

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

GENERAL FUND TOTAL (\$2,250) (\$2,250)

See title page for effective date.

CHAPTER 651
S.P. 179 - L.D. 372

An Act to Increase
Enforcement and
Accountability for Wage
Violations

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

Sec. 1. 26 MRSA §53, as enacted by PL 1999,
c. 181, §1, is amended to read:

§53. Additional penalties

In addition to any penalties provided in chapter 7,
subchapters 1 to 4, the director may assess a forfeiture
fine against any an employer, officer, agent or other
person who that violates any provision of chapter 7,
subchapters 1 to 4 for each violation of those sub-
chapters. The forfeiture fine may not exceed \$1,000 or
the amount provided in law or rule as a penalty for the
specific violation, whichever is less. In addition, the di-
rector may order any employer, officer, agent or other
person that the director finds is in violation under chap-
ter 7, subchapters 1 to 4 or section 1312 to pay unpaid
wages determined to be due, as well as an additional
amount equal to twice the amount of unpaid wages as
liquidated damages and a reasonable rate of interest.
The Attorney General, upon complaint of the director,
shall institute a civil action to recover the forfeiture fine
and any unpaid wages, liquidated damages and interest.
Whether through private right of action, through order
of the director or through civil action of the Attorney
General, an employee may not receive payment more
than once for the same unpaid wages and liquidated
damages owed. Any amount civil fine or penalty recov-
ered must be deposited with the Treasurer of State. The
Department of Labor is authorized to receive the pay-
ment of unpaid wages, liquidated damages and interest
on behalf of an employee. The director must pay these
sums to the employee in their entirety. The director shall
adopt rules to govern the administration of the civil
money forfeiture fine or penalty provisions. The rules
must include a right of appeal by the employer and a
range of monetary assessments with consideration
given to the size of the employer's business, the good
faith of the employer, the gravity of the violation and
the history of previous violations. The rules adopted
pursuant to this section are major substantive rules pur-
suant to Title 5, chapter 375, subchapter H-A 2-A.

See title page for effective date.

CHAPTER 652
H.P. 728 - L.D. 1156

An Act to Authorize a General
Fund Bond Issue to Promote
the Design, Development and
Maintenance of Trails for
Outdoor Recreation and Active
Transportation

Preamble. Two thirds of both Houses of the Leg-
islature deeming it necessary in accordance with the
Constitution of Maine, Article IX, Section 14 to
authorize the issuance of bonds on behalf of the State of
Maine to provide funds as described in this Act,

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

Sec. 1. Authorization of bonds. The
Treasurer of State is authorized, under the direction of
the Governor, to issue bonds in the name and on behalf
of the State in an amount not exceeding \$30,000,000 for
the purposes described in section 5 of this Act. The
bonds are a pledge of the full faith and credit of the
State. The bonds may not run for a period longer than
10 years from the date of the original issue of the bonds.

Sec. 2. Records of bonds issued; Treasurer
of State. The Treasurer of State shall ensure that an
account of each bond is kept showing the number of the
bond, the name of the successful bidder to whom sold,
the amount received for the bond, the date of sale and
the date when payable.

Sec. 3. Sale; how negotiated; proceeds ap-
propriated. The Treasurer of State may negotiate the
sale of the bonds by direction of the Governor, but no
bond may be loaned, pledged or hypothecated on behalf
of the State. The proceeds of the sale of the bonds,
which must be held by the Treasurer of State and paid
by the Treasurer of State upon warrants drawn by the
State Controller, are appropriated solely for the pur-
poses set forth in this Act. Any unencumbered balances
remaining at the completion of the project in this Act
lapse to the Office of the Treasurer of State to be used
for the retirement of general obligation bonds.

Sec. 4. Interest and debt retirement. The
Treasurer of State shall pay interest due or accruing
on any bonds issued under this Act and all sums coming
due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds
from General Fund bond issue. The proceeds of
the sale of the bonds authorized under this Act must be
expended as designated in the following schedule under
the direction and supervision of the agencies and enti-
ties set forth in this section.

DEPARTMENT OF AGRICULTURE, CON-
SERVATION AND FORESTRY

Bureau of Parks and Lands

Provides funds for a program, to be known as the Maine Trails Program, in order to leverage at least \$3,000,000 in matching contributions from public and private sources to be used for the design, development and maintenance of nonmotorized, motorized and multi-use trails statewide. No more than \$7,500,000 may be expended in the first year by the Bureau of Parks and Lands and no more than \$7,500,000 may be expended by the Bureau of Parks and Lands in each of the 3 subsequent years, except that any unused balance may be added to the specified amount in subsequent years.

