

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

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:

- Superintendent of Financial Institutions;
- Superintendent of Consumer Credit Protection;
- State Tax Assessor;
- Associate Commissioner for Tax Policy, Department of Administrative and Financial Services;
- Superintendent of Insurance;
- Executive Director of the Maine Consumer Choice Health Plan;
- Two deputy commissioners, Department of Administrative and Financial Services;
- Deputy Commissioner, Department of Corrections;
- Public Advocate;
- Two deputy commissioners, Department of Health and Human Services;
- Chief Information Officer;
- Associate Commissioner, Department of Corrections;
- Chief of the State Police;
- Securities Administrator, Office of Securities; ~~and~~
- Director, Office of Professional and Occupational Regulation; ~~and~~
- Deputy Commissioner, Department of Professional and Financial Regulation.

Sec. 2. 5 MRSA §934, sub-§1, ¶D, as amended by PL 2001, c. 182, §2, is further amended to read:

D. ~~Assistant to the~~ Deputy Commissioner; and

Sec. 3. 10 MRSA §8002, first ¶, as amended by PL 2011, c. 1, Pt. AA, §1, is further amended to read:

The Commissioner of Professional and Financial Regulation, referred to in this chapter as the "commissioner," is the chief administrative officer of the department and is responsible for supervising the administration of the department. The commissioner is appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over banking and insurance matters, and to confirmation by the Legislature. The commissioner serves at the pleasure of the Governor. ~~Unless~~ Except as provided in subsection 13 or unless otherwise provided in law, the commissioner may not exercise or interfere with the exercise of discretionary regulatory authority granted by statute to the bureaus, offices, boards or commissions within and affiliated with the department. As chief administrative officer of the department, the commissioner has the following duties and authority to:

Sec. 4. 10 MRSA §8002, sub-§2, as amended by PL 1995, c. 502, Pt. H, §9, is further amended to read:

2. Personnel. Except as otherwise specified, appoint and remove, subject to the Civil Service Law, all personnel considered necessary to fulfill the duties and functions of the department; appoint ~~an assistant to the~~ a deputy commissioner to serve at the commissioner's pleasure; and transfer personnel within the department to ensure efficient utilization of department personnel;

Sec. 5. 10 MRSA §8002, sub-§11, as amended by PL 2011, c. 603, §2, is further amended to read:

11. Report on fees. By December 1st of each even-numbered year, conduct a review of the fees assessed by the department and provide a written report to the State Budget Officer and the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs, insurance and financial services matters and business, research and economic development matters identifying any fee changes the commissioner recommends for the next biennium; ~~and~~

Sec. 6. 10 MRSA §8002, sub-§12, as enacted by PL 2011, c. 603, §3, is amended to read:

12. Recommend measures. Recommend legislation or other measures to the Governor and the Legislature for the purpose of assisting current and former members of the United States Armed Forces in obtaining any professional license within the provisions of the department related to their relevant training and experience from their military service; ~~and~~

Sec. 7. 10 MRSA §8002, sub-§13 is enacted to read:

13. Emergency authority. When a state of emergency is declared pursuant to state or federal law, temporarily modify or suspend any continuing education requirements, license expiration dates, examination requirements, license fees or other licensing requirements as necessitated by the declared emergency. The temporary modification or suspension may extend no more than one year beyond the date the state of emergency is declared.

Sec. 8. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF Administrative Services - Professional and Financial Regulation 0094

Initiative: Allocates ongoing funds for the costs of replacing an Assistant to the Commissioner position with a Deputy Commissioner position.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$19,003
All Other	\$0	\$1,411

OTHER SPECIAL REVENUE	\$0	\$20,414
FUNDS TOTAL		

See title page for effective date.

**CHAPTER 626
S.P. 367 - L.D. 870**

**An Act to Strengthen Freedom
of Speech Protections by
Enacting the Uniform Public
Expression Protection Act**

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

Sec. 1. 14 MRSA §556, as amended by PL 2023, c. 322, §1, is repealed.

Sec. 2. 14 MRSA c. 203, sub-c. 5 is enacted to read:

SUBCHAPTER 5

**UNIFORM PUBLIC EXPRESSION
PROTECTION ACT**

§731. Short title

This subchapter may be known and cited as "the Uniform Public Expression Protection Act."

§732. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Governmental unit. "Governmental unit" means a public corporation or government or governmental subdivision, agency or instrumentality.

2. Person. "Person" means an individual, estate, trust, partnership, business or nonprofit entity, governmental unit or other legal entity.

§733. Applicability

1. Goods or services. For the purposes of this section, "goods or services" does not include the creation, dissemination, exhibition or advertisement or similar promotion of a dramatic, literary, musical, political, journalistic or artistic work.

2. Cause of action asserted. Except as otherwise provided in subsection 3, this subchapter applies to a cause of action asserted in a civil action against a person based on the person's:

A. Communication in a legislative, executive, judicial, administrative or other governmental proceeding;

B. Communication on an issue under consideration or review in a legislative, executive, judicial, administrative or other governmental proceeding;

C. Exercise of the right of freedom of speech or of the press, the right to assemble or petition or the right of association, guaranteed by the United States Constitution or by the Constitution of Maine, on a matter of public concern; or

D. Written or oral statement made in connection with a discrimination complaint pursuant to the Maine Human Rights Act or any written or oral statement made in connection with a complaint pursuant to Title 20-A, chapter 445 or the so-called Title IX provisions of the federal Education Amendments of 1972, Public Law 92-318.

3. Exceptions. This subchapter does not apply to a cause of action asserted:

A. Against a governmental unit or an employee or agent of a governmental unit acting or purporting to act in an official capacity;

B. By a governmental unit or an employee or agent of a governmental unit acting in an official capacity to enforce a law to protect against an imminent threat to public health or safety; or

C. Against a person primarily engaged in the business of selling or leasing goods or services if the cause of action arises out of a communication related to the person's sale or lease of the goods or services.

§734. Special motion for expedited relief

Not later than 60 days after a party is served with a complaint, petition, cross-claim, counterclaim, 3rd-party claim or other pleading that asserts a cause of action to which this subchapter applies, or at a later time on a showing of good cause, the party may file a special motion for expedited relief to dismiss the cause of action or part of the cause of action.

§735. Stay

1. Stay proceedings. Except as otherwise provided in subsections 4 to 7, on the filing of a motion under section 734:

A. All other proceedings between the moving party and responding party, including discovery and a pending hearing or motion, are stayed; and

B. On motion by the moving party, the court may stay a hearing or motion involving another party, or discovery by another party, if the hearing or ruling on the motion would adjudicate, or the discovery would relate to, an issue material to the motion under section 734.

2. Length of stay. A stay under subsection 1 remains in effect until entry of an order ruling on the motion under section 734 and expiration of the time under the Maine Rules of Appellate Procedure for the moving party to appeal the order.