality in which the activity is occurring regarding the issuance of the stop-work order.

(1) Upon delivery of the stop-work order, the person to whom the order is directed shall comply with the order and immediately cease the activity subject to the order.

(2) Upon the written request of the person to whom the stop-work order is directed, the commissioner may rescind or modify the order while the order is in effect.

(3) The issuance of a stop-work order or the modification of an order by the commissioner may be appealed by the person to whom the order is directed to the Superior Court pursuant to the Maine Administrative Procedure Act. If

the issuance or modification of the stop-work order is appealed to the Superior Court by the person to whom the order is directed, the order remains in effect and enforceable during the pendency of the appeal, except as otherwise provided in the order or by the commissioner or as ordered by the Superior Court.

C. If the activity subject to a stop-work order under this subsection is occurring under a license, permit or order issued by the board or the department, the duration of the stop-work order may not exceed 2 weeks from the date of issuance of the stop-work order. If the licensee, permittee or person subject to the order does not satisfy the conditions set forth in the stop-work order for the resumption of the activity, as determined by the commissioner, the commissioner may extend the stop-work order for an additional time period, not to exceed 4 weeks, necessary to satisfy those conditions.

D. A person who violates a stop-work order issued under this subsection is subject to a civil penalty of up to \$5,000 per day, per violation of the order, payable to the State and recoverable in a civil action, in addition to any other penalties that may be imposed under section 349.

E. Nothing in this subsection limits the department's authority to pursue other administrative or enforcement actions relating to the activities described in a stop-work order issued under this subsection.

See title page for effective date.

**CHAPTER 624
H.P. 1451 - L.D. 2261**

An Act Regarding New Motor Vehicle Emissions Rules

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

Sec. 1. 38 MRSA §585-D, as amended by PL 2011, c. 120, §8, is further amended by enacting after the 2nd indented paragraph a new paragraph to read:

Rules adopted or amended by the board on or after August 1, 2024 pursuant to this section, including, but not limited to, rules to establish zero-emission requirements, are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 38 MRSA §585-D, as amended by PL 2011, c. 120, §8, is further amended by enacting at the end a new paragraph to read:

By January 1, 2025, and annually thereafter, the department shall submit a report to the joint standing com-

mittee of the Legislature having jurisdiction over environment and natural resources matters regarding the status of the regulatory program adopted by the California Air Resources Board for new motor vehicle emissions, known as the Advanced Clean Cars II program, and the adoption of that program by other states, as well as any updates regarding federal motor vehicle emissions control requirements. After reviewing the report, the committee may report out legislation relating to the report to the Legislature in the legislative session in which the report is submitted.

Sec. 3. Report on regulation of motor vehicle emissions. The Department of Environmental Protection, in developing the report required by the Maine Revised Statutes, Title 38, section 585-D and due January 1, 2025, shall collaborate with the Department of Transportation, the Governor's Energy Office, the Office of Policy Innovation and the Future and the Efficiency Maine Trust in evaluating relevant barriers to the adoption of zero-emission vehicle standards or requirements in the State. In addition to the requirements set forth in Title 38, section 585-D, the report due January 1, 2025 must include an analysis of zero-emission vehicle adoption rates in the State relative to national trends and identification of barriers to achieving higher adoption rates, identification of strategies to reduce those barriers with particular consideration given to barriers present in rural communities and an evaluation of policies or market trends for overcoming those barriers. Notwithstanding Title 38, section 585-D, the Department of Environmental Protection shall submit this report by January 1, 2025 to the joint standing committees of the Legislature having jurisdiction over environment and natural resources matters, energy and utilities matters and transportation matters. After reviewing the report, each of the joint standing committees may report out legislation relating to the report to the 132nd Legislature in 2025.

See title page for effective date.

**CHAPTER 625
H.P. 1454 - L.D. 2265**

An Act to Implement Recommendations Resulting from the State Government Evaluation Act Review of the Department of Professional and Financial Regulation

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

Sec. 1. 2 MRSA §6, sub-§2, as amended by PL 2019, c. 343, Pt. XXX, §1, is further amended to read:

2. Range 90. The salaries of the following state officials and employees are within salary range 90: