

# 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**

testimony or the witness's counsel an opportunity to object to the proposed release. The chair or the chair's designee shall rule on an objection. The ruling of the chair or the chair's designee may be overruled by a majority vote of the independent commission's members. The transcript of the testimony may be released over the objection of a witness upon a showing that the release of the transcript is necessary to the independent commission's fact-finding mission, outweighs the interests of the witness and is not in violation of any federal or state laws, rules or regulations.

**Sec. 8. Request for court to compel compliance; legal representation. Resolved:** That the independent commission, by a majority vote of its members, may apply to the Superior Court to compel compliance with a subpoena and may by lawful process seek to compel compliance in any state, federal or military court or tribunal. The Attorney General, the Attorney General's designee or private counsel approved by the Attorney General may represent the independent commission in such proceedings.

**Sec. 9. Compliance with state law and the Maine Rules of Civil Procedure. Resolved:** That any time the independent commission exercises its authority to issue a subpoena under this resolve, the independent commission shall comply with state law and the Maine Rules of Civil Procedure.

**Sec. 10. Availability of counsel to witnesses under subpoena; objections; privileges. Resolved:** That a witness appearing before the independent commission under subpoena may have counsel present to advise the witness at all times. The witness or counsel may, during the time the witness is giving testimony, object to any action of the independent commission that is detrimental to the witness's interests and is entitled to have a ruling by the chair or the chair's designee on the objection. The witness must be given the benefit of any privilege that the witness could claim in court as a party to a civil action, except that the chair or the chair's designee may direct compliance with any request for testimony to which an objection or claim of privilege has been made. The direction of the chair or the chair's designee may be overruled by a majority vote of the independent commission's members.

**Sec. 11. Access to state agency records not otherwise subject to disclosure. Resolved:** That, notwithstanding any provision of law to the contrary, the independent commission, by a majority vote of its members, is authorized to request and receive records in the possession of any state agency or instrumentality that the independent commission determines are necessary to fulfill its fact-finding mission, including confidential records and records not otherwise subject to public disclosure. The members of the independent commission and its staff are authorized to review records received under this section solely for the purpose of fulfilling the independent commission's fact-finding

mission. During meetings of the independent commission, the contents of confidential records and records not otherwise subject to public disclosure may be reviewed only in executive session.

**Sec. 12. Cooperation with State Archivist. Resolved:** That the independent commission shall cooperate with the State Archivist to ensure that records of the independent commission are maintained in compliance with federal and state laws, rules and regulations.

**Sec. 13. Report on use of subpoena issuance. Resolved:** That the independent commission, in completing a final report of its work, shall include a detailed account of each subpoena issued.

**Sec. 14. Establishment of precedent. Resolved:** That nothing in this resolve may be used to establish a precedent authorizing independent commissions to issue subpoenas in the future.

**Sec. 15. Sunset. Resolved:** That the independent commission's authority to issue subpoenas under this resolve is effective until July 1, 2024. Any subpoena issued by the independent commission before July 1, 2024 remains valid after that date.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective February 13, 2024.

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**CHAPTER 130**  
**H.P. 1389 - L.D. 2168**

**Resolve, Regarding Legislative Review of Portions of Chapter 355: Coastal Sand Dune Rules, a Major Substantive Rule of the Department of Environmental Protection**

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** a major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of

the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 355: Coastal Sand Dune Rules, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective February 29, 2024.

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**CHAPTER 131**

**S.P. 928 - L.D. 2183**

**Resolve, to Correct the Designation of a Bridge in Canaan to Be Named After Staff Sergeant Richard Gerald Salisbury**

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** Resolve 2023, chapter 2 named a bridge in the Town of Canaan for Staff Sergeant Richard Gerald Salisbury; and

**Whereas,** the wrong bridge was designated the Staff Sergeant Richard Gerald Salisbury Memorial Bridge, and this legislation corrects that erroneous designation; and

**Whereas,** it is imperative that this legislation take effect as soon as possible in order to timely expedite the renaming process; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Resolve 2023, c.2, §1, amended. Resolved:** That Resolve 2023, c. 2, §1 is amended to read:

**Sec. 1. Bridge in Canaan renamed. Resolved:** That the Department of Transportation shall designate Bridge ~~6116~~ 2120 on ~~Moore's Mills Road~~ Main Street, which crosses Carrabassett Stream in the Town of Canaan and is currently known as the ~~Moore~~ Canaan Bridge, the Staff Sergeant Richard Gerald Salisbury Memorial Bridge.

**Sec. 2. Retroactivity. Resolved:** That this resolve applies retroactively to June 29, 2023.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective February 29, 2024.

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**CHAPTER 132**

**H.P. 1318 - L.D. 2056**

**Resolve, Designating Route 127 in Arrowsic the Private Merwin A. Delano, Jr. Memorial Highway**

**Sec. 1. Designate Route 127 in Arrowsic the Private Merwin A. Delano, Jr. Memorial Highway. Resolved:** That the Department of Transportation shall designate the portion of Route 127 that is located in the Town of Arrowsic the Private Merwin A. Delano, Jr. Memorial Highway.

See title page for effective date.

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**CHAPTER 133**

**H.P. 1392 - L.D. 2177**

**Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Major Substantive Rule of the Department of Health and Human Services**

**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** a major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of