Total \$30,000,000

Sec. 6. Disbursement of bond proceeds. The proceeds of the bonds for the program as set out in section 5 must be expended by the Department of Agriculture, Conservation and Forestry for design, development and maintenance of nonmotorized, motorized and multi-use trails, trailheads and trailside amenities statewide in accordance with the following requirements:

1. Funds must be awarded by a competitive grant process to municipalities; other qualified subdivisions of State Government, including executive branch departments and agencies; and nonprofit organizations.
2. Approximately 25% of the funds must be expended in support of nonmotorized trails, 25% in support of motorized trails and 50% in support of multi-use trails used for recreation or active transportation;
3. Priority must be given to projects that follow sustainable design standards and incorporate accessibility and inclusive design standards;
4. Projects must demonstrate access to at least 10% matching contributions, which may include the value of project-related, in-kind contributions of goods and services to and by cooperating entities;
5. Trails funded in whole or in part by this program must be publicized for public use. Trails on private property must have use agreements for the longest period practicable that are mutually agreed upon by the landowner and trail stewards; and
6. Projects must demonstrate support from entities such as state agencies, municipalities, nonprofit organizations, trail user groups, businesses and the public.

Proposed projects may include requests to fund road maintenance to ensure trail access, as well as funding to ensure public access through acquisition of easements or fee simple title, although these are not primary purposes of the bond funds.

Funding from this program may not be used to dismantle state-owned tracks and ties for nonrail use except as provided for in the Maine Revised Statutes, Title 23, section 7107.

Funding from this program may be used as match for federal grant programs related to outdoor recreation, including but not limited to the land and water conservation fund established pursuant to the federal Land and Water Conservation Fund Act of 1965 and the federal recreational trails program, administered in the State by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands. In such cases, the bond requirement for local match may be waived.

Up to 3% of funding per annum may be used by the Department of Agriculture, Conservation and Forestry to administer this program.

Up to 1% of funding per annum may be awarded as planning grants to aid local project partners in developing sustainable trail plans for future development and renovation projects.

The Department of Agriculture, Conservation and Forestry shall work with the Department of Transportation in evaluating and making grant decisions on proposals that would advance the Department of Transportation's statewide active transportation plan.

The Department of Agriculture, Conservation and Forestry shall work with the Department of Economic and Community Development, municipalities, nonprofit organizations and other entities to promote awareness, use and maintenance of publicly accessible trails funded pursuant to the competitive grant process to enhance their economic, public health and user benefits.

Sec. 7. Contingent upon ratification of bond issue. Sections 1 to 6 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Act.

Sec. 8. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 9. Bonds authorized but not issued. Any bonds authorized but not issued within 5 years of ratification of this Act are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

Sec. 10. Referendum for ratification; submission at election; form of question; effective date. This Act must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide

election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor a \$30,000,000 bond issue to invest in the design, development and maintenance for nonmotorized, motorized and multi-use trails statewide, to be matched by at least \$3,000,000 in private and public contributions?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

Effective pending referendum.

**CHAPTER 653
H.P. 568 - L.D. 912**

An Act to Authorize a General Fund Bond Issue to Restore Historic Community Buildings

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

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

Sec. 1. Authorization of bonds. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$10,000,000 for the purposes described in section 5 of this Act. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds.

Sec. 2. Records of bonds issued; Treasurer of State. The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in this Act lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Act must be expended as designated in the following schedule under the direction and supervision of the agencies and entities set forth in this section.

MAINE HISTORIC PRESERVATION COMMISSION

Provides funds to restore historic buildings owned by governmental and nonprofit organizations, with funds being issued contingent on a 25% local match requirement from either private or nonprofit sources, the process to be administered by the Director of the Maine Historic Preservation Commission.

Total \$10,000,000

Sec. 6. Disbursement of bond proceeds. The proceeds of the bonds for the program as set out in section 5 must be expended by the Maine Historic Preservation Commission to restore historic buildings owned by governmental and nonprofit organizations. Up to 1% of the funding may be used by the Maine Historic Preservation Commission to administer the program.

Sec. 7. Contingent upon ratification of bond issue. Sections 1 to 6 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Act.

Sec. 8. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 9. Bonds authorized but not issued. Any bonds authorized but not issued within 5 years of ratification of this Act are deauthorized and may not be issued, except that the Legislature may, within 2 